

- Meetings may be viewed on the [City of Anacortes website](#), on the City of Anacortes [YouTube](#) Channel, or on TV [Channel 10](#).
- The public may also watch, listen to, or participate in the meeting live by visiting <https://us02web.zoom.us/j/89255646791> or by telephoning 1-253-215-8782 and entering Meeting ID 892 5564 6791.
- The public is encouraged to comment via email to cityclerk@cityofanacortes.org or via written comment addressed to City Clerk, P.O. Box 547, Anacortes, WA 98221. Public comments received by the [City Clerk](#) prior to 3:00 p.m. the day of the meeting will become part of the record for the meeting, just as if presented in person.
- Complete guidelines for virtual participation in Anacortes City Council meetings are available [here](#). View the quick video example for connecting to the meeting [here](#).



Anacortes City Council
Municipal Building Council Chambers
904 6th Street

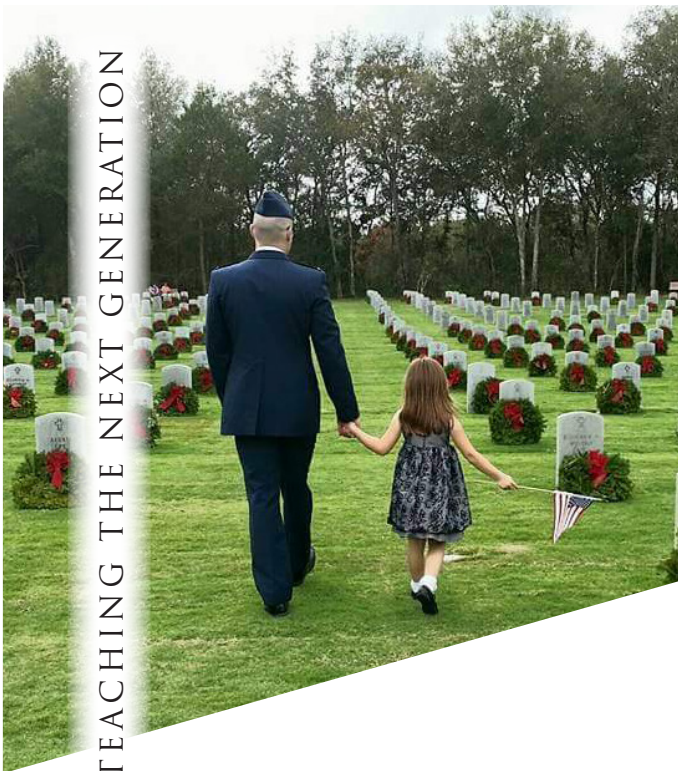
June 12, 2023
6:00 PM

PRELIMINARY AGENDA
[Packet Materials](#) / [Watch Meeting](#)

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Announcements and Committee Reports**
 - a. Housing Affordability and Community Services Committee (Report)
 - b. Planning Committee (Report)
 - c. Public Safety Committee (Report)
 - d. Port / City Liaison Committee (Report)
 - e. Wreaths Across America (Presentation)
 - f. Police Department Accreditation Award (Presentation)
4. **Public Comment**
5. **Consent Agenda**
 - a. Minutes of June 5, 2023 (Action)
 - b. Approval of claims in the amount of \$926,445.27 (Action)
 - c. Street Fair Application: Gut Run Car Show (Action)
 - d. Contract Award: Purchase of Wide Area Mower #23-172-ERR-001 (Action)
6. **Other Business**
 - a. * Ordinance 4051: Title 9 Update (Discussion/Possible Action)
 - b. Resolution 3021: Update to Personnel Policies (Action)
7. **Adjournment**

Per Resolution 3051, citizens wishing to comment on items not on the agenda may do so under Public Comment. Citizens wishing to comment on items indicated with an asterisk () may do so as those items are considered by Council during the course of the meeting.*

The City of Anacortes is committed to making public meetings available and accessible to all members of the community.
 For assistance with special needs, please contact the City Clerk at 360-299-1960 in advance of the meeting.



WAA is committed to teaching younger generations about the value of their freedoms and the importance of honoring those who sacrificed so much to protect those freedoms. We offer learning tools, interactive-media projects and opportunities for schools, 4-H clubs, Scouts and other youth groups to participate in our efforts. The Mobile Education Exhibit is a traveling classroom on wheels designed to inspire and educate all about the mission and those whose lives have been impacted by it. The goal of the Wreaths Across America Education Exhibit is to bring local communities and our military together through education, stories and interactive connections.

JOIN US

A group in your area is seeking sponsorships for wreaths that will be placed on veterans graves during a nationwide remembrance ceremony at a location near you.

Please send the completed form (inside) along with a check or money order to:



Wreaths Across America
P.O. Box 249
Columbia Falls, ME 04623



If you prefer to pay with a credit card, please visit our website at www.wreathsasscrossamerica.org for a secure transaction.

Please note: Wreaths Across America's national office is unable to accept requests to place wreaths on specific graves. A local group, or the location, may be willing to honor your request. Use the Identification Number on the order form to look up their contact information on our website.

REMEMBER · HONOR · TEACH



*National Wreaths
Across America Day*

DECEMBER 16, 2023

"Serve And Succeed."

The inspiration for this year's theme came while discussing the significance of 2022's theme, which was "Find a Way to Serve," and the need to continue to stress the importance of service and the positive ways it can impact lives. Wreaths Across America plans to focus on the storylines of veterans and military families who have found success through their own service, while also highlighting local volunteers across the country and the success that comes from serving their communities. The organization will continue its commitment to supporting and bringing attention to the needs of our veteran community while also showcasing the continued contributions of those who serve.

FOR MORE INFORMATION OR TO SPONSOR A VETERAN:

WWW.WREATHSACROSSAMERICA.ORG

Sponsor a Wreath Today



FOR THE NATIONAL WREATHS ACROSS AMERICA DAY

www.wreathsasscrossamerica.org

NAME: _____

ADDRESS: _____

CITY: _____

STATE: _____ ZIP: _____

PHONE: _____



DO WE HAVE PERMISSION TO PUBLICIZE YOUR NAME?

_____ YES _____ NO, I WISH TO REMAIN ANONYMOUS

★ Sorry, we are unable to accept grave specific requests through the Maine office ★

SPONSORSHIP LEVELS	PRICE	QTY	TOTAL
Individual - 1 wreath	\$17.00		
Family - 5 wreaths	\$85.00		
Small Business - 10 wreaths	\$170.00		
Corporate - 100 wreaths	\$1700.00		
GRAND TOTAL:			

GROUP ID: _____ LOCATION ID: _____

National Wreaths Across America Day DECEMBER 16, 2023

REMEMBER • HONOR • TEACH

--- Cut Here for Receipt ---

Please make checks payable to **Wreaths Across America** and mail to:

Wreaths Across America

P.O. Box 249

Columbia Falls, ME 04623

Please call 877-385-9504 with any questions

Wreaths Across America would like to say *Thank You* for your wreath sponsorship.

Date: _____ of _____
NAME CITY / STATE

made a donation of (Total Wreath Sponsorships) \$ _____ to Wreaths Across America™ of Columbia Falls, ME.

Wreaths Across America is a 501 (c)(3) organization.

Contributions are tax deductible to the fullest extent allowed by law. You should always consult a tax professional.

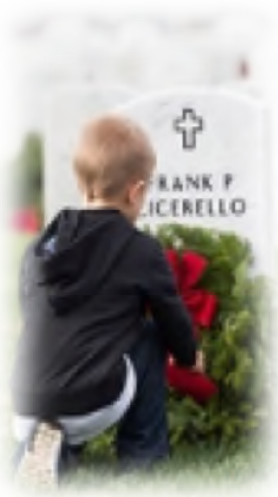
Join Us in Our Mission

Remember ★ Honor ★ Teach



★ **December 16, 2023** ★

National Wreaths Across America Day



**Help American Legion, Post 13 honor
local heroes!**

Sponsor a wreath today to be placed on a
veteran's grave this December at Fernhill
Cemetery.

Scan the QR code to the right to make a
donation online or visit
www.wreathsaacrossamerica.org/WA0205P



#ServeAndSucceed

Anacortes City Council Minutes - June 5, 2023

Call to Order

Mayor Matt Miller called to order the Anacortes City Council meeting of June 5, 2023, at 6:00 p.m. Councilmembers Anthony Young, Christine Cleland-McGrath, Carolyn Moulton, and Amanda Hubik were present.

Councilmembers Jeremy Carter and Bruce McDougall participated in the meeting remotely via Zoom.

Councilmember Ryan Walters was absent. Ms. Moulton moved, seconded by Ms. Cleland-McGrath to excuse Mr. Walters. His absence was approved by voice vote.

Pledge of Allegiance

The assembly joined in the Pledge of Allegiance.

Executive Session

Mayor Miller announced at 6:01 that the City Council and the City Attorney would convene in Executive Session per RCW 42.30.110 (i) for approximately 15 minutes to discuss litigation.

Potential Litigation or Litigation per RCW 42.30.110(i)(15minutes)

Mayor Miller resumed the Council meeting after the executive session at 6:18.

Announcements and Committee Reports

Mayor Miller expressed thanks to Public Works for the successful June 1st Open House, as well as to the Port of Anacortes for a good Waterfront Festival over the prior weekend. He also shared that Skagit County would be implementing a burn ban starting Friday June 9th.

Housing Affordability and Community Services Committee

Ms. Cleland-McGrath reported from the Housing Affordability and Community Services Committee meeting held the previous week. She explained that Allen Muia and Stephanie Joy from New Earth recovery visited the committee and talked about the supportive housing they started for inmates who had started drug treatment in the County Jail, who when released if they didn't have someplace to go would sometimes lead to a step back in their recovery. New Earth can bridge that gap for those who were willing to commit to the requirements to stay there to continue their recovery.

Public Works Committee

Ms. Moulton reported from the Public Works Committee meeting held at 5:00 prior to the Council meeting. The topics discussed included cleanup of the Old Water treatment plant demolition, of which the contractors are in the process of getting the necessary permits but are expected to complete the demolition by Christmas this year. She also discussed some parking issues in town that have come to their attention, as well as the upcoming road resurfacing scheduled for the coming year.

Personnel Committee

Ms. Cleland-McGrath reported from the Personnel Committee meeting held earlier in the day, where the committee discussed an update of the City's personnel policy; she also shared statistics related to the hiring activity during the year.

Public Comment

Mayor Miller invited the public to comment on any item not on the agenda. Markay Neumann from Anacortes expressed thanks for the T avenue cleanup earlier in the year, but expressed concern that several RV's were starting to show up in other areas of town.

Consent Agenda

Mr. Young moved, seconded by Mr. Carter, to approve the Consent Agenda as presented. The motion carried unanimously by voice vote.

- a. Minutes of May 16, 2023
- b. Minutes of May 22, 2023
- c. Approval of claims in the amount of \$637,636.64

The Following vouchers/checks were approved for payment:

EFT numbers: 106389 through 106441, total \$481,673.65

Check numbers: 106442 through 106456, total \$136,424.58

Wire transfer numbers: 324914 through 325382, total \$19,538.41

d. Street Fair Application: Free Movie Night on Kingsway

e. Street Fair Application: Anacortes Arts Festival

Other Business

Western Washington University Student Presentation: Recommended Comprehensive Plan Draft Amendments

Planning Director John Coleman invited students from WWU to present the findings of their review of the City's Comp Plan from the perspective of climate change, and their potential recommendations to address those issues. There were 3 students accompanied by their professor, that presented a PowerPoint outlining the potential impacts of climate change, and provided recommendations that the City could consider mitigating several of those noted issues. Mayor Miller expressed his thanks for the good work the students presented. Likewise, Mr. Young and Ms. Moulton also acknowledged the good work and thanked them for the suggestions.

Alternative Response Team

Community Paramedic Steve Monrad, as well as other members of the community that make up the alternative response team, presented a PowerPoint that illustrated the work being done, and the impact being made, with the City's Community Paramedic program. He shared many statistics related to the types of responses, and the types of patients they have been responding to. He then introduced Ashley Wick with the Anacortes Family Center, and Jennifer Paddick who is a certified substance abuse counselor who also works with the Alternative Response Team, who explained their roles, and shared examples of the successes Team has been seeing.

Contract Award: 2023 Asphalt Pre-level Chip Seal Preparation Project #23-140-TRN-002

Public Works Director Henry Hash presented to council the contract for street preparation for the upcoming chip seal program that will resurface several miles of city street in the coming year, including the Fidalgo Bay Road. He explained there were 3 bids, with the low bid coming in under engineering estimate. Mr. Young moved, seconded by Ms. Hubik, to approve the contract.

Vote: Ayes - Young, Cleland-McGrath, Moulton, McDougall, Hubik, Carter. Nays - None. Result: Passed.

Settlement Agreement: Growth Management Hearings Board Case No. 22-2-0004

City Attorney Darcy Swetnam presented to Council a settlement agreement to resolve an appeal to the Growth Management Hearings Board of Ordinance 4025 filed by an Anacortes citizen. Staff recommended the approval of the settlement agreement. The mayor had already signed the settlement agreement, so staff were seeking ratification of the mayor's signature on the agreement. Ms. Hubik moved, seconded by Mr. Young, to ratify the mayor's signature.

Vote: Ayes - Moulton, Hubik, Carter, Young. Nays - Cleland-McGrath. Result: Passed. It is noted that

Mr. McDougall abstained as he had to drop off the meeting before the vote was held, resulting in a 4-1 vote.

Adjournment

There being no further business, at approximately 7:30 p.m. the Anacortes City Council meeting of June 5, 2023, was adjourned.

The following claims against the City of Anacortes have been preaudited and certified by the Clerk-Treasurer as ready for City Council approval at the June 12, 2023 City Council meeting:
[Download this file in OpenDocument spreadsheet format.](#)

Invoice Doc #	Invoice Date	Invoice #	Vendor Full Name	Description	Total Amount	Approval Queue
325564	1/25/2023	1709166	POLYDYNE, INC	PLANT CHEMICALS -	\$ 3,753.60	dwwtp
325920	3/30/2023	INV-205204	BRIGHTLY SOFTWARE, INC.	SMARTGOV SOFTWARE FOR PCED - DATA MIGRATION	\$ 1,425.00	plan
325778	3/31/2023	946	WIDENER & ASSOCIATES	WWTP OUTFALL PERMITTING SERVICES - MARCH 2023	\$ 3,748.80	pw1
325779	4/11/2023	231005	YAKIMA COUNTY FIRE TRAINING	IFSAC FIRE OFFICER 1 TEST: RINGE	\$ 100.00	medic
325533	4/19/2023	ReimbHash	HASH, HENRY	MEETING LUNCH	\$ 26.11	pwfac
325759	4/25/2023	ESO-108875	ESO SOLUTIONS, INC	ESO ACTIVITIES MODULE INCLUDING SET-UP	\$ 1,405.57	medic
325776	4/25/2023	0000226	PNW FIRE TRAINING, LLC	FIRE INSTRUCTOR 1: LUCAS & HUTSELL	\$ 750.00	medic
325588	5/10/2023	51451	SKAGIT COUNTY PUBLIC HEALTH	STORVIK SPRAY PAD COUNTY PERMIT	\$ 315.00	parks1
325916	5/11/2023	230555	BLYTHE MECHANICAL, INC	HVAC ON/ALL REPAIR SERVICES CITY HALL B-2 BOILER REPAIRS	\$ 956.53	pw1
325917	5/11/2023	230556	BLYTHE MECHANICAL, INC	HVAC ON/ALL REPAIR SERVICES CITY HALL B-1 BOILER REPAIRS	\$ 2,027.17	pw1
325918	5/11/2023	230558	BLYTHE MECHANICAL, INC	HVAC ON/ALL REPAIR SERVICES CITY HALL LOOP PUMP #2 REPLACEMENT	\$ 3,875.12	pw1
325771	5/12/2023	55270	JET CITY TRUCKING & AGGREGATE	SAND FOR STOCK PILE	\$ 1,230.97	wdist
325926	5/12/2023	55345	JET CITY TRUCKING & AGGREGATE	SAND FOR STOCK PILE	\$ 2,601.55	wdist
325775	5/17/2023	00-2019-240 - 26	ALTA PLANNING AND DESIGN, INC	COMMERCIAL AVE CORRIDOR PLAN PHASE 1 - 11TH ST TO 13TH ST DESIGN - APRIL 2023	\$ 57,524.22	pw1
325939	5/17/2023	ReimbSwan	SWAN, SHARON	REIMBURSEMENT: CAKE AND REFRESHMENTS FOR RECRUIT ACADEMY	\$ 50.38	medic
325756	5/18/2023	9422835136	3M COMPANY	SIGN MATERIAL	\$ 391.55	dshop
325589	5/18/2023	ReimbVaux	VAUX, ROBERT	LODGING FOR WRPA CONFERENCE	\$ 364.48	parks1
325941	5/19/2023	SI03212301	DELTA MOBREY USA	PRESSURE TRANSMITTER X 2	\$ 5,854.28	dwwtp

Invoice Doc #	Invoice Date	Invoice #	Vendor Full Name	Description	Total Amount	Approval Queue
325804	5/19/2023	IN1878817	MUNICIPAL EMERGENCY SERVICES	SCBA SPECTACLE KIT	\$ 75.14	medic
325587	5/20/2023	23411.01-5	GRAY & OSBORNE INC	R AVENUE LONG-TERM IMPROVEMENT PROJECT; G11 BASIN MODELING	\$ 5,454.39	pw1
325586	5/20/2023	23411.06-1	GRAY & OSBORNE INC	ON-CALL STORMWATER-RELATED ENVIRONMENTAL SERVICES - KANSAS AVF	\$ 287.46	pw1
325583	5/20/2023	9935391130	VERIZON WIRELESS	SCADA COMMUNICATIONS 4/21-5/20/23	\$ 1,221.38	dwwtp
325792	5/22/2023	0624	FIDALGO CLEANING	APD CLEANING & SUPPLIES	\$ 800.00	apd
325540	5/22/2023	52565	KRIEG CONSTRUCTION, INC	ASPHALT DISPOSAL	\$ 427.74	dshop
325364	5/23/2023	200024889996	PUGET SOUND ENERGY INC	WTP INTAKE 4/13-5/10/23	\$ 7,997.00	dwwtp
325781	5/23/2023	INV23805	SEAWESTERN, INC.	2 SETS REPLACEMENT PPE	\$ 6,655.11	medic
325782	5/24/2023	AN 856184	CENTRAL WELDING SUPPLY CO, INC	O2 FOR AMBULANCE	\$ 89.84	medic
325551	5/24/2023	AN 92461	CENTRAL WELDING SUPPLY CO, INC	WELDING SUPPLIES	\$ 283.45	dshop
325568	5/24/2023	889083	HASA, INC	PLANT CHEMICALS - SODIUM HYPOCHLORITE	\$ 5,058.55	dwwtp
325549	5/25/2023	98083324	ECO SERVICES OPERATIONS CORP	ALUMINUM SULFATE	\$ 4,533.83	dwwtp
325385	5/25/2023	1992464	MILES SAND & GRAVEL CO.	5/8" GRAVEL	\$ 603.84	dshop
325895	5/25/2023	113053	WALTON BEVERAGE COMPANY, INC	10 LBS COFFEE: 5/25	\$ 133.00	medic
325953	5/26/2023	867906	CASCADE COLUMBIA DISTRIBUTION	SODIUM FLUORIDE 44 BAGS ONE PALLET	\$ 2,820.40	dwwtp
325751	5/26/2023	6127	GRINDLINE SKATEPARKS INC	SKATE PARK DESIGN AND BID DOCUMENTS - 4/1/23-5/26/23	\$ 5,025.25	parks1
325590	5/26/2023	21863 - 1	H W LOCHNER, INC	PROFESSIONAL PLAN REVIEW CONSULTANT SERVICES - 5/1/23-5/26/23	\$ 1,068.02	pw1
325894	5/26/2023	ReimbTribble	TRIBBLE, MICHAEL	REIMBURSEMENT FOR MED STORAGE SUPPLIES:	\$ 65.10	medic
325536	5/26/2023	INV00023010	USA BLUE BOOK	BUFFERS, SULFURIC ACID, ROSS PH STORAGE SOLUTION	\$ 545.21	dwwtp
325946	5/26/2023	9935895150	VERIZON WIRELESS	WTP SCADA 4/27-5/26/23	\$ 835.26	dwwtp
325803	5/27/2023	00005W5A83213	UNITED PARCEL SERVICE, INC	UPS SHIPPING CHARGES; WEEK ENDING 5-27-23	\$ 17.11	apd
325935	5/28/2023	76180863	INGRAM LIBRARY SERVICES, LLC	INGRAM ADULT BOOKS	\$ 124.21	publib
325786	5/28/2023	9935966099	VERIZON WIRELESS	City Cell Phones 4/29-5/28/23	\$ 11,307.20	finance

Invoice Doc #	Invoice Date	Invoice #	Vendor Full Name	Description	Total Amount	Approval Queue
325796	5/28/2023	360-293-4900-0912865	ZIPLY FIBER	APD BAC LINE 5/28-6/27/23	\$ 94.11	apd
325534	5/28/2023	360-293-6427-0218975	ZIPLY FIBER	CITY HALL 911 5/28-6/27/23	\$ 87.69	finance
325576	5/28/2023	360-299-0973-1017915	ZIPLY FIBER	WWTP 5/18-6/27/23	\$ 488.54	dwwtp
325930	5/28/2023	360-299-2484-0726025	ZIPLY FIBER	LIBRARY PHONE 5/28-6/27/2023	\$ 65.21	publib
325539	5/28/2023	360-299-3674-0214175	ZIPLY FIBER	OPS 5/28 - 6/27/23	\$ 78.69	dshop
325795	5/28/2023	360-299-6615-0615165	ZIPLY FIBER	APD 911 LINE 5/28-6/27/23	\$ 81.50	apd
325794	5/30/2023	8559-1	ANACORTES TOWING, LLC	TOWING; APD CASE 23-A03836	\$ 169.73	apd
325579	5/30/2023	IN950976	NOANET	MUNICIPAL FIBER NETWORK COORDINATED SERVICES - MAY 2023	\$ 324.00	fiber
325580	5/30/2023	IN950977	NOANET	MUNICIPAL FIBER NETWORK COORDINATED SERVICES - MAY 2023	\$ 1,296.00	fiber
325793	5/30/2023	520205	PROFORCE LAW ENFORCEMENT	FIREARMS AND HOLSTERS	\$ 2,284.39	apd
325538	5/30/2023	220015149234	PUGET SOUND ENERGY INC	8147 S MARCHS POINT RD ST LIGHT 4/29 - 5/30/23	\$ 148.18	dshop
325572	5/30/2023	0302264-IN	REISNER DISTRIBUTOR INC	INCINERATOR FUEL	\$ 2,940.29	dwwtp
325537	5/30/2023	INV059692	TRAFFIC SAFETY SUPPLY CO. INC	ROAD FLARES	\$ 805.12	wdist
325552	5/30/2023	7281559-00	TURF STAR WESTERN	SWITCH VEH #706	\$ 66.15	dshop
325585	5/31/2023	2023.5	BAYVIEW CONSULTING, LLC	FORMER WTP DEMOLITION PROJECT: SPECIAL PROJECT MANAGER - MAY 2023	\$ 3,046.80	dwwtp
325968	5/31/2023	667	BOYS & GIRLS CLUBS	FUNDING AGREEMENT - LUNCH PROGRAM - MAY	\$ 240.00	finance
325577	5/31/2023	234596	CONTROL FACTORS-SEATTLE INC	MAINTENANCE SUPPLIES - PUMP STATION 15	\$ 1,288.82	dwwtp
325574	5/31/2023	23-13878	EDGE ANALYTICAL, INC	LAB TESTING - SIDE STREAM NITROGEN MONTHLY	\$ 347.65	dwwtp
325575	5/31/2023	23-14650	EDGE ANALYTICAL, INC	LAB TESTING - EFFLUENT N02 & N03 - WEEKLY	\$ 26.35	dwwtp
325550	5/31/2023	INV-24428	IMAGE360	VEHICLE GRAPHICS #210	\$ 902.46	dshop
325913	5/31/2023	240067	INFOSEND, INC.	MAY 2023 PROCESSING	\$ 3,955.22	finance
325773	5/31/2023	233509	LAKE SIDE INDUSTRIES, INC.	ROCK- WATER DEPT	\$ 251.27	wdist
325898	5/31/2023	9020577002	LANGUAGE LINE SERVICES, INC	COURTROOM TELEPHONE INTERPRETER SERVICES	\$ 5.88	court

Invoice Doc #	Invoice Date	Invoice #	Vendor Full Name	Description	Total Amount	Approval Queue
325548	5/31/2023	5001	LAW OFFICE OF DONNA B GIBSON	PUB DEF CONFL	\$ 153.00	pubdef
325547	5/31/2023	5002	LAW OFFICE OF DONNA B GIBSON	PUB DEF CONFL	\$ 85.00	pubdef
325546	5/31/2023	5003	LAW OFFICE OF DONNA B GIBSON	PUB DEF CONFL	\$ 212.50	pubdef
325545	5/31/2023	5004	LAW OFFICE OF DONNA B GIBSON	PUB DEF CONFL	\$ 255.00	pubdef
325544	5/31/2023	5005	LAW OFFICE OF DONNA B GIBSON	PUB DEF CONFL	\$ 399.50	pubdef
325543	5/31/2023	5006	LAW OFFICE OF DONNA B GIBSON	PUB DEF CONFL	\$ 612.00	pubdef
325542	5/31/2023	5007	LAW OFFICE OF DONNA B GIBSON	PUB DEF CONFL	\$ 306.00	pubdef
325750	5/31/2023	IN951332	NOANET	MUNICIPAL FIBER NETWORK COORDINATED SERVICES - MAY 2023	\$ 8,991.48	fiber
325909	5/31/2023	34524	ORCA INFORMATION, INC	BACKGROUND CHECKS - NEW HIRES	\$ 636.00	hr
325929	5/31/2023	46718	PACIFIC SECURITY	SECURITY DETAIL DURING COURT SESSIONS	\$ 665.00	court
325582	5/31/2023	CL60197	REISNER DISTRIBUTOR INC	VEHICLE FUEL - MAY 2023	\$ 33,194.06	finance
325801	5/31/2023	INV24018	SEAWESTERN, INC.	2 PAIRS FIRE BOOTS	\$ 903.04	medic
325556	5/31/2023	230639	T-SHIRTS BY DESIGN	REC PROGRAM SUPPLIES	\$ 728.96	pkrec
325557	5/31/2023	230640	T-SHIRTS BY DESIGN	REC PROGRAM SUPPLIES	\$ 408.00	pkrec
325787	5/31/2023	230658	T-SHIRTS BY DESIGN	LOGOED SWEATSHIRTS, HAT	\$ 1,521.02	medic
325945	5/31/2023	220/55035295	UNIT PROCESS COMPANY	SIEMENS VERIFICATOR RENTAL 1 MONTH	\$ 1,943.94	dwtp
325596	5/31/2023	3050120	UTILITIES UNDERGROUND LOCATION	MAY LOCATE TICKETS	\$ 288.96	dshop
325755	5/31/2023	INV72650	VECTOR SOLUTIONS	CREWSENSE - ONLINE SCHEDULING AND APPARATUS CHECK PROGRAM	\$ 2,567.70	medic
325532	6/1/2023	2516580-2	BIRCH EQUIPMENT CO., INC	GENERATOR RENTAL FOR INTAKE TRANSFORMER	\$ 6,304.74	dwtp
325553	6/1/2023	June 2023	COMMUNITY ACTION OF SKAGIT CTY	ANACORTES COMMUNITY ACTION OFFICE & CARE SPECIALIST - JUNE 2023	\$ 5,454.55	admsrv
325584	6/1/2023	0523	NELSON, BONNIE	AGING MASTERY PROGRAM ADMINISTRATION - MAY 2023	\$ 787.50	pkrec
325783	6/1/2023	2763	OAB ENGINEERING, LLC	STA 3 INTERNET: JUNE	\$ 150.00	medic
325762	6/1/2023	10624	PORT OF ANACORTES	MOORAGE FOR MARINE 29 - JUNE	\$ 397.73	medic

Invoice Doc #	Invoice Date	Invoice #	Vendor Full Name	Description	Total Amount	Approval Queue
325931	6/1/2023	200000666863	PUGET SOUND ENERGY INC	LIBRARY 10TH STREET LED 5/3-6/1/2023	\$ 11.59	publib
325933	6/1/2023	200000667218	PUGET SOUND ENERGY INC	LIBRARY 10TH & M ST 5/3-6/1/2023	\$ 24.28	publib
325951	6/1/2023	200012505505	PUGET SOUND ENERGY INC	WTP 5/1/23-5/31/23	\$ 70,029.18	dwtp
325765	6/1/2023	220025931985	PUGET SOUND ENERGY INC	CHERRY LANE & ORCHARD AVE	\$ 8.79	dshop
325764	6/1/2023	220030712800	PUGET SOUND ENERGY INC	STREET LIGHTS 5/3 - 6/1/2023	\$ 4.77	dshop
325555	6/1/2023	773091	REECE, STORMIE	DEPOT JANITORIAL SERVICE-MAY 2023	\$ 1,474.00	parks1
325570	6/1/2023	5067435616	RICOH USA, INC	S/N C86150637 CARNEGIE 3/1-5/31/23	\$ 221.38	finance
325800	6/1/2023	5067435670	RICOH USA, INC	S/N C86138599 APD FRONT OFFICE COPIES 5/1-5/31/23	\$ 40.28	apd
325566	6/1/2023	5067435746	RICOH USA, INC	S/N C86079893 LIBRARY PUBLIC 3/1-5/31/23	\$ 98.69	finance
325567	6/1/2023	5067436112	RICOH USA, INC	S/N C86111493 COURT 3/1-5/31/23	\$ 79.88	finance
325799	6/1/2023	5067436180	RICOH USA, INC	S/N C86138600 APD HALLWAY 3/1-5/31/23	\$ 36.77	apd
325571	6/1/2023	5067436357	RICOH USA, INC	S/N C86152062 HR COPIES 5/1-5/31/23	\$ 8.97	finance
325910	6/1/2023	0542005-001	UNUM LIFE INS CO OF AMERICA	JUNE UNUM LONG TERM CARE INSURANCE	\$ 1,247.70	hr
325789	6/1/2023	23007069	WASHINGTON STATE PATROL	BACKGROUND CHECKS; MAY 2023	\$ 198.75	apd
325912	6/1/2023	1396462-0043-8	WASTE MANAGEMENT	MAY 2023 CONTRACTED SERVICES	\$ 142,865.74	finance
325561	6/1/2023	RACEWEEK 2	WHIDBEY ISLAND RACE WEEK LLC	LTAC WHIDBEY ISLAND RACE WEEK	\$ 4,147.42	plan
325749	6/2/2023	INV-212998	BRIGHTLY SOFTWARE, INC.	SMARTGOV SOFTWARE FOR PCED - DATA MIGRATION	\$ 950.00	plan
325581	6/2/2023	2 June 2023	BROOKS MIDDLETON ARCHITECT	DEPOT PLAZA PAVILION - DESIGN - MAY 2023	\$ 3,000.00	parks1
325591	6/2/2023	RefundBrown	BROWN, JENNIFER	WA PARK CAMPING REFUND	\$ 36.00	parks1
325921	6/2/2023	Pay App 1	CANNON CONSTRUCTION, LLC	GUEMES VIEW AERIAL FIBER CONSTRUCTION	\$ 109,773.87	fiber
325950	6/2/2023	248 984 6277 5	CASCADE NATURAL GAS CORP.	WTP 4/29-6/1/23	\$ 4,158.24	dwtp
325760	6/2/2023	8498 30 017 0319913	COMCAST	LIBRARY INTERNET ACCESS 6/9-7/8/23	\$ 185.23	fiber
325954	6/2/2023	I6411902	HD FOWLER COMPANY INC	REMA LINE 40, 3/8" THICK BOOT.8-5/8" I.D. X 24" X 3	\$ 1,642.36	dwtp
325896	6/2/2023	1992	LAW OFFICE OF CARA LORENZO	PUB DEF CONFL	\$ 292.50	pubdef
325897	6/2/2023	1993	LAW OFFICE OF CARA LORENZO	PUB DEF CONFL	\$ 67.50	pubdef

Invoice Doc #	Invoice Date	Invoice #	Vendor Full Name	Description	Total Amount	Approval Queue
325899	6/2/2023	1994	LAW OFFICE OF CARA LORENZO	PUB DEF CONFL	\$ 172.50	pubdef
325905	6/2/2023	1995	LAW OFFICE OF CARA LORENZO	PUB DEF JARS COVERAGE	\$ 90.00	pubdef
325901	6/2/2023	1996	LAW OFFICE OF CARA LORENZO	PUB DEF CONFL	\$ 67.50	pubdef
325902	6/2/2023	1997	LAW OFFICE OF CARA LORENZO	PUB DEF CONFL	\$ 105.00	pubdef
325904	6/2/2023	1998	LAW OFFICE OF CARA LORENZO	PUB DEF CONF	\$ 127.50	pubdef
325788	6/2/2023	June 2, 2023	POLLACK, JORDAN D	WILDLAND REFRESHER	\$ 2,997.00	medic
325767	6/2/2023	300000006951	PUGET SOUND ENERGY INC	STREETLIGHTS: 4/29 - 5/30/23	\$ 568.34	dshop
325777	6/2/2023	300000290043	PUGET SOUND ENERGY INC	STREET LIGHTS 04/04- 05/02/23	\$ 20,960.52	dshop
325763	6/2/2023	300000325005	PUGET SOUND ENERGY INC	STREETLIGHTS 4/8 - 5/8/23	\$ 88.61	dshop
325766	6/2/2023	300000340004	PUGET SOUND ENERGY INC	STREETLIGHTS: 4/29 - 5/30/23	\$ 88.52	dshop
325940	6/2/2023	ES-0423-01	SKAGIT COUNTY AUDITOR'S OFFICE	APRIL 25, 2023 SPECIAL ELECTION~	\$ 56,574.12	finance
325594	6/2/2023	RefundStockton	STOCKTON, THOMAS	WA PARK CAMPING REFUND	\$ 18.00	parks1
325802	6/3/2023	00005W5A83223	UNITED PARCEL SERVICE, INC	UPS SHIPPING CHARGES; WEEK ENDING 6-3-23	\$ 11.54	apd
325936	6/4/2023	76271244	INGRAM LIBRARY SERVICES, LLC	INGRAM ADULT BOOKS	\$ 1,274.90	publib
325772	6/5/2023	22-009-04	HLN ENGINEERING	WASHINGTON PARK RESTROOM: DESIGN - MAY 2023	\$ 900.00	parks1
325919	6/5/2023	50020595	LAKESIDE INDUSTRIES, INC.	33RD STREET PAVEMENT PROJECT	\$ 42,410.00	pw1
325906	6/5/2023	1332170	LIFE ASSIST, INC	AIRWAY KITS, RESUS PACKS, EXAM GLOVES.	\$ 2,729.73	medic
325780	6/5/2023	Pay App 6	SUMMITX CONTRACTORS, INC	ACCESS ANACORTES FIBER INTERNET GUEMES VIEW AREA UNDERGROUND CONSTRUCTION	\$ 64,083.15	fiber
325922	6/5/2023	0156750-IN	SWS EQUIPMENT	WELDED BRACKET #304	\$ 1,265.99	dshop
325923	6/5/2023	0156751-IN	SWS EQUIPMENT	FLAP SET #304	\$ 716.61	dshop
325965	6/6/2023	31-C22118738	GUSTAFSON, CHARLES	REFUND AMBULANCE OVERPAYMENT	\$ 3.28	finance
325959	6/6/2023	31-C22057258	HANNAH, THELMA BERNELL	REFUND AMBULANCE OVERPAYMENT	\$ 90.06	finance
325964	6/6/2023	31-C22120748	JENSEN, AUTUMN	REFUND AMBULANCE OVERPAYME	\$ 43.08	finance
325967	6/6/2023	31-C22068884	KELLETT, JAMES	REFUND AMBULANCE OVERPAYMENT	\$ 1,086.32	finance
325966	6/6/2023	31-C22113198	LANPHEAR, RICHELLE	REFUND AMBULANCE OVERPAYMENT	\$ 290.03	finance
325960	6/6/2023	31-C21102265	MCCRARY, BONNIE	REFUND AMBULANCE OVERPAYMENT	\$ 887.80	finance

Invoice Doc #	Invoice Date	Invoice #	Vendor Full Name	Description	Total Amount	Approval Queue
325962	6/6/2023	31-C22112084	MORELOCK, JACK	REFUND AMBULANCE OVERPAYMENT	\$ 777.75	finance
325957	6/6/2023	31-C23012825	MUTUAL OF OMAHA, ATTN; CLAIMS	REFUND AMBULANCE OVERPAYMENT	\$ 112.00	finance
325928	6/6/2023	MAY23	SKAGIT LAW GROUP, PLLC	PROS SERVICES - MAY 2023	\$ 6,700.00	attorney
325963	6/6/2023	31-C22041137	TOLAND, MARGARET	REFUND AMBULANCE OVERPAYMENT	\$ 550.00	finance
325956	6/6/2023	31-C21125049	UNITED HEALTHCARE INS. CO.	REFUND AMBULANCE OVERPAYMENT	\$ 95.10	finance
325958	6/6/2023	31-C23018146	UNITED HEALTHCARE INS. CO.	REFUND AMBULANCE OVERPAYMENT	\$ 93.57	finance
326028	6/7/2023	21-043-FIN-001	ANACORTES FAMILY CENTER	AFFORDABLE HOUSING TAX PAYMENT	\$ 29,378.55	finance
326027	6/7/2023	21-247-FIN-001	ANACORTES HOUSING AUTHORITY	AFFORDABLE HOUSING TAX PAYMENT	\$ 29,378.55	finance
326026	6/7/2023	03188	SKAGIT COUNTY SHERIFF'S OFFICE	JAIL TAX PAYMENT PER CONTRACT	\$ 93,317.21	finance
					\$ 926,445.27	



City Council Agenda Bill

Meeting Date: June 12, 2023 **Agenda Item:** 5.c.

Agenda Item Title: Street Fair Application: Gut Run Car Show

Staff Contact(s): Stephanie Snyder

<u>Approved for Submittal to Council by</u>	<u>Action Type</u>
Stephanie Snyder	Motion
John Coleman	

Item Summary: Classic Car show

Budget Impact:

Previous Action:

Recommended Motion:

Alternative Actions:

Attachments (listed in order presented):

1. Gut run packet



Street Fair Application Processing

Administrator adds this event to the City Council agenda, creates the agenda bill, downloads the reviewed application and any attachments using the link in the email, and uploads those attachments in CivicClerk to go into the City Council packet.

View Anacortes Municipal Code [Chapter 7.04, Special Events](#)

Application

Application Date *

5/26/2023

Event Name *

Gut Run Car Show

Applicant/Organization Name *

Sheryl Kelley

Mailing Address *

1508 O Ave

Event Contact Person *

Sheryl Kelley

Event Contact Email *

cameohaircare@yahoo.com

Event Contact Phone *

(360) 941-1845

Event Website

ancortes.org

Estimated Number of Participants/Attendees *

100-200

Event Description *

Classic Car Show

Will food vendors participate in this event? *

All Food Vendors must be inspected by the Fire Marshall on site prior to the start of the event.

☒ Yes ☐ No

Date Event Starts *

8/20/2023

Time Event Starts *

1:00:00

PM ▼

Date Event Ends ***Time Event Ends *** ▼**Date Street Closure Starts ***

Include requested closures before and after the event hours if required for set up and tear down.

Time Street Closure Starts * ▼**Date Street Closure Ends *****Time Street Closure Ends *** ▼**Event Location ***

List end points of each street that will be closed (e.g. 6th Street from O Ave to Q Ave). Also include location and dimensions of any structures that will be erected and locations of the event that will not be on city street right of way.

closure will be on R Ave from 9th St to 5th st by the Depot.

Parking Location

List any public parking areas that the event requests to use for dedicated event parking, including handicapped parking.

Regular Street Parking, Handicap parking allowing 4 spots on each side of 7th St. Closest to R Ave

Event Map (optional)

Upload one or more maps of the event

[Gut Run Car Show Map.pdf](#)

79.36KB

Indemnification Agreement *

Upload scan of SIGNED indemnification agreement

[Special Event Indemnification A...](#) 98.97KB

Download the Indemnification Agreement [here](#).

Signage

Street closure signs will be provided by the City of Anacortes. Applicants must contact City staff one week prior to the event to arrange sign delivery. Event sponsor personnel are responsible for placing street closure signs, which may not be posted more than 72 hours prior to the approved closure, must be removed immediately following the event, and must be returned to city staff the first business day following the event.

Insurance

The applicant may be required to provide public liability insurance subject to the provisions of AMC 7.04.100. Applicants will be notified following application approval of insurance requirements for the specific event.

Electronic Signature Agreement

By checking the "I agree" box below, you agree and acknowledge that 1) your application will not be signed in the sense of a traditional paper document, 2) by signing in this alternate manner, you authorize your electronic signature to be valid and binding upon you to the same force and effect as a handwritten signature, and 3) you may still be required to provide a traditional signature at a later date.

I state that I am over the age of 18, that I agree to assume responsibility for the above-described event and to abide by all conditions stipulated by the approval of the application.*

☒ Yes

Signature

Stephanie Snyder

Admin Review

Council Meeting Date *

Target date for presentation to City Council; no later than 30 days prior to event

6/12/2023 

Staff Review Deadline *

Staff review/approval required no later than 7 days prior to City Council meeting to allow packet preparation

6/5/2023

Administrator comments and conditions of approval

Please Approve Gut Run Car Show

Insurance Certificate

Upload

Insurance certificate may be required by staff or as a condition of Council approval

Departmental Review

Building Department will provide the following services for this event:

Building Department concerns, objections, or conditions of approval *

None

Fire Department will provide the following services for this event:

N/A

Fire Department concerns, objections, or conditions of approval *

None

Parks Department will provide the following services for this event:

Parks Department concerns, objections, or conditions of approval *

None

Police Department will provide the following services for this event:

routine police services

Police Department concerns, objections, or conditions of approval *

None

Public Works Department will provide the following services for this event:

Public Works Department concerns, objections, or conditions of approval *

None

Departmental attachments

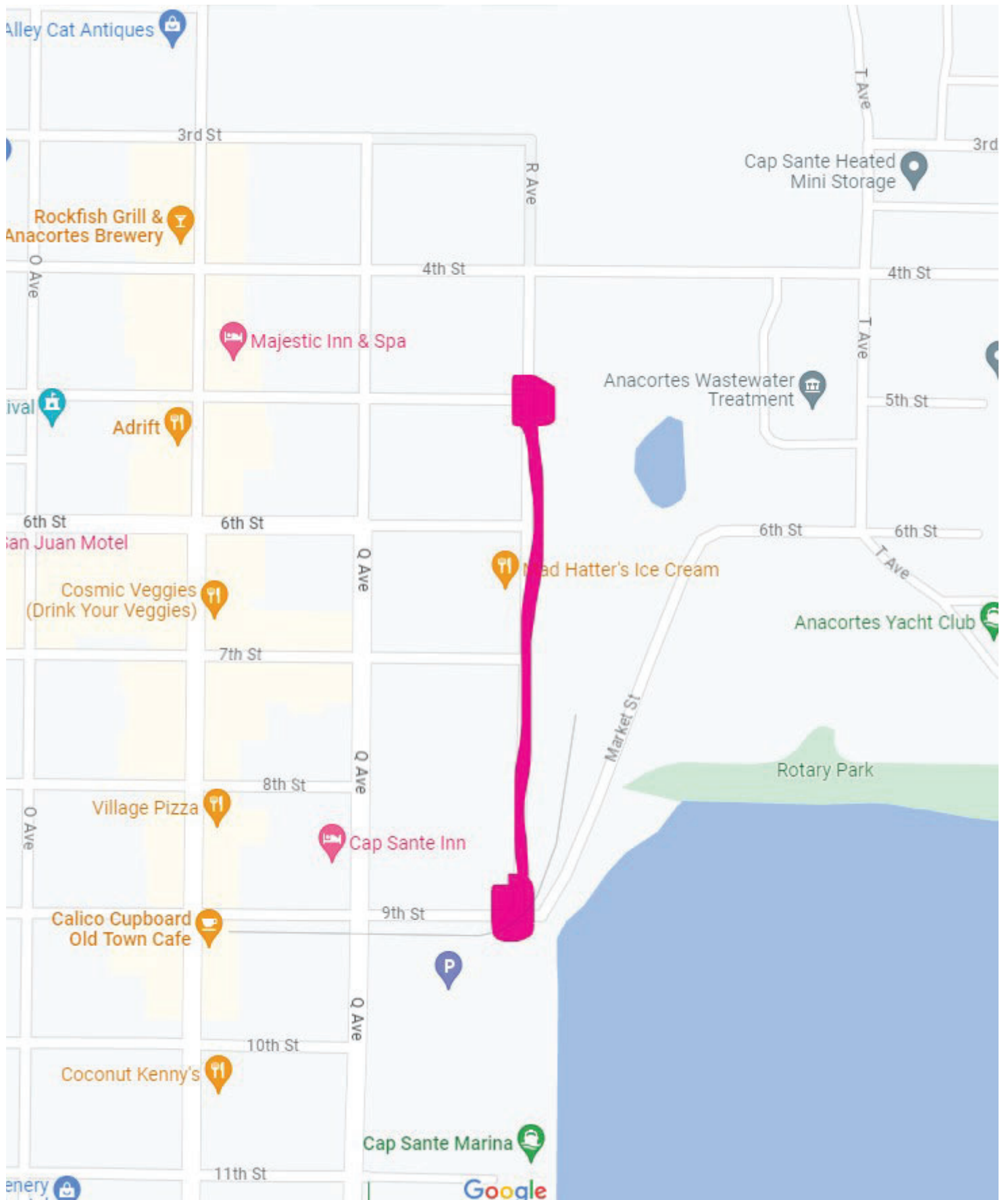
Upload any staff memos, guidelines, or requirements that will be in effect for this event.

Upload

Comments

Council Packet Complete

Cancel Application





SPECIAL EVENT INDEMNIFICATION AGREEMENT

The undersigned applicant, by signing below, certifies that the applicant is the authorized officer of the sponsoring organization and agrees as follows:

Pursuant to Anacortes Municipal Code Title 7.04.090, the undersigned applicant agrees to defend, indemnify and hold the City of Anacortes, its agents, employees and officers, harmless from any and all claims, injuries, suits, damages, losses, demands and judgments including the attorneys' fees and other costs of their defense, arising out of in whole or in part, the activities, omissions or appliances of the applicant, his employees, agents, volunteers or otherwise, except any claims arising from the sole negligence of the City. The applicant further agrees to comply with all provisions of pertinent laws, rules and regulations, and agrees that any failure to so comply may lead to revocation of an applicant's permit. This Indemnification Agreement constitutes substantial adequate consideration in return for the City's issuance of a special event permit.

Date: May 24, 2023

Sheryl Kelley

Name and Title – Printed



Sheryl Kelley May 24, 2023 16:17 PDT

Signature

Name and Title – Printed

Signature

Special Event Indemnification Agreement

Final Audit Report

2023-05-24

Created:	2023-05-24
By:	Stephanie Snyder (stephanies@cityofanacortes.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAALq0zUBh-byr-Zpc6Y7Ft0sB0zCRT40c8

"Special Event Indemnification Agreement" History

 Document created by Stephanie Snyder (stephanies@cityofanacortes.org)
2023-05-24 - 11:13:44 PM GMT

 Document emailed to cameohaircare@yahoo.com for signature
2023-05-24 - 11:14:11 PM GMT

 Email viewed by cameohaircare@yahoo.com
2023-05-24 - 11:16:01 PM GMT

 Signer cameohaircare@yahoo.com entered name at signing as Sheryl Kelley
2023-05-24 - 11:17:08 PM GMT

 Document e-signed by Sheryl Kelley (cameohaircare@yahoo.com)
Signature Date: 2023-05-24 - 11:17:10 PM GMT - Time Source: server

 Agreement completed.
2023-05-24 - 11:17:10 PM GMT



City Council Agenda Bill

Meeting Date: June 12, 2023 **Agenda Item:** 5.d.

Agenda Item Title: Contract Award: Purchase of Wide Area Mower #23-172-ERR-001

Staff Contact(s): Henry Hash, WIL LUDEMANN

<u>Approved for Submittal to Council by</u>	<u>Action Type</u>
TIFFANY MATSON	Contract Award
TIFFANY MATSON	

Item Summary: City staff seeks City Council consent to award a contract in the amount of \$98,144.15 to Turf Star Western for the purchase of a wide area mower. The contract piggybacks on OMNIA Partners/National IPA Contract #2017025

Background:

1. History: This is a straight replacement of a wide area (11') mower that the parks department relies heavily on. Our current mower has had increasing times of repairs being needed and increasing maintenance costs. In looking into a replacement Parks and Fleet determined that the Toro was still the best fit for our use. We also discovered that the build time is extended to about 16 months, therefore we would like to proceed with allocating replacement funds for 2024 year to purchase this item. Item would not be delivered and no money spent until 2024, and only replacement funds would be used. The current mower will be sold at auction.

2. Key Terms:

- Total contract price of \$98,144.15 which includes \$7,938.15 in sales tax.

3. Competitive Bidding: The City has a cooperative purchasing agreement with OMNIA Partners/National IPA and is procuring this purchase through contract [2017025](#).

Budget Impact:

Vender	Turf Star Western
Contract Amount	\$98,144.15
BARS #	501.790.594.48.60

Earmarked Funds	
Budget Amendment Required?	No budget amendment required but authority to allocate replacement funds for use next year.

Previous Action: N/A

Recommended Motion: I move that City Council authorize the Mayor to sign contract 23-172-ERR-001 with Turf Star Western in the amount of \$98,144.15 for the Purchase of a Wide Area Mower.

Alternative Actions: Not approve the contract.

Attachments (listed in order presented):

1. 23-172-ERR-001



City of Anacortes
Accounts Payable
PO Box 547
Anacortes, WA 98221

PURCHASE ORDER 23-172-ERR-001

SUPPLIER:
Turf Star Western
Shawn Frisbee
5869 South 194th
Kent, WA 98032

Date: June 12, 2023

Contact: WiL Ludemann
Department: Public Works Department
Operations Division
360) 299-1515
ludemannw@cityofanacortes.org

Email: shawn.frisbee@turfstar.com
Phone: 206-501-7248

Ship to: City of Anacortes
Operations Division
2201 37th Street
Anacortes, WA 98221

Item	Qty	DESCRIPTION	U/M	Unit Price	Amount
1	1	Toro Groundsmaster 4000-D T4 Compliant Diesel 54HP Wide Area Mower	EA	\$86,736.00	\$86,736.00
2	1	Setup	EA	\$1,735.00	\$1,735.00
3	1	Delivery	EA	\$1,735.00	\$1,735.00
This Purchase Order is subject to: - Exhibit A, Quote #8079450-00 - Exhibit B, Special Provisions - Exhibit C, OMNIA Partners/National IPA City of Mesa, AZ Contract #2017025 All Exhibits are hereby incorporated by reference and made a part hereof.					
Sum Total					\$90,206.00
Sales Tax @ 8.8%					\$7,938.15
Total Price					\$98,144.15

The parties acknowledge that there has been an opportunity to negotiate the terms and conditions of this Agreement and agree to each bind itself, its partners, successors, assigns, and legal representatives to the other party hereto, in respect of all covenants, agreements, and obligations contained in the Contract Documents. Each of the persons signing below on behalf of any party hereby represents and warrants that they are signing with full and complete authority to bind the party on whose behalf of whom they are signing, to each and every term of this Agreement.

TURF STAR WESTERN

CITY OF ANACORTES

Matt Miller, Mayor

Date

Date



PO #23-172-ERR-001
EXHIBIT A
Quotation for City Of Anacortes

Date: May 24, 2023

Quote No:8079450-00

Prepared For:	Wil Ludemann	Quote No:	8079450-00
	City Of Anacortes	iQuote No:	132893
	PO Box 547	Sales Person:	Shawn Frisbee
	2201 37Th Street		shawn.frisbee@turfstar.com
	Anacortes, WA 98221		206-501-7248

National IPA Pricing: Contract 2017025, IPA Membership required.

Summary

Configuration Name	Qty	Unit Price	Sub Total	Sales Tax	Total
010-Groundsmaster 4000-D T4 Compliant Diesel 54HP	1	\$86,736.00	\$86,736.00	\$7,632.77	\$94,368.77
020-Setup	1	\$1,735.00	\$1,735.00	\$152.69	\$1,887.69
030-Delivery	1	\$1,735.00	\$1,735.00	\$152.69	\$1,887.69
Totals:			\$90,206.00	\$7,938.15	\$98,144.15



Date: May 24, 2023

Quotation for City Of Anacortes

Quote No:8079450-00

Configuration Product Details
010-Groundsmaster 4000-D T4 Compliant Diesel 54HP

Model	Product Description	Qty	Unit Price	Extended	Sales Tax	Total
30609	Groundsmaster 4000-D T4 Compliant Diesel 54HP	1	\$86,736.00	\$86,736.00	\$7,632.77	\$94,368.77
31522	4WD Man. Override Kit GM4000 F17 and Up	1	\$0.00	\$0.00	\$0.00	\$0.00
Totals:						\$94,368.77



Date: May 24, 2023

Quotation for City Of Anacortes

Quote No:8079450-00

Configuration Product Details
020-Setup

Model	Product Description	Qty	Unit Price	Extended	Sales Tax	Total
FSD1	Setup	1	\$1,735.00	\$1,735.00	\$152.69	\$1,887.69
Totals:						\$1,887.69



Date: May 24, 2023

Quotation for City Of Anacortes

Quote No:8079450-00

Configuration Product Details
030-Delivery

Model	Product Description	Qty	Unit Price	Extended	Sales Tax	Total
FSD2	Delivery	1	\$1,735.00	\$1,735.00	\$152.69	\$1,887.69
Totals:						\$1,887.69



Date: May 24, 2023

Quotation for City Of Anacortes

Quote No:8079450-00

Currently, product availability is a minimum of 6-18 months

Office Locations

Northern California:

3928 N.Blattela Lane
Fresno, CA 93727
Fax: (559) 277-7123

2438 Radley Court
Hayward, CA 94545
Fax: (510) 785-3576

11373 Sunrise Gold Circle
Rancho Cordova, CA 95742
Fax: (800) 241-1997

Southern California:

79-253 Country Club Drive
Bermuda Dunes, CA 92203
Fax: (760) 345-4297

955 Beacon Street
Brea, CA 92821
Fax: (800) 775-8873

2110 La Mirada Ste 100
Vista, CA 92083
Fax: (760) 734-4285

Pacific Northwest:

1750 Industrial Dr.NE
Salem, OR 97301
Ph: (503) 691-0250

5869 South 194th
Kent, WA 98032
Fax: (253) 872-6942

2824 East Garland
Spokane, WA 99207
Fax: (509) 483-7563



WARNING:

Cancer and Reproductive Harm-<http://www.P65Warnings.ca.gov>

For more information, please visit <http://www.ttcoCAProp65.com>

CALIFORNIA SPARK ARRESTER WARNING

Operation of this equipment in the State of California may create sparks that can start fires around dry vegetation. A spark arrestor may be required. The operator should contact local fire agencies for laws or regulations relating to fire prevention requirements.

TORO®

Groundsmaster® 4000-D/4010-D

WIDE AREA ROTARY MOWERS

FEATURES

- 55 hp (41 kW) Yanmar® engine, Tier 4 Final Compliant, turbo-diesel engine
- Smart Power® - optimized mowing in all conditions
- Foldable ROPS
- 11' (3.4 m) width of cut
- Full-time 4WD forward and reverse
- All-time traction assist assures full-time 4WD
- 0° uncut circle in turns
- SmartCool™ auto-reversing cooling fan
- HybridDrive™ cutting deck system delivers unmatched reliability
- 4-way adjustable seat and Air Ride Suspension
- InfoCenter™ displays simple operating info while monitoring machine health
- Integrated ControlHub™ with fingertip electronic controls
- Top and rear air intake for increased cooling
- Climate-controlled safety cab with air conditioning and heater (4010-D)
- Isolated operator platform for greater comfort and smoother ride

Operator-friendly and smart by design.

With Smart Power® technology, high engine torque and patented, HybridDrive™ cutting deck system, the Groundsmaster 4000-D and 4010-D deliver power where you need it most – to cut grass, no matter how tough the conditions. With their excellent trimming capability, you'll maneuver around obstacles with ease. Both mowers can mow a 0° uncut circle, allowing you to mow back and forth patterns without leaving any uncut grass. The patented, parallel hydraulic traction system maintains consistent hydraulic flow between the front and rear wheels to assure full time 4-wheel drive. This allows you to mow with confidence, even on hills and wet grass.

toro.com/4000



Groundsmaster® 4010-D



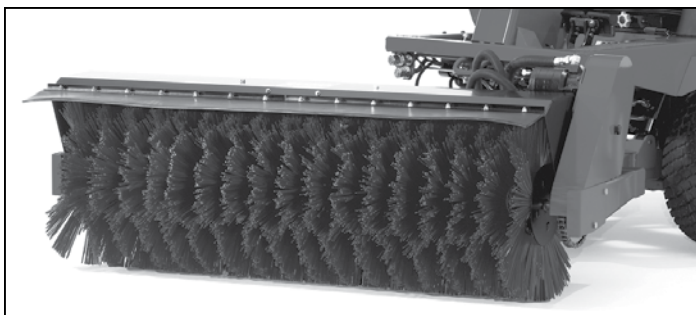
Groundsmaster® 4000-D

**4
TIER****SMART POWER**

	GROUNDMASTER 4000-D, TIER 4 DIESEL, MODEL 30609 GROUNDMASTER 4010-D, TIER 4 DIESEL, MODEL 30636				
ENGINE	Yanmar® 4-cylinder, liquid-cooled, turbo-charged diesel. 127 cu. in. (2.1 liter) displacement. Engine rated at 55 hp (41 kW) net and 125 ft.-lbs. (169 Nm) torque at 2,000 rpm. 8 quart (7.6 liter) oil capacity. EPA Tier IV Final Compliant				
AIR CLEANER	Dry, replaceable primary and safety elements.				
RADIATOR	Rear-mount, cross-flow, 7-row, 6.3 fins per inch, 9 quart (8.5 liter) capacity.				
FUEL CAPACITY	21 gallons (79.5 liters) diesel fuel. Biodiesel-Ready for use up to B-20(20% biodiesel and 80% petroleum blend)				
TRACTION DRIVE	Parallel hydrostatic, closed loop system with full-time 4WD. Forward/reverse in low (mow) and high (transport) range with full-time, automatic traction assist (forward only) standard on Groundsmaster 4000-D models. Variable displacement piston pump with electronic servo control powers dual speed displacement piston motor drive into double reduction planetary in front, and mechanical axle in rear. SmartPower™ feature controls traction speed to maintain optimal cutting blade speed.				
HYDRAULICS/COOLING	8.75 gallon (33.1 liter) capacity with 10 micron remote spin-on filter. 9 row, single pass cooler, 6.3 fins per inch, that tilts out for cleaning. Variable speed radiator cooling fan with automatic (based on coolant and oil temps) and manual reversing capabilities.				
DIAGNOSTICS	Diagnostic pressure test ports: forward and reverse traction, left, center and right decks, reverse 4WD, lift, steering, charge and deck counterbalance circuits.				
GROUND SPEED	Transport: 0-16.2 mph (0-26.1 km/h) forward, 0-8.1 mph (0-13 km/h) reverse. Mow: 0-8.3 mph (0-13.4 km/h) forward, 0-4 mph (0-6.4 km/h) reverse.				
TIRES	Front: 26 x 12-12, 6-ply tubeless Multi-Trac. Rear: 20 x 10-10, 6-ply tubeless Multi-Trac.				
MAIN FRAME	All welded formed-steel frame with integral tie-down anchors.				
BRAKES	Mechanically actuated, internal wet disc brakes on input to each planetary drive. Individual foot-operated steering brake control of left and right wheel. Lock pedals together and latch to engage parking brake.				
SEAT	4-way adjustable, right armrest travels with seat and suspension.				
STEERING	Power steering with dedicated power source. Steering wheel tilts to desired operator position. Uncut circle: 0" diameter.				
INSTRUMENTATION	InfoCenter™: Onboard LCD display shows gauges, alerts/faults, service reminders, electrical system diagnostics. Indicates fuel level, coolant temp, intake temperature, low oil pressure, alternator, engine hours, engine rpm, hydraulic oil temperature, voltage				
CONTROLS	Tilt steering, ignition switch, throttle switch, foot-operated traction pedal, lockable individual brake pedals, parking brake lock, mow/transport speed selector switch, 3-two position switches for individual deck lift/lower, counterbalance adjustment, tow valves, cup holder, toolbox, radio holder, fan switch and 12-volt power outlet.				
CRUISE CONTROL	Standard				
ELECTRICAL	12-volt, 690 cold cranking amps battery, 80 amp alternator (4010-D). Overload protection with automotive type fuses.				
INTERLOCKS	Prevents engine from starting unless traction pedal is in neutral and deck is disengaged. If operator leaves seat while moving or deck is engaged, traction and / or deck stops, info center alarms and gives message. Mowing only permitted in low range. Traction not allowed if parking brake engaged and pedal moved out of neutral, info center alarms and gives message. Deck transport latches.				
GROUND CLEARANCE	6.5" (16.5 cm)				
OVERALL DIMENSIONS	Height 85" (216 cm) w/ROPS up 93.9" (237 cm) w/ cab	Length 135" (343 cm) w/decks down	Width 136" (346 cm) w/decks down	Transport Width 71" (180 cm) @ 2" (5 cm) HOC	Wheelbase 55.5" (140 cm)
WEIGHT	4205 lbs. (1907 kg) w/ full fluids (GM4000). 4759 lbs. (2159 kg) w/ full fluids (GM4010).				
SAFETY CAB (4010)	MODEL 30636: ROPS certified cab with heat, AC and the following standard features: climate system pressurized cab, heavy-duty pantograph front windshield wiper and washer, front windshield has 38" of visibility, interior mirror, fold away exterior side mirrors, molded front fenders, right and left doors and rear window have tinted (50%) glass, front and rear windows open, quick release window latches act as emergency exit, rubber sound isolator cab mounts and upholstered interior panels and headliner, textured neoprene floor mat, interior dome light.				
SAFETY	Complies with American National Standards Institute (ANSI B71.4-2012) and applicable ISO EN 5395 (CE) (machine directive 89/392, 91/368, 93/44, 84/538, 89/336) requirements; Optional lights. Meets ANSI/ASAE 5279.12 (Lighting and Marking of Agricultural Equipment on Highways). Foldable ROPS, ISO 21299 certified.				
SOUND PRESSURE OPERATOR EAR**	<80 dB when GM4010-D models (30636 & 30635) have "Quiet Mode" activated by Toro Distributor.				
WARRANTY	Two-year limited warranty. Refer to operator's manual for further details.				
ACCESSORIES	Work light, Road lights consisting of dual taillights, dual headlights, slow moving vehicle sign, turn signal, flasher and lights; Sunshade Beacon				
	CUTTING DECKS				
WIDTH OF CUT	Overall: 132" (335 cm), Front: 62" (157.5 cm), Wings: 42" (106.7 cm), Overlap: 7" (12.8 cm).				
MOWING RATE	Mows up to 11.0 acres/h (4.5 hectares/h) at 8.5 mph (13.4 km/h) (assumes no overlap or stops).				
CONSTRUCTION	Welded .100" (25 mm) steel with 7 and 10-guage steel channel and plate reinforcements, bullnose bumpers.				
DECK DRIVE	Direct mounted hydraulic motor into spindle. Remaining spindle(s) driven by individual B section Kevlar belt. Quick release belt covers.				
HEIGHT-OF-CUT	1"-5" (25-127 mm) in .5" (13 mm) increments.				
SPINDLES	1.25" (3.17 cm) diameter spindle shafts, 9" (22.9 cm) diameter conical ductile iron housing, and 2 greaseable tapered roller bearings.				
BLADES	21.75" (55.2 cm) long, 2.5" (6.4 cm) wide, .25" (.64 cm) thick.				
CASTER WHEELS	8 x 3.50-4, 4-ply, smooth, pneumatic, sealed precision ball bearings.				
GROUND FOLLOWING	6" anti-scalp cups on each blade, adjustable skids on each deck, 4 anti-scalp rollers on front deck and 1 on each wing.				
WING PROTECTION	Bi-directional, impact absorption device on each wing deck.				
RECYCLER KIT	Model 30420 will convert decks into Guardian® Recycler® decks.				
MULCHING KIT	Model 30422.				
SKIDS	Reversible polymetric.				

*Specifications and design subject to change without notice. Products depicted in this literature are for demonstration purposes only. Actual products offered for sale may vary in use, design, required attachments and safety features. See distributor for details on all warranties. **Per EN ISO 5275: 2013





	ROTARY BROOM, MB MODEL HCT**
TYPE	Windrow type, front mounted hydraulic broom with dual motors. Electric/hydraulic angling, 30° left and right.
BROOM SIZE	32" (81 cm) diameter x 60" (153 cm) wide.
BRUSH	Sectional brush with combination polypropylene/wire radial segments.
WEIGHT	460 lbs. (209 kg)
OPTIONS	Dirt Deflector, Storage Stands.



	SUNSHADE
UNIVERSAL MOUNT SUNSHADE	White, Model 30349
UNIVERSAL MOUNT SUNSHADE	Red, Model 30552



*Specifications and design subject to change without notice.

** Manufactured by M-B Companies Inc.

*** Manufactured by Erskine Attachments.

Note: The Toro Company does not manufacture or sell the snowthrower or rotary broom, nor does Toro guarantee these accessories in any manner whatsoever.



	SNOWTHROWER ERSKINE MODEL 2000***
STAGE	2
WIDTH OF CUT	61" (155 cm)
CUTTING HEIGHT	29" (74 cm)
CUTTING EDGE	3/8" x 3" (9.5 mm x 7.6 cm) bolt-on
SKID SHOES	Adjustable
AUGER DIAMETER	16" (41 cm) open flight
FAN DIAMETER	20" (51 cm) 4-blade
CHUTE ROTATION	Hydraulic 270°
SHEAR PROTECTION	Pressure relief
CASTING DISTANCE	Up to 30' (9.14 m)
APPROXIMATE SHIPPING WT.	850 lbs. (386 kg)
HOSES	Included

	TWO-POST ROPS EXTENSION SYSTEM
GM4000 MODELS	Fits Models 30605 or 30609
TWO-POST ROPS EXTENSION KIT	Base steel frame attached to existing ROPS and includes a white sunshade. Model 31352
EXTERIOR MIRROR	Quantity (1) Part Number 130-5448
INTERIOR MIRROR	Quantity (1) Part Number 130-5449
ABRASION-RESISTANT POLYCARBONATE WIND SCREEN	Improved resistance to golf ball impacts or vandalism. Model 31324
TEMPERED GLASS WINDSHIELD	Similar safety glass used in Toro all-season safety cabs. Model 31325
WINDSHIELD WIPER KIT FOR TEMPERED GLASS WINDSHIELD	For use with the tempered glass windshield only. Not for use with the polycarbonate wind screen. Model 31311
OPERATOR FAN & INTERIOR HEADLINER KIT	Overhead fan with adjustable speeds – mounts directly over operator. Part Number 132-3435
WIRE HARNESS KIT	Required for all electrical accessories such as wipers, lights and fan. Part Number 122-0729



**PURCHASE ORDER #23-172-ERR-001
SPECIAL PROVISIONS
EXHIBIT B**

1. **OMNIA Partners/National IPA City of Mesa, AZ Contract #2017025**. The work on this project shall be accomplished in accordance with the Omnia Partners/National IPA contract #2017025, and all contract amendments, between the City of Mesa, AZ and The Toro Company. All references in contract #2017025 to "City of Mesa" shall be revised to read "City of Anacortes". All references to the "State of Arizona" shall be revised to read the "State of Washington".

2. **Order of Precedence**. In the event of a conflict between the terms and conditions of contract #2017025 and these Special Provisions, the order of precedence shall be (a) Special Provisions identified as Exhibit B to Purchase Order #23-172-ERR-001, (b) contract #2017025 between the City of Mesa, AZ and The Toro Company.

3. **Delivery**. Advance coordination of the work shall be made with the Project Manager Wil Ludemann, (360) 299-1515.

4. **Supplier Bears Risk**. The risk of loss or damage shall be borne by Supplier at all times until the Acceptance of the Goods or Services by City. Delivery of items specified on the PO to the designated delivery point must be as Freight-On-Board (FOB) Destination, Freight Prepaid.

5. **Taxes**. The City will pay sales and use taxes imposed on goods or services acquired hereunder as required by law. The Supplier must pay all other taxes including, but not limited to: Business and Occupation Tax, taxes based on the Supplier's gross or net income, or personal property to which the City does not hold title. The City is exempt from Federal Excise Tax. Where applicable the City shall furnish a Federal Excise Tax Exemption certificate.

6. **Invoicing**. All invoices shall include: Company Name, Invoice Date, Due Date (30 days), Invoice Number, PO Number and Price, or Amended Price. Supplier shall allow 30 days for payment. Invoices may be sent by US mail to City of Anacortes, Accounts Payable, PO Box 547, Anacortes, WA 98221, or by email to accountspayable@cityofanacortes.org. Suppliers may complete a City furnished ACH/EFT form to receive electronic payments directly to their financial institution.

The City shall notify the Supplier within fifteen (15) calendar days from receipt of invoice if there are any objections or disputes with the invoice. The Supplier shall then resubmit a new invoice less the disputed amount and payment shall be made within 30 calendar days. Any disputed amounts may be submitted under the Disputes clause contained herein.

7. **Withholding Payment**. In the event the City determines that the Supplier has failed to perform any obligation under this PO within the times set forth in this PO, then the City may withhold from amounts otherwise due and payable to Supplier the amount determined by the City as necessary to cure the default, until the City Attorney determines that such failure to perform has been cured. Withholding under this clause shall not be deemed a breach entitling Supplier to terminate or damages, provided that the City promptly gives notice in writing to the Supplier of the nature of the default or failure to perform, and in no case more than 8 days after it determines to withhold amounts otherwise due. A determination of the City Attorney set forth in such notice to the Supplier of the action required and/or the amount required to cure any alleged failure to perform shall be deemed conclusive, except to the extent that the Supplier acts within the times and in strict accord with the provisions of the Disputes clause of this PO. The City may act in accordance with any determination of the City Attorney which has become conclusive under this clause, without prejudice to any other remedy under the PO, to take all or any of the following actions: (1) cure any failure or default, (2) to pay any amount so required to be paid and to charge the same to the account of the Supplier, (3) to set off any amount so paid or incurred from amounts due to become due the Supplier. In the event the Supplier obtains relief upon a claim under the Disputes clause, no penalty or damages shall accrue to Supplier by reason of good faith withholding by the City under this clause.

8. **Final Payment: Waiver of Claim** the Supplier's acceptance of final payment shall constitute a waiver of claims, except those previously and properly made and identified by the Supplier as unsettled at the time request for final payment is made.

9. **Inspection.**

A. **Of the Work**

All materials furnished and work done shall be subject to inspection. The City Project Manager administering the PO shall at all times have access to the work wherever it is in progress or being performed, and the Supplier shall provide proper facilities for such access and inspection. Such inspection shall not relieve the Supplier of the responsibility of performing the work correctly, utilizing the best labor and materials in strict accordance with the Specifications of the PO. All material or work approved and later found to be defective shall be replaced without cost to the City.

B. Project Manager's Authority

The Project Manager shall have power to reject materials or workmanship which do not fulfill the requirements of these Specifications, but in case of dispute the Supplier may appeal to the City Attorney whose decision shall be final. The PO shall be carried out under the general control of the representative of the City administering the PO, who may exercise such control over the conduct of the work as may be necessary, in his or her opinion, to safeguard the interest of the City. The Supplier shall comply with any and all orders and instructions given by the representative of the particular Department administering the PO in accordance with the terms of the PO. Nothing herein contained, however, shall be taken to relieve the Supplier of their obligations or responsibilities under the PO.

10. **Warranty.** All warranty requirements of OMNIA Partners/National IPA City of Mesa, AZ Contract #2017025 shall apply to this purchase. In addition, the Supplier shall obtain and submit to the City any necessary documentation to secure any extended manufacturer's warranty and warranty terms. This guarantee is supplemental to and does not limit or affect the requirements that the Supplier's work comply with the requirements of the Contract or any other legal rights or remedies of the City.

11. **Defense and Indemnity Agreement.** The Supplier shall defend, indemnify and hold the City, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits including attorney fees, arising out of or in connection with the performance of this Agreement, except for injuries and damages caused by the sole negligence of the City.

12. Insurance Requirements

A. Insurance Term: The Supplier shall procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with products and materials supplied to the City.

B. No Limitation: The Supplier's maintenance of insurance as required by the Agreement shall not be construed to limit the liability of the Supplier to the coverage provided by such insurance, or otherwise limit the City's recourse to any remedy available at law or in equity.

C. Minimum Scope of Insurance: The Supplier shall obtain insurance of the type and coverage described below:

Commercial General Liability insurance shall be at least as broad as Insurance Services Office (ISO) occurrence form CG 00 01 and shall cover products liability. **The City of Anacortes shall be named as an additional insured** under the Supplier's Commercial General Liability insurance policy using ISO Additional Insured-Vendors Endorsement CG 20 15 04 13 or a substitute endorsement providing at least as broad coverage.

D. Minimum Amounts of Insurance: The Supplier shall maintain Commercial General Liability insurance that shall be written with limits no less than \$2,000,000 each occurrence, \$2,000,000 general aggregate and a \$2,000,000 products liability aggregate limit.

E. Other Insurance Provision: The Supplier's Commercial General Liability insurance policy or policies are to contain, or be endorsed to contain that they shall be primary insurance as respect the City. Any insurance, self-insurance, or self-insured pool coverage maintained by the City shall be excess of the Supplier's insurance and shall not contribute with it.

F. Acceptability of Insurers: Insurance is to be placed with insurers with a current A.M. Best rating of not less than A: VII.

G. Verification of Coverage: The Supplier shall furnish the City with original certificates and a copy of the amendatory endorsements, including but not necessarily limited to the additional insured endorsement, evidencing the insurance requirements of the Supplier before goods, materials or supplies will be accepted by the City. Failure of the City to demand such verification of coverage with these insurance requirements or failure of the City to identify a deficiency from the insurance documentation provided shall not be construed as a waiver of Supplier's obligation to maintain such insurance.

Verification of coverage shall include:

1. An ACORD certificate or a form determined by the City to be equivalent.
2. Copies of all endorsements naming the City as additional insured, showing the policy number. The Contractor may submit a copy of any blanket additional insured clause from its policies instead of a separate endorsement.
3. Any other amendatory endorsements to show the coverage required herein.
4. **A notation of coverage enhancements on the Certificate of Insurance shall not satisfy these requirements – actual endorsements must be submitted.**

H. Notice of Cancellation: The Supplier shall provide the City with written notice of any policy cancellation, within two business days of their receipt of such notice.

I. **Failure to Maintain Insurance:** Failure on the part of the Supplier to maintain the insurance as required shall constitute a material breach of contract, upon which the City may, after giving five business days notice to the Supplier to correct the breach, immediately terminate the contract or, at its discretion, procure or renew such insurance and pay any and all premiums in connection therewith, with any sums so expended to be repaid to the City on demand, or at the sole discretion of the City, offset against funds due the Supplier from the City.

J. **City Full Availability of Supplier Limits:** If the Supplier maintains higher insurance limits than the minimums shown above, the City shall be insured for the full available limits of Commercial General and Excess or Umbrella liability maintained by the Supplier, irrespective of whether such limits maintained by the Supplier are greater than those required by this contract or whether any certificate of insurance furnished to the City evidences limits of liability lower than those maintained by the Supplier.

13. **Standard Title VI / Non-Discrimination Assurances.** During the performance of this contract, the Supplier, for itself, its assignees, and successors in interest agrees to the clauses in "Appendix A" and "Appendix E" of the Standard Title VI Assurances (USDOT1050.2A), which are hereby incorporated by reference and made a part hereof.

14. **Supplier is an Independent Supplier.** The parties intend that an independent Supplier relationship will be created by this PO. No agent, employee or representative of the Supplier shall be deemed to be an agent, employee or representative of the City for any purpose. Supplier shall be solely responsible for all acts of its agents, employees, representatives and Sub-Suppliers during the performance of this PO.

15. **Assistance Regarding Patent and Copyright Infringement.** In the event of any claim or suit against City on account of any alleged patent or copyright infringement arising out of the performance of this PO or out of the use of any material furnished or work or services performed hereunder, Supplier shall defend City against any such suit or claim and hold City harmless from any and all expenses, court costs, and attorney's fees in connection with such claim or suit.

16. **The City's Right to Terminate PO.**

A. **Termination for Default:** If the Supplier defaults by failing to perform any of the obligations of the PO or becomes insolvent or is declared bankrupt or commits any act of bankruptcy or insolvency or makes an assignment for the benefit of creditors, the City may, by depositing written notice to the Supplier in the U.S. mail, postage prepaid, terminate the PO, and at the City's option, obtain performance of the work elsewhere. If the PO is terminated for default, the Supplier shall not be entitled to receive any further payments under the PO until the Scope of Services under this PO has been fully performed. Any extra cost or damage to the City resulting from such default(s) shall be deducted from any money due or coming due to the Supplier. The Supplier shall bear any extra expenses incurred by the City in completing the work, including all increased costs for completing the work, and all damage sustained, or which may be sustained by the City by reason of such default. If a notice of termination for default has been issued and it is later determined for any reason that the Supplier was not in default, the rights and obligations of the parties shall be the same as if the notice of termination had been issued pursuant to the Termination for Public Convenience paragraph hereof.

B. **Termination for Public Convenience:** The City may terminate the PO in whole or in part whenever the City determines, in its sole discretion that such termination is in the best interests of the City. Whenever the PO is terminated in accordance with this paragraph, the Supplier shall be entitled to payment for actual work performed at unit PO prices for completed items of work through the date of termination. An equitable adjustment in the PO price for partially completed items of work will be made, but such adjustment shall not include provision for loss of anticipated profit on deleted or uncompleted work. Termination of this PO by the City at any time during the term, whether for default or convenience, shall not constitute a breach of PO by the City.

17. **Changes/Additional Work.** The City may engage Supplier to perform services in addition to those listed in this PO, and Supplier will be entitled to additional compensation for authorized additional services or materials. The City shall not be liable for additional compensation until and unless any and all additional work and compensation is approved in advance in writing and signed by both parties to this PO. If conditions are encountered which are not anticipated in the Scope of Services, the City understands that a revision to the Scope of Services and fees may be required. Provided, however, that nothing in this paragraph shall be interpreted to obligate the Supplier to render or the City to pay for services rendered in excess of the Scope of Services unless or until a modification to this PO is approved in writing by both parties.

18. **Non-waiver.** Waiver by the City of any provision of this PO or any time limitation provided for in this PO shall not constitute a waiver of any other provision.

19. **Covenant Against Contingent Fees.** The Supplier warrants that they have not employed or retained any company or person, other than a bona fide employee working solely for the Supplier, to solicit or secure this PO, and that they have not paid or agreed to pay any company or person, other than a bona fide employee working solely for the Supplier, any fee, commission, percentage, brokerage fee, gifts, or any other consideration contingent upon or resulting from the award of making of this PO. For breach or violation of this warranty, the City

shall have the right to annul this PO without liability or, in its discretion to deduct from the PO price or consideration, or otherwise recover, the full amount of such fee, commission, percentage, brokerage fee, gift, or contingent fee.

20. Disputes

A. General: Differences between the Supplier and the City, arising under and by virtue of this PO shall be brought to the attention of the City at the earliest possible time in order that such matters may be settled or other appropriate action promptly taken. The provisions of this Clause shall survive the expiration or termination of this PO.

B. Notice of Potential Claims: The Supplier shall not be entitled to additional compensation which otherwise may be payable, or to extension of time for (1) any act or failure to act by the City, or (2) the happening of any event or occurrence, unless the Supplier has given the City a written Notice of Potential Claim within 10 days of the commencement of the act, failure, or event giving rise to the claim, and before final payment by the City. The written Notice of Potential Claim shall set forth the reasons for which the Supplier believes additional compensation or extension of time is due, the nature of the cost involved, and insofar as possible, the amount of the potential claim. Supplier shall keep full and complete daily records of the Work performed, labor and all costs and additional time claimed to be additional.

B. Detailed Claim: The Supplier shall not be entitled to claim any such additional compensation, or extension of time, unless within 30 days of the accomplishment of the portion of the work from which the claim arose, and before final payment by the City, the Supplier has given the City a detailed written statement of each element of cost or other compensation requested and of all elements of additional time required, and copies of any supporting documents evidencing the amount or the extension of time claimed to be due.

D. Dispute Resolution: In the event of a dispute between the City and the Supplier arising out of this PO, or any obligation hereunder the dispute shall first be referred to the representatives designated by the City and the Supplier to have oversight over the administration of this PO. Said representatives shall meet within thirty (30) calendar days of receipt of detailed claim, and the parties shall make a good faith effort to achieve a resolution of the dispute. In the event the parties are unable to resolve the dispute under the procedure set forth above, then the parties hereby agree that the matter shall be referred to mediation. The parties shall mutually agree upon a mediator to assist them in resolving their differences. Any expenses incidental to mediation shall be borne equally by the parties. If either party is dissatisfied with the outcome of the mediation, that party may then pursue any available judicial remedies.

21. Force Majeure. Neither party shall be liable to the other or deemed in breach or default for any failure or delay in performance under this Agreement during the time and to the extent its performance is prevented by reasons of Force Majeure. For the purposes of this Agreement, Force Majeure means an occurrence that is beyond the reasonable control of and without fault or negligence of the party claiming force majeure and which, by exercise of due diligence of such party, could not have been prevented or overcome. Force Majeure shall include natural disasters, including fire, flood, earthquake, windstorm, avalanche, mudslide, and other similar events; acts of war or civil unrest when an emergency has been declared by appropriate governmental officials; acts of civil or military authority; freight embargoes; epidemics; pandemics; quarantine restrictions; labor strikes; boycotts; terrorist acts; riots; insurrections; explosions; and nuclear accidents. A party claiming suspension or termination of its obligations due to force majeure shall give the other party prompt written notice of the impediment and its effect on the ability to perform, with such notice to be provided no more than two (2) working days after the force majeure event or reasonable discovery of the event's impact on performance. Failure to provide such notice shall preclude recovery under this provision. Such delay shall cease as soon as practicable and written notification of same shall be provided. The time of completion shall be extended by Agreement modification for a period of time equal to the time that the results or effects of such delay prevented the delayed party from performing in accordance with this Agreement. **Rights Reserved:** The City reserves the right to cancel the Agreement and/or purchase materials, equipment or services from the best available source during the time of force majeure, and Supplier shall have no recourse against the City.

22. Governing Law. This PO shall be governed by and construed under the laws of the State of Washington. Any action brought under the PO or relating to the Project shall be brought in the Superior Court of the State of Washington in Skagit County Washington.

23. Compliance with Laws. The Supplier in the performance of this PO shall comply with all applicable Federal, State or local laws and ordinances, including regulations for licensing, certification and operation of facilities, programs and accreditation, and licensing of individuals, and any other standards or criteria as described in the PO to assure quality of services.

24. Severability. If any term or condition of this PO or the application thereof to any person(s) or circumstances is held invalid, such invalidity shall not affect other terms, conditions or applications which can be given effect without the invalid term, condition or application. To this end, the terms and conditions of this PO are declared severable.

25. Survival of PO Termination. The provisions of the following paragraphs and the liability of the Supplier for default during the term of the PO shall survive, notwithstanding the termination or invalidity of this PO for any reason: The City's Right to Terminate PO; Governing Law; Disputes; Defense & Indemnity.

26. **Notices**. Receipt of any notice shall be deemed effective three days after deposit of written notice in the U.S. mail, with proper postage and properly addressed. Notices shall be sent to the following addresses:

CITY:

City of Anacortes
Tiffany Matson
904 6th Street
PO Box 547
Anacortes, WA 98221

SUPPLIER:

Turf Star Western
Shawn Frisbee
5869 South 194th
Kent, WA 98032

APPENDIX A

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Washington State Department of Transportation, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the Washington State Department of Transportation to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the Washington State Department of Transportation, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the Washington State Department of Transportation may determine to be appropriate, including, but not limited to:
 - a. withholding payments to the contractor under the contract until the contractor complies; and/or
 - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the Washington State Department of Transportation may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

APPENDIX E

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures Non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of Limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).



City Council Agenda Bill

Meeting Date: June 12, 2023 **Agenda Item:** 6.a.

Agenda Item Title: Ordinance 4051: Title 9 Update

Staff Contact(s): DARCY SWETNAM, DAVE FLOYD

<u>Approved for Submittal to Council by</u>	<u>Action Type</u>
GREG FRANCIOCH	Ordinance
DARCY SWETNAM	
STEVE HOGLUND	

Item Summary: Second read of proposed Ordinance 4051. This Ordinance cleans up the City code in light of SB5536, which prohibits and adopts penalties for controlled substance possession and use and possession of drug paraphernalia. The bill preempts local regulation of these items and so staff updated Ordinance 4051 to repeal previously adopted but now preempted crimes from Ordinance 4045 and adopt the new state regulations by reference.

Budget Impact:

Previous Action: First read of 4051 on May 12, 2023.

Recommended Motion: I move that we authorize the Mayor to sign Ordinance 4051 regarding certain provisions of Title 9.

Alternative Actions:

Attachments (listed in order presented):

1. 230612 Police - Ord 4051 Drug Possession
2. 230612 Police - Ord 4051 Presentation
3. 230512 Police - Ord 4051 Drug Possession
4. 2023-04-24 AMC Title 9 Drug Possession
5. 230515 Police - Ord 4051

City of Anacortes
Ordinance No. 4051

An Ordinance Updating Certain Provisions of Title 9

Whereas prior to 2021, former RCW 69.50.4013 made possession of a controlled substance in violation of the Uniform Controlled Substances Act a felony;

Whereas in *State v. Blake*, 197 W.2d 170 (2021), the Washington State Supreme Court found former RCW 69.50.4013 unconstitutional because the felony statute did not include a *mens rea* element, i.e., a requirement that the defendant knowingly possessed the controlled substance;

Whereas in response to *Blake*, the State Legislature adopted RCW 69.50.4013 during its 2021 legislative session, which temporarily amended the law to add a knowledge requirement, make possession a misdemeanor rather than a felony, and via RCW 10.31.115, require law enforcement to twice refer offenders to voluntary drug treatment before from arresting or charging someone for unlawful possession of a controlled substance;

Whereas the protections in RCW 69.50.4013 are set to expire on July 1, 2023 and the state legislature in special session adopted and Governor Inslee signed SB 5536 on May 16, 2023, which goes into effect on July 1, 2023 and replaces all prior legislation regarding drug possession and use and paraphernalia, and preempts local agencies from adopting certain legislation in those areas; and

Whereas RCW 69.50.608 declares that the State of Washington fully occupies and preempts the entire field of setting penalties for violations of the Uniform Controlled Substances Act, and allows cities to enact laws only if consistent with RCW chapter 69.50 and requires the same penalties as provided by state law;

Whereas the City desires to ensure continuity in drug possession restrictions within the City of Anacortes to prevent public health and safety risks;

Now, therefore, the City Council of the City of Anacortes does ordain as follows:

Section 1. The Anacortes Municipal Code is amended as follows:

Existing AMC Section 9.22.020, Possession of Drug Paraphernalia, is repealed.

Existing AMC Section 9.22.030, Use of a Controlled Substance in a Public Place, is repealed.

Existing AMC Section 9.22.040, Unlawful Deposit of Controlled Substances and Drug Paraphernalia, is repealed.

The Anacortes Municipal Code Title 9 is amended to read as shown in Attachment A.

Section 2. Severability. If any section, subsection, sentence, clause, phrase, or word of this ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof may not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase, or word of this ordinance.

Section 3. Consistent with RCW 35A.12.130, this ordinance takes effect on July 1, 2023. five days after passage, approval, and publication in the manner required by law.

PASSED and APPROVED this ____ day of _____, June, 2023.

CITY OF ANACORTES:

Matt Miller, Mayor

Attest:

Steve Hoglund, City Clerk-Treasurer

Approved as to Form:

Darcy Swetnam, City Attorney

Attachment A

Title 9 Public Peace, Safety, and Welfare

Chapter 9.02 General Provisions

9.02.030 General Provisions

- A. The provision of a criminal penalty for any unlawful act does not preclude the City's use of civil remedies.
- B. Where not otherwise specified, a violation of the Anacortes Municipal Code that is categorized as a crime is to be considered a misdemeanor.
- C. It is the policy of the City of Anacortes to exercise the provisions of RCW 38.52.430 to recover the expenses of emergency response where that response is related to a person's intoxication.
- ~~C.D.~~ Unless otherwise provided, any penalties identified in this Title do not include fees, costs, and assessments.

Chapter 9.22 Substance Abuse

9.22.010 Adoption by reference

The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference:

RCW 9.47A.010 Definition.

RCW 9.47A.020 Unlawful inhalation - Exception.

RCW 9.47A.030 Possession of certain substances prohibited, when.

RCW 9.47A.040 Sale of certain substances prohibited, when.

RCW 9.47A.050 Penalty

RCW 69.38.010 "Poison" defined.

RCW 69.38.040 Inspection of poison register - Penalty for failure to maintain register.

RCW 69.38.050 False representation—Penalty.

RCW 69.38.060 Manufacturers and sellers of poisons—License required—Penalty.

RCW 69.41.010 Definitions.

RCW 69.41.030 Legend drug without prescription or order prohibited—Exceptions—Penalty

RCW 69.41.350 Steroid—Penalties.

RCW 69.50.101 Definitions.

RCW 69.50.412 Prohibited acts: E—Penalties.

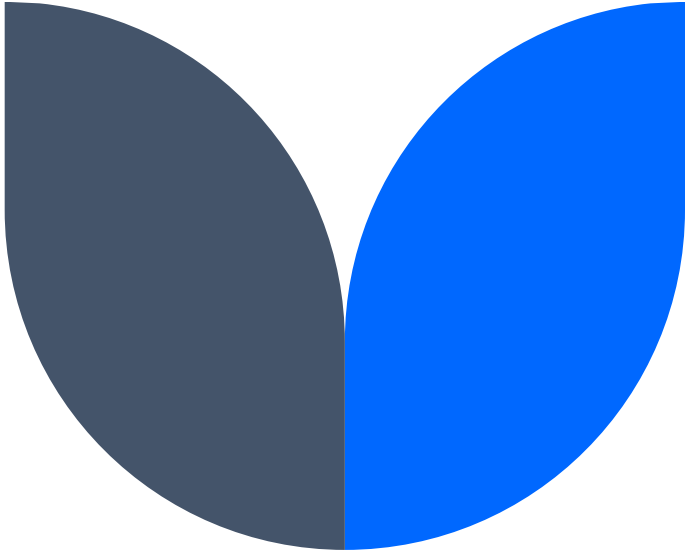
RCW 69.50.445 Cannabis in view of general public or public place—Penalty

RCW 69.50.4011 Counterfeit substances—Penalties

RCW 69.50.4013 Possession of controlled substance—Penalty

RCW 69.50.4014 Possession of forty grams or less of cannabis—Penalty

[RCW 69.50.4121 Drug paraphernalia – Selling or giving - Penalty](#)



Ordinance 4051: Drug Possession

Second Read – June 12, 2023

Need for Update – Blake Response

- *State v. Blake* invalidated state law making possession of a controlled substance a strict liability offense (no knowledge required)
- RCW 10.31.115 prohibits law enforcement from arresting someone for unlawful possession of a controlled substance until the offender has been twice “diverted” to voluntary social services – this law expires end of June, 2023

Legislative Update

- Since the first read of Ord 4051, SB 5536 was signed on May 16, 2023 regarding use and possession of drugs (*Blake fix*)
- Occupies and preempts the fields of drug paraphernalia
- State occupies and preempts the field of setting penalties for violations of the controlled substances act, so adoption of SB 5536 invalidates portions of previous Ordinance 4045

Ordinance 4051

Possession of Controlled Substances – Draft Updates

- Removes those sections of the previous draft regulating possession of controlled substances, penalties, and therapeutic courts
- Adopts by reference the RCW Sections adopted in SB 5536
 - Makes knowing possession of prohibited substances a gross misdemeanor
 - Makes knowing use of prohibited substances in public places a gross misdemeanor
 - Makes knowing possession or public use of legend drugs a misdemeanor

Repeals Portions of Ord 4045

- Repeals Section 9.22.020 Possession of drug paraphernalia.
- Repeals Section 9.22.030 Use of a controlled substance in a public place.
- Repeals Section 9.22.040 Unlawful deposit of controlled substances and drug paraphernalia.



Thank you

Questions?

**City of Anacortes
Ordinance No. 4051**

An Ordinance Regulating Possession of Controlled Substances and Updating Certain Provisions of Title 9

Whereas the City of Anacortes is authorized by RCW 35A.11.020 to create misdemeanors and gross misdemeanors, but requires the punishment for any criminal ordinance to be the same as the punishment provided in state law for the same crime;

Whereas persons using controlled substances can become addicted to such substances resulting in negative physical and mental health consequences and damage to family and personal relationships;

Whereas the use of controlled substances without a prescription and the supervision of a medical professional can result in physical injury or death and exacerbates mental health conditions, is more likely to result in addiction, and is correlated with criminal behavior;

Whereas the City has taken steps to address these problems through teaming police officers with social workers and mental health professionals and the municipal court's therapeutic Community Court Program;

Whereas state law now requires that persons subject to arrest for possession of a controlled substance be referred to assessment and services in lieu of arrest at least twice before he or she may be arrested;

Whereas prior to 2021, former RCW 69.50.4013 made possession of a controlled substance in violation of the Uniform Controlled Substances Act a felony;

Whereas in *State v. Blake*, 197 W.2d 170 (2021), the Washington State Supreme Court found former RCW 69.50.4013 unconstitutional because the felony statute did not include a *mens rea* element, i.e., a requirement that the defendant knowingly possessed the controlled substance;

Whereas in response to *Blake*, the State Legislature adopted RCW 69.50.4013 during its 2021 legislative session, which temporarily amended the law to add a knowledge requirement, make possession a misdemeanor rather than a felony, and via RCW 10.31.115, require law enforcement to twice refer offenders to voluntary drug treatment before from arresting or charging someone for unlawful possession of a controlled substance;

Whereas the protections in RCW 69.50.4013 are set to expire on July 1, 2023 and the state legislature ended its regular 2023 session without adopting a replacement, and then announced a plan to reconvene in special session starting May 16, 2023, leaving local agencies with uncertainty about the future of state drug possession prohibitions;

Whereas RCW 69.50.608 declares that the State of Washington fully occupies and preempts the entire field of setting penalties for violations of the Uniform Controlled Substances Act, and allows cities to enact laws only if consistent with RCW chapter 69.50 and requires the same penalties as provided by state law;

Whereas the City desires to ensure continuity in drug possession restrictions within the City of Anacortes to prevent public health and safety risks;

Now, therefore, the City Council of the City of Anacortes does ordain as follows:

- Section 1. The Anacortes Municipal Code Title 9 is amended to read as shown in Attachment A.
- Section 2. Severability. If any section, subsection, sentence, clause, phrase, or word of this ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof may not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase, or word of this ordinance.
- Section 3. Consistent with RCW 35A.12.130, this ordinance takes effect five days after passage, approval, and publication in the manner required by law.

PASSED and APPROVED this ____ day of _____, 2023.

CITY OF ANACORTES:

Matt Miller, Mayor

Attest:

Steve Hoglund, City Clerk-Treasurer

Approved as to Form:

Darcy Swetnam, City Attorney

Attachment A

Title 9 Public Peace, Safety, and Welfare

Chapter 9.02 General Provisions

9.02.030 General Provisions

- A. The provision of a criminal penalty for any unlawful act does not preclude the City's use of civil remedies.
- B. Where not otherwise specified, a violation of the Anacortes Municipal Code that is categorized as a crime is to be considered a misdemeanor.
- C. It is the policy of the City of Anacortes to exercise the provisions of RCW 38.52.430 to recover the expenses of emergency response where that response is related to a person's intoxication.
- ~~C.D.~~ Unless otherwise provided, any penalties identified in this Title do not include fees, costs, and assessments.

Chapter 9.22 Substance Abuse

9.22.020 Possession of Drug Paraphernalia

- A. It is unlawful to possess "drug paraphernalia," as defined in RCW 69.50.102, for any purpose related to any controlled substance other than cannabis.
- B. A violation of this section is a misdemeanor subject to the penalties of Section 9.22.070.

9.22.030 Use of a Controlled Substance in a Public Place

- A. It is unlawful to intentionally use a controlled substance in a public place, except as now or hereafter authorized or expressly permitted by the laws of the state or except upon written or oral order or prescription of a physician, surgeon, dentist, or other medical professional licensed to practice in the state and legally authorized to prescribe controlled substances.
- B. Definitions. For the purpose of this section:
 - 1. "Public place" means an area generally visible to public view, including without limitation any place where the public has a right of access, including establishments or conveyances to which the public is invited and their associated parking lots, parking structures, walkways, doorways, entrances, and restrooms.
 - 2. "Use" means any effort taken in furtherance of an attempt to inject, ingest, inhale, or otherwise introduce a dangerous drug into the human body.
- C. A violation of this section is a gross misdemeanor subject to the penalties of Section 9.22.070.

9.22.040 Unlawful Deposit of Controlled Substances and Drug Paraphernalia

- A. It is unlawful for any person to knowingly dump, throw, deposit, or discharge onto the ground or into any body of water, any controlled substance or drug paraphernalia.
- B. A violation of this section is a misdemeanor subject to the penalties of Section 9.22.070.

9.22.050 Unlawful Possession of Controlled Substances

- A. It is unlawful for any person to knowingly possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of their professional practice, or except as otherwise authorized by law.
- B. Except as provided within this Chapter, any person who violates this section is guilty of a gross misdemeanor subject to the penalties of Section 9.22.070.

9.22.060 Possession of Marijuana Under Twenty-One

- A. No person under twenty-one years of age may knowingly possess, manufacture, sell, or distribute cannabis, cannabis-infused products, or cannabis concentrates, regardless of THC concentration. This does not include qualifying patients with valid authorization as defined in this chapter.
- B. Except as provided within this Chapter, any person who violates this section is guilty of a gross misdemeanor subject to the penalties of 9.22.070.

9.22.070 Penalties

- A.
 - 1. Any person violating 9.22.050 or any provision thereof shall be deemed guilty of a gross misdemeanor and upon conviction thereof shall be punished by a fine not exceeding five thousand dollars (\$5,000) or imprisonment in the county jail for not more than 364 days or both such fine and imprisonment. There shall be a mandatory prohibition condition on the use or possession of alcohol, marijuana, or non-prescribed controlled substance during any period of probation.
 - 2. Subject to the provision of 9.22.080, any person violating 9.22.050 shall be subject to the following mandatory penalties:
 - a. Upon a first conviction shall be subject to a minimum of fourteen (14) days in-custody, a minimum term of probation of twelve (12) months, and any other mandatory penalties as prescribed in this Chapter.
 - b. Upon a second or subsequent conviction shall be subject to a minimum thirty (30) days in-custody, a minimum term of probation of twenty-four (24) months, and any other mandatory penalties as prescribed in this Chapter.
- B. Any person violating 9.22.030 or 9.22.060 or any provision thereof shall be deemed guilty of a gross misdemeanor and upon conviction thereof shall be punished by a fine not exceeding five thousand dollars (\$5,000) or imprisonment in the county jail for not more than 364 days or both such fine and imprisonment. There shall be a mandatory prohibition condition on the use or possession of alcohol, marijuana, or non-prescribed controlled substance during any period of probation.
- C.
 - 1. A sentence for a person violating 9.22.050 shall include a substance use disorder evaluation from a state certified substance use disorder treatment agency and completion of any recommended treatment.

2. An individual who fails to get a substance use disorder evaluation within sixty (60) days of sentencing shall be subject to a mandatory probation sanction of ten (10) days in-custody.
 3. An individual who fails to successfully complete substance use disorder treatment by thirty (30) days prior to the end of their probationary period shall be subject to a mandatory probation sanction of thirty (30) days. If the probation period is for one year, the court may extend it up to two years. The mandatory probationary sanction shall not apply to any individual who has no violations of probation, has been in full compliance with substance use disorder treatment, and whose probationary period expires prior to the anticipated completion date of their substance use disorder treatment.
- D. An individual convicted of violating 9.22.050 and while on probation and the Court finds they are reasonably satisfied that the defendant has consumed alcohol or used a controlled substance or committed a new alcohol or controlled substance related offense within this State shall be subject to a mandatory probation sanction of thirty (30) days.
- E. The Court may impose other interim probation sanctions for failure to comply with probation.

9.22.080 Community Court Option

- A. Prior to an individual charged with violating 9.22.0x0, 9.22.0x0, or 9.22.0x0 entering a plea of guilty or being found guilty following a trial, they may enter into the Community Court program supervised by the probation department upon written consent of the prosecuting attorney.
- B. To enter the Community Court program, an individual must agree in writing to the following terms and conditions:
1. An acknowledgement of their rights;
 2. An acknowledgement and waiver of the right to testify, the right to a speedy trial, the right to call witnesses to testify, the right to present evidence in their defense, and the right to a jury trial;
 3. A stipulation to the admissibility and sufficiency of the facts contained in the written police report to support a finding of guilty; and
 4. Should the defendant fail to comply with any term of the Community Court, the matter shall be submitted on the record pursuant to CrRLJ 6.1.2(b). The Defendant stipulates that the police report(s) in the matter and any other documentation relating to this case shall be admissible as evidence and submitted either at the time of the entry of the Community Court program or at the time of the submittal on the record.
 5. An acknowledgement that the judge will read the police report(s) and any other materials submitted, and based solely upon the evidence, the judge will decide if Defendant is guilty of the crime.
- C. Prior to entering a Community Court program, the Court shall provide the defendant and defendant's counsel with the following information:
1. A full description of the procedures for Community Court;
 2. A general explanation of the roles and authority of the probation department, the prosecuting attorney, arrest and jail alternative program or, the Court in the process;
 3. A clear statement that upon the defendant's successful completion of Community Court, as specified in subsection (5) of this section, and motion of the defendant, prosecuting attorney, court or probation department, the Court must dismiss the charge or charges against the defendant;

4. A clear statement that if the defendant has not made substantial progress with treatment or services provided that are appropriate to defendant's circumstances or, if applicable, community services, the prosecuting attorney may make a motion to terminate Community Court and schedule further proceedings;
 5. An explanation of criminal record retention and disposition resulting from participation in Community Court and the defendant's rights relative to answering questions about their arrest and Community Court following successful completion; and
 6. A clear statement that under federal law it is unlawful for any person who is an unlawful user of or addicted to any controlled substance to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition, or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.
- D. Upon defendant acknowledging and waiving any rights as specific in subsection (2) of this section and being advised by the court of their rights as specified in subsection (3) of this statute, the court shall enter the defendant into the Community Court program. The admission to Community Court requires approval of the prosecuting authority of the jurisdiction where the crime is charged.
1. A defendant who has entered a Community Court program shall not be subject to any mandatory minimum jail sentence as prescribed in this chapter unless they do not successfully complete the terms of Community Court.
 2. The court may impose interim sanctions on defendants in the Community Court program for not following the conditions as set forth in their Community Court agreement. Any interim sanctions shall not qualify as credit towards any mandatory minimum sentence if the defendant does not successfully complete Community Court.
- E. For a defendant to successfully complete Community Court they must complete the following:
1. A substance use disorder evaluation from a Washington State approved provider;
 2. Any recommended substance use disorder treatment or services, to include at a minimum intensive outpatient treatment or services;
 3. Completing the program within 12 months or having 12 months of substantial compliance with the assessment and recommended treatment or services and progress toward recovery goals as reflected by written status updates or by successfully completing the recommended treatment or services, whichever occurs first; or
 4. If the substance use disorder evaluation did not include a recommendation at a minimum for intensive outpatient treatment for treatment or services, the defendant successfully completes Community Court by completing alcohol and drug information school and community service as described in subsection (6) of this section and submitting proof of completion to the court.
- F. If the substance use disorder evaluation recommends treatment or services less than intensive outpatient treatment, the defendant must instead complete, at a minimum, alcohol and drug information school and an amount of community service as determined by the court, not to exceed 120 hours of community service, in order to complete Community Court.
- G. Upon successful completion of diversion, the case shall be dismissed with prejudice with no penalties imposed.
- H. An individual who has participated in a Community Court program may enter a second or subsequent Community Court program for new charges, provided that the charges arose after completion of the previous diversion program.

1. A defendant who is already participating in a Community Court program may be terminated and sentenced accordingly if they are charged with a new crime with a finding of probable cause and after the ability to have a hearing under this chapter.
2. If an individual is discharged from a Community Court program under this subsection, they may enter diversion on the new charge under this chapter.

9.22.090 Deferred Sentence Following Revoked Community Court.

If an individual declines the alternative Community Court Diversion program created through this chapter, or if they enter the program under this chapter and are revoked due to noncompliance, the State/ City will not object to the individual being granted a deferred sentence under RCW 3.50.330 conditioned on compliance and completion with a state-approved substance use disorder treatment program.

City of Anacortes
Ordinance No. ____

An Ordinance Amending AMC Title 9 to Add a Prohibition Against the Possession of Controlled Substances

Whereas the City of Anacortes is authorized by RCW 35A.11.020 to create misdemeanors and gross misdemeanors, but requires the punishment for any criminal ordinance to be the same as the punishment provided in state law for the same crime;

Whereas adoption of state misdemeanors and gross misdemeanors by reference harmonizes local offenses with statewide laws and avoids potential state preemption;

Whereas persons using controlled substances can become addicted to such substances resulting in negative physical and mental health consequences and damage to family and personal relationships;

Whereas the use of controlled substances without a prescription and the supervision of a medical professional can result in physical injury or death and exacerbates mental health conditions, is more likely to result in addiction, and is correlated with criminal behavior;

Whereas the City has taken steps to address these problems through teaming police officers with social workers and mental health professionals and the municipal court's therapeutic Community Court Program;

Whereas state law now requires that persons subject to arrest for possession of a controlled substance be referred to assessment and services in lieu of arrest at least twice before he or she may be arrested;

Whereas prior to 2021, former RCW 69.50.4013 made possession of a controlled substance in violation of the Uniform Controlled Substances Act a felony;

Whereas in *State v. Blake*, 197 W.2d 170 (2021), the Washington State Supreme Court found former RCW 69.50.4013 unconstitutional because the felony statute did not include a *mens rea* element, i.e., a requirement that the defendant knowingly possessed the controlled substance;

Whereas in response to *Blake*, the State Legislature adopted RCW 69.50.4013 during its 2021 legislative session, which temporarily amended the law to add a knowledge requirement, make possession a misdemeanor rather than a felony, and via RCW 10.31.115, require law enforcement to twice refer offenders to voluntary drug treatment before from arresting or charging someone for unlawful possession of a controlled substance;

Whereas RCW 69.50.4013, making drug possession a misdemeanor, is set to expire July 1;

Whereas the State Legislature has adjourned its 2023 session without taking action to extend the drug possession statute, RCW 69.50.4013;

Whereas RCW 69.50.608 declares that the State of Washington fully occupies and preempts the entire field of setting penalties for violations of the Uniform Controlled Substances Act, and allows cities to enact laws only if consistent with RCW chapter 69.50 and requires the same penalties as provided by state law;

Whereas as of July 1, 2023, no state law will prohibit the possession of controlled substances;

Now, therefore, the City Council of the City of Anacortes does ordain as follows:

Section 1. The Anacortes Municipal Code is amended as follows:

AMC 9.22.050 is added to read as shown in Attachment A.

Section 2. Severability. If any section, subsection, sentence, clause, phrase, or word of this ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof may not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase, or word of this ordinance.

Section 3. Consistent with RCW 35A.12.130, this ordinance takes effect five days after passage, approval, and publication in the manner required by law.

PASSED and APPROVED this ____ day of _____, 2023.

CITY OF ANACORTES:

Matt Miller, Mayor

Attest:

Steve Hoglund, City Clerk-Treasurer

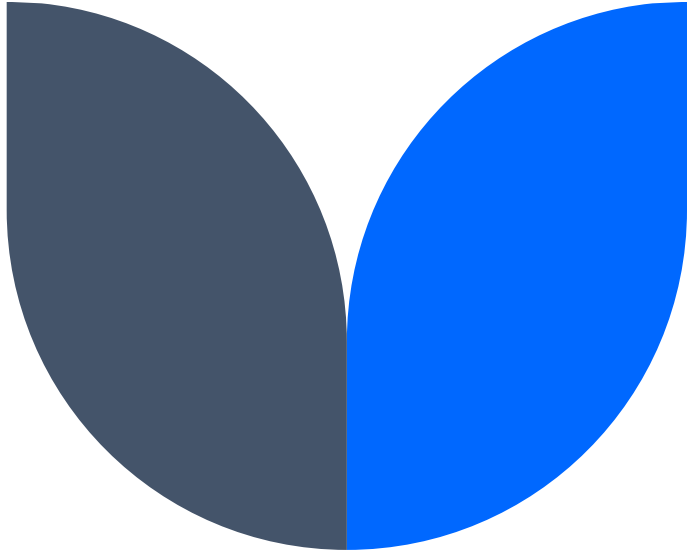
Approved as to Form:

Darcy Swetnam, City Attorney

Attachment A

New Section 9.22.050 Possession of Controlled Substances [effective July 1, 2023]

- A. It is unlawful for any person to knowingly possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his or her professional practice, or except as otherwise authorized by Chapter 69.50 RCW.
- B. Exceptions.
 - 1. The possession, by a person 21 years of age or older, of useable cannabis, cannabis concentrates, or cannabis-infused products in amounts that do not exceed those set forth in RCW 69.50.360(3) is not a violation of this section.
 - 2. The delivery by a person 21 years of age or older to one or more persons 21 years of age or older, during a single 24-hour period, for noncommercial purposes and not conditioned upon or done in connection with the provision or receipt of financial consideration, of any of the following cannabis products, is not a violation of this section:
 - a. One-half ounce of useable cannabis;
 - b. Eight ounces of cannabis-infused product in solid form;
 - c. 36 ounces of cannabis-infused product in liquid form; or
 - d. Three and one-half grams of cannabis concentrates.
 - e. The act of delivering cannabis or a cannabis product as authorized under this subsection must meet one of the following requirements:
 - f. The delivery must be done in a location outside of the view of general public and in a nonpublic place; or
 - g. The cannabis or cannabis product must be in the original packaging as purchased from the cannabis retailer.
 - 3. No person under 21 years of age may possess, manufacture, sell, or distribute cannabis, cannabis-infused products, or cannabis concentrates, regardless of THC concentration. This does not include qualifying patients with a valid authorization.
 - 4. The possession by a qualifying patient or designated provider of cannabis concentrates, useable cannabis, cannabis-infused products, or plants in accordance with chapter 69.51A RCW is not a violation of this section.
- C. A violation of this section is a gross misdemeanor. Consistent with AMC 9.02.060, the prosecutor is encouraged to utilize therapeutic courts or other alternatives to prosecution for assessment, treatment, or other services.
- D. This section is effective July 1, 2023.



Ordinance 4051: Drug Possession

First Read – May 15, 2023

Need for Update – Blake Response

- *State v. Blake* invalidated state law making possession of a controlled substance a strict liability offense (no knowledge required)
- RCW 10.31.115 prohibits law enforcement from arresting someone for unlawful possession of a controlled substance until the offender has been twice “diverted” to voluntary social services – this law expires end of June, 2023

Legislative Update

- Washington State Legislature adjourned its 2023 session without adopting a replacement
- Special session starts May 16, 2023
- It appears a bill making knowing possession a gross misdemeanor punishable by 180-364 days in jail and/or \$1000 fine will be introduced at special session

Ordinance 4051

Possession of Controlled Substances

- Makes knowing possession of controlled substances a gross misdemeanor
- Establishes penalties with mandatory minimum jail sentences
- Creates structure for use of Community Court

Next Steps

- Watch what happens in Olympia this week
- If a bill is passed, evaluate its impact on Ordinance 4045
- Bring back City Ordinance either to continue work on possession prohibitions or to cleanup existing code due to potential preemption issues



Thank you

Questions?





City Council Agenda Bill

Meeting Date: June 12, 2023 **Agenda Item:** 6.b.

Agenda Item Title: Resolution 3021: Update to Personnel Policies

Staff Contact(s): Reilly Wynn

<u>Approved for Submittal to Council by</u>	<u>Action Type</u>
Reilly Wynn	Resolution
Reilly Wynn	
STEVE HOGLUND	
DARCY SWETNAM	

Item Summary: A RESOLUTION REGARDING PERSONNEL POLICIES AND BENEFITS FOR THE CITY OF ANACORTES EMPLOYEES AND SUPERSEDING IN ITS ENTIRETY RESOLUTION NO. 3049 PASSED AND APPROVED ON THE 16TH DAY OF AUGUST 2021.

Budget Impact:
NA

Previous Action: August 2021 update to Personnel Policies

Recommended Motion: I make a motion to approve resolution 3021 adopting updated City Personnel Policies

Alternative Actions: Do not approved, direct staff as to next steps

Attachments (listed in order presented):

1. Summary of Personnel Policies Changes
2. 2023 Personnel Policies - Redline
3. Resolution 3120
4. 2023 Personnel Policies-Final
5. 2023.06.12 Council Presentation re Personnel Policy Updates

SUMMARY OF PERSONNEL POLICY UPDATES

Below is a summary of updates made to our Personnel Policies.

Changes are organized by policy number. A summary of changes is provided below each copy of the policy.

Not all edits made to the Personnel Policies are included. Those not included consist of formatting changes, slight edits, language clarifications, and minor notes that do not change practice or procedure.

Policy 102 (7)(c):

“Protected Class” means -groups protected from discrimination by law on the basis of race, religion, creed, color, genetic information, sex/gender, sexual orientation, gender expression, gender identity, pregnancy, age, national origin, citizenship or immigration status, disability or use of a trained guide dog or service animal by a person with a disability, status as a victim of domestic violence, sexual assault, or stalking, marital status, honorably discharged veteran or military status, and any other status protected by local, state, or federal law.

Summary: Addition of definition of protected classes with updated classes. Standardized throughout entire policy.

Policy 103(4):

1. Diversity, Equity, & Inclusion: The City of Anacortes is committed to fostering, cultivating, and preserving a culture of diversity, equity, and inclusion that reflects our community and values.
 - a. We embrace and encourage our employees' differences in age, color, disability, ethnicity, family or marital status, gender identity or expression, language, national origin, physical and mental ability, political affiliation, race, religion, sexual orientation, socio-economic status, veteran status, and other characteristics that make our employees unique.
 - b. We recognize that those unique qualities bring value to the organization.
 - c. To that end, expectations of both the employer and employees include:
 - i. Respectful collaboration amongst all employees.
 - ii. Workplace participation that allows representation of all groups and perspectives.
 - iii. Consistent attention and updates to policies and practices that obstruct the promotion of diversity, equity, and inclusion.
 - iv. Contributions to the community that promote a greater understanding and respect for diversity.
 - d. Employees who believe they have been discriminated against or have been treated in a manner inconsistent with this policy are encouraged to reach out to Human Resources.

Summary: Addition of diversity, equity, and inclusion points under Code of Conduct.

Policy 206:

See full policy in redline.

Summary: Adjustment of “introductory” to “probationary” period to be consistent with colloquial use and collective bargaining agreements. No change in policy.

Policy 207:

1. Transferred employees will be subject in their new positions to ~~the provisions of the Introductory Period Policy~~ a six-month trial period. Regular step increases on January 1 will be maintained. (See Introductory Period, Policy 206.). Transferred employees may be required to have a medical examination if the examination is job-related and consistent with business necessity (**see** Policy 205 Medical Examinations).

Summary: Reduction of additional one-year introduction period for transferred employees to a six-month trial period without interrupted step increases. This is consistent with other collective bargaining agreements.

Policy 303:

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

1. Severance pay is intended to provide extra economic help to certain terminated employees while they adjust to their job loss. Severance pay is not available for temporary employees.
2. ~~The Human Resource Department~~Human Resources is responsible for administering ~~City of Anacortes policy on severance pay~~this policy and will handle any employee claims or complaints.
3. ~~Employees may be considered eligible for severance pay if they have worked full time for at least one year and are terminated because of:~~
 - a. ~~A permanent reduction in force (unless the employee refuses a transfer recommended by the City of Anacortes);~~
 - b. ~~The elimination of the job or position.~~
4. ~~Employees normally will not be considered eligible for severance pay if their employment is terminated because of:~~
 - a. ~~An employee initiated voluntary resignation;~~
 - b. ~~Conduct or performance issues;~~
 - c. ~~A layoff that is expected to be short term (less than 30 days);~~
 - d. ~~A breach of an employment agreement;~~
 - e. ~~Normal retirement, permanent disability, or death.~~
- 5.3. Eligible employees will be required to sign a release agreement in order to receive severance pay.
6. ~~When severance pay is granted, eligible employees normally will receive 4 weeks regular straight time pay for 1-4 years of continuous service; 5 weeks regular straight time pay for 5-9 years of continuous service; and 6 weeks regular straight time pay for 10+ years of continuous service. Severance pay is calculated from the most recent date of hire. Unless otherwise provided, payment will be made in a lump sum at the time when final termination pay is provided.~~

Summary: Simplification of Severance Pay policy.

Policy 305:

1. Interim assignments provide valuable on-the-job training and allow continuation of a critical workload during an extended absence. Employees may be assigned the responsibilities as an “interim” or “acting” supervisor or department head during times of vacation, sick leave, or other absences that require more than 10 consecutive business days away from work. Interim assignments require pre-approval from the Mayor. Interim ~~supervisors~~ assignees will receive a wage premium of 9% beginning on the 11th consecutive day of the assignment. Interim assignments are limited to 90 business days. Extensions require approval by the Mayor. The interim ~~supervisor assignee~~ must be able to assume the majority of the duties of the higher classification ~~and have the education and/or certificate requirements stated in the job description~~. If an employee covered by a bargaining unit is assigned to a non-union interim assignment, this policy will govern conditions of the assignment unless in conflict with the applicable bargaining agreement ~~the City of Anacortes’ policy supersedes the bargaining agreement~~. If an employee covered by a bargaining agreement is assigned to a position within the same bargaining unit, the bargaining agreement procedures take precedence.

Summary: This policy conflicted with Teamsters policy. The language has been updated to defer to the Teamsters policy.

Policy 402(8):

8. Employees must report any accident, theft, or malicious damage involving a City of Anacortes vehicle to their supervisor and ~~the Human Resource Department~~Human Resources, regardless of the extent of damage or lack of injuries. Such reports must be made as soon as possible but no later than ~~forty-eight~~twelve hours after the incident. Employees are expected to cooperate fully with authorities in the event of an accident. However, employees should make no voluntary statement other than in reply to questions of investigating officers.

Summary: Update accident report from 48 hours to 12 hours.

Policy 503a(1):

10	Native American Heritage Day	Day after Thanksgiving
----	------------------------------	------------------------

Summary: State-wide update from Day After Thanksgiving Day to Native American Heritage Day.

Policy 507:

The City of Anacortes encourages employees to participate in exercise and wellness programs. In support of the City of Anacortes Wellness Program, the City established a Fitness Reimbursement Program to encourage regular exercise.

- ~~1. The Human Resource Department is responsible for administering exercise and wellness programs.~~
- ~~1.~~ Participation in City of Anacortes ~~recreational fitness reimbursement~~ programs is open to regular full-time or regular part-time employees who are regularly scheduled to work 20 or more hours per week. Spouses, domestic ~~partners~~partners, and other employee dependents who are eligible for the City's medical insurance coverage may participate. Volunteer firefighters are eligible to participate. Temporary, seasonal, terminated, or retired employees are not eligible to participate.
- ~~2.~~ These programs are voluntary and should take place outside normal working time.
- ~~2.3.~~ To be eligible for reimbursement of a portion of the membership dues, the employee, spouse, domestic partner, or eligible dependent must provide proof of participation and dues to ~~the Human Resources department~~ showing at least 10 workouts per month at a fitness facility or through a paid exercise subscription. Swim lessons with 8 sessions per month are the only exception to the 10-visit rule. Proof of visits must be provided each month and will not be retroactively paid. For example, if you have visits for the month of March, you must turn in your proof no later than the last day of April. Free programs are not eligible for reimbursement.
- ~~3.4.~~ Employees, spouses, domestic partners, and eligible dependents are limited to one health club reimbursement per month, per person. Eligible family members are not required to work out at the same facility.
- ~~4.5.~~ Employees are responsible for the full payment of the fitness program/dues including initiation fees, annual charges, or other associated fees. The extent of City of Anacortes financial support for each program will be determined on an annual basis. This benefit is considered taxable income.
- ~~6.~~ The reimbursement will appear as "Fitness/Pool Reimburs" on the employee's paystub. There may be up to a two-month lag time before reimbursements may be processed through payroll.
- ~~5.7.~~ Participation in the City of Anacortes ~~wellness-fitness reimbursement~~ program is limited in some situations to employees who have medical benefits through the City of Anacortes.
- ~~6.~~ Participating employees may be required to sign waiver of liability forms.
- ~~8.~~ The City of Anacortes retains the right to change all aspects of its exercise and wellness programs and to discontinue their existence.

Summary: Integration and general updates of fitness reimbursement policy. This used to be contained in the enrollment form only.

Policy 508:

The City of Anacortes encourages all employees and their spouses and/or dependents to participate in health insurance coverage to maintain health and wellness. Employees who have spouses and/or dependents who obtain full medical insurance coverage elsewhere and opt out of dual coverage under a City health insurance plan may be eligible to receive a monthly incentive.

1. Human Resources is responsible for benefit plans for all employees.
2. The Dual Insurance Incentive plan is a voluntary program limited to employees who have medical insurance coverage through the City of Anacortes and this coverage must be maintained to participate in the plan.
3. Employees' spouses and/or dependents must be removed from the City of Anacortes medical insurance coverage. This does not extend to dental, vision, or life insurance, which remain in effect.
4. Employees must certify through a Dual Insurance Incentive Enrollment form that their spouses and/or dependents have obtained medical insurance that meets "minimum essential coverage." Minimum essential coverage cannot be obtained from an individual market or an insurance exchange. Coverage from Medicare does not qualify spouses and/or dependents for the dual insurance incentive. Coverage from TRICARE does qualify spouses and/or for the dual insurance incentive.
5. Incentive amounts are based on the lowest cost PPO plan based on the full family premium and updated annually on the Dual Insurance Incentive Enrollment form.
6. Employees must provide proof of the spouse's and/or dependent's continuous, comprehensive medical coverage. Enrollment is effective for one year only. Employees must resubmit a Dual Insurance Incentive Enrollment form each year during open enrollment to receive the incentive payment. If employees do not re-enroll, dual insurance incentive will be automatically dropped. Retroactive dual insurance incentives will not be provided for late proof.
7. Employees are responsible for informing Human Resources of any changes in insurance statuses when receiving the dual insurance incentive. If an employee fails to inform Human Resources that they are no longer eligible for the incentive and receives funds the employee is not entitled to, the City of Anacortes will withhold amounts overpaid from the employee's paycheck as permitted by and consistent with RCW 49.48.200-.210.

The City retains the right to revoke, modify, or cancel this policy at any time and as it deems appropriate.

Summary: Integration and general updates of dual insurance policy. This used to be contained in the enrollment form only. Now includes those with coverage from TRICARE.

Policy 606:

The City of Anacortes complies with all applicable federal, state, and local regulations regarding tobacco in the workplace and provides a work environment that promotes productivity and the wellbeing of its employees.

1. The use of tobacco products of any kind (including cigarettes, cigars, pipes, e-cigarettes, vapes, or chewing tobacco) in the workplace is ~~in violation of the law in the State of Washington. Accordingly, the use of smoking and smokeless tobacco products are restricted in all of its facilities. Smoking is defined to include the use of tobacco-containing products, including cigarettes, cigars, and pipes, as well as the use of electronic cigarettes prohibited. This prohibition applies to time spent at work sites or stations in any City building, facility, vehicle, or location.~~
2. ~~Smoking is prohibited inside all City of Anacortes facilities, including City-owned buildings, vehicles, and offices or other facilities rented or leased by the City, including individual employee offices.~~ The smoking no tobacco use policy applies to employees during working time and to customers and visitors while on the City of Anacortes's premises.
3. Smoking Tobacco use is only allowed in designated outside areas that are at least 25 feet from building entrances and exits, windows that open, and ventilation intakes during designated breaks or off-work time. There shall be absolutely no tobacco use during work time. Employees are expected to exercise common courtesy and to respect the needs and sensitivities of coworkers with regard to the smoking policy. Smokers have a special obligation to not abuse break and work rules and to keep smoking areas litter-free. Complaints about smoking issues should be resolved at the lowest level possible but may be processed through the City of Anacortes's grievance procedure (**see** Policy 902 Dispute Resolution Procedure). Employees who violate the policy will be subject to disciplinary action (**see** Policy 807 Disciplinary Procedure).
4. Employees may contact ~~the Human Resource Department~~ Human Resources for information regarding the effects of smoking and the availability of smoking cessation programs.

Summary: Integration of Tobacco Use form signed upon hire into Personnel Policies. No new policies.

Policy 702(2)(d):

- ~~a. Sick leave may be used for the reasons outlined for Washington State Paid Sick Leave Policy 702(1)(c). any of the following purposes:~~
- ~~b. Personal illness or incapacity of the employee;~~
- ~~c. Forced quarantine of the employee by a public health official;~~
- ~~d. To care for the employee's dependent children under age 18 who is ill;~~
- ~~e. To attend the birth of the employee's child;~~
- ~~f. Use of a prescription drug that impairs job performance or safety;~~
- ~~g. Medical or dental appointments of the employee or dependent children under the age of 18, when such appointments cannot reasonably be scheduled during off duty time;~~
- ~~h. For any other purpose described in the WA Family Care policy set forth below.~~

Summary: City Paid Sick Leave used a less inclusive list of reasons to take the leave. This update allows the same reasons set forth in Washington State Paid Sick Leave for use of City Paid Sick Leave as well. This is a more inclusive list.

Policy 702(4)(j)(iv):

- ~~i. An employee who is a new parent, but not the parent who was pregnant, may use 80 hours of paid sick leave during the birth and immediately following the birth of the employee's child. This policy also applies to adoptive parents. It is intended to allow the limited use of sick leave for bonding time with a new child. Any additional use of sick leave following the birth or placement of the employee's child beyond this 80-hour benefit must be for one of the reasons for which sick leave is specifically authorized.~~

Summary: Removal of this policy and limitation on sick leave usage as non-birthing parents may use sick leave if on approved FMLA or PFML either way.

Policy 702(5)(c):

c. PFML leave may be taken for the following qualifying events:

- Family leave
 - Bonding with a new child coming into your family through birth, ~~adoption~~adoption, or foster placement.
 - Caring for a covered family member with a serious health condition or injury.
 - Bereavement leave for seven days following the loss of a child for whom an employee could have taken medical or bonding leave.
 - Certain events for military families.

Summary: Legal update from Employment Security Department.

Policy 702(5)(d):

For any week during which an employee submits a claim to ESD for PFML benefits, the employee must notify the City of how many PFML hours were claimed, so that the City may properly track leave use. If taking leave intermittently, an employee must notify ~~the~~ Human Resources ~~office~~ in writing each time PFML leave is taken so that the City may properly track leave use.

Summary: Added requirement that employees notify the City how many hours they claim in order for the City to track whether or not the employee still has approved leave in a timely manner.

Policy 702(9):

~~ii.i.~~ Three consecutive workdays off with pay will be approved ~~to attend the funeral or memorial service.~~ For bereavement within 90 days of death of the immediate family member (Maximum 24 hours).

Summary: Update that bereavement leave does not require attendance at a funeral or memorial service but must be within 90 days of the death.

Policy 804:

See redline.

Summary: Removed redundancies in Policy 804 that are now present in Addendum A. These were all repetitive.

Policy 904:

See redline.

Summary: Addition of preexisting Emergency Operations policy into Personnel Policies rather than a stand-alone document. No change in policy.

Addendum A:

See redline.

Summary: Addition of Addendum A – Information Technology & Systems Policies. This is a new policy built off historical IS/IT forms that are signed upon hire as well as update technological information.



Personnel Policies

RESOLUTION No. 31203049

Updated June 12, 2023 ~~August 16, 2024~~

Style Definition: TOC 1

Style Definition: TOC 2

PERSONNEL RESPONSIBILITIES 8

POLICY 100, RECEIPT OF PERSONNEL POLICIES	8
POLICY 101, MAYOR'S LETTER	9
POLICY 102, FUNCTION OF PERSONNEL POLICIES	10
POLICY 103, CODE OF CONDUCT	12
POLICY 104, ETHICS	14

EMPLOYMENT 15

POLICY 201, EQUAL EMPLOYMENT OPPORTUNITY	15
POLICY 202, PRODUCTIVE WORK ENVIRONMENT (COMPLAINTS OF UNLAWFUL DISCRIMINATION, HARASSMENT, OR RETALIATION)	16
POLICY 203, WORKPLACE VIOLENCE	18
POLICY 204, HIRING	20
POLICY 205, MEDICAL EXAMINATIONS	21
POLICY 206, PROBATIONARY PERIOD	22
POLICY 207, TRANSFER	23
POLICY 208, PROMOTION	25
POLICY 209, HOURS OF WORK	26
POLICY 210, OUTSIDE EMPLOYMENT	28
POLICY 211, EMPLOYEE CLASSIFICATIONS	29
POLICY 212, LAYOFF AND RECALL	30
POLICY 213, TERMINATION OF EMPLOYMENT	31
POLICY 214, RETIREMENT	32

PAY PRACTICES 33

POLICY 301, SALARY ADMINISTRATION	33
POLICY 302, PERFORMANCE REVIEWS	34
POLICY 303, SEVERANCE PAY	35
POLICY 304, PAY PROCEDURES	36
POLICY 305, INTERIM ASSIGNMENTS	37

REIMBURSEMENT OF EMPLOYEE EXPENSES 38

POLICY 401, TRAVEL	38
POLICY 402, VEHICLE USAGE	39
POLICY 403, MEAL REIMBURSEMENT	41
POLICY 404, MEMBERSHIP IN CLUBS AND CIVIC ORGANIZATIONS	42
POLICY 405, PARTICIPATION IN TRADE AND PROFESSIONAL ASSOCIATIONS	43

EMPLOYEE BENEFITS 44

POLICY 501, HEALTH AND WELFARE BENEFIT DISCLOSURE	44
POLICY 502, VACATIONS	51
POLICY 503A, HOLIDAYS	52
POLICY 503B, UNPAID HOLIDAYS FOR REASONS OF FAITH OR CONSCIENCE	54
POLICY 504, CONTINUING EDUCATION	55
POLICY 505, EMPLOYEE COUNSELING	56
POLICY 506, EMPLOYEE RECOGNITION AND SERVICE AWARDS	57
POLICY 507, EXERCISE AND WELLNESS PROGRAMS	58
POLICY 508, DUAL INSURANCE INCENTIVE	59

CITY OF ANACORTES PREMISES AND WORK AREAS 60

POLICY 601, EMPLOYEE SAFETY AND THE SAFETY COMMITTEE	60
POLICY 602, PERSONAL PROPERTY	61

	62	Formatted	...
	63	Formatted	...
	64	Formatted	...
	65	Formatted	...
POLICY 603, SOLICITATION	62	Formatted	...
POLICY 604, PARKING	63	Formatted	...
POLICY 605, SECURITY	64	Formatted	...
POLICY 606, TOBACCO USE	65	Formatted	...
ABSENCES FROM WORK	66	Formatted	...
POLICY 701, ATTENDANCE AND PUNCTUALITY	66	Formatted	...
POLICY 702, ABSENCES	68	Formatted	...
POLICY 702A, LEAVE TABLE	81	Formatted	...
POLICY 703, REST BREAKS	84	Formatted	...
POLICY 704, MEAL BREAKS	85	Formatted	...
PERSONAL CONDUCT	86	Formatted	...
POLICY 801, BEHAVIOR OF EMPLOYEES	86	Formatted	...
POLICY 802, PERSONAL APPEARANCE OF EMPLOYEES	88	Formatted	...
POLICY 803, PERSONAL FINANCES OF EMPLOYEES	89	Formatted	...
POLICY 804, USE OF COMMUNICATION SYSTEMS	90	Formatted	...
POLICY 805, CONFLICTS OF INTEREST	92	Formatted	...
POLICY 806, MEDIA INQUIRIES	93	Formatted	...
POLICY 807, DISCIPLINARY PROCEDURE	94	Formatted	...
POLICY 808, DRUGS, NARCOTICS, AND ALCOHOL	96	Formatted	...
MISCELLANEOUS	101	Formatted	...
POLICY 901, PERSONNEL RECORDS	101	Formatted	...
POLICY 902, DISPUTE RESOLUTION PROCEDURE	103	Formatted	...
POLICY 903, WHISTLEBLOWER PROTECTION ACT	105	Formatted	...
POLICY 904, EMERGENCY OPERATIONS	107	Formatted	...
ADDENDUM A - INFORMATION TECHNOLOGY & SYSTEMS POLICIES	109	Formatted	...
A-1 PURPOSE	109	Formatted	...
A-2 SCOPE	109	Formatted	...
A-3 DEFINITION OF TERMS	109	Formatted	...
A-4 ALLOWABLE DIGITAL EQUIPMENT	110	Formatted	...
A-5 NO EXPECTATION OF PRIVACY	111	Formatted	...
A-6 OWNERSHIP & CONFIDENTIALITY	111	Formatted	...
A-7 USE OF DIGITAL EQUIPMENT FOR PERSONAL AND CITY BUSINESS	111	Formatted	...
A-8 NOTICE OF REQUIREMENT FOR PUBLIC RECORDS ACT COMPLIANCE	111	Formatted	...
A-9 ACQUISITION OF INFORMATION TECHNOLOGY RESOURCES	111	Formatted	...
A-10 CITY-PROVIDED CELLULAR TELEPHONES	112	Formatted	...
A-11 DOWNLOADS	112	Formatted	...
A-12 REASONABLE USE/PERMISSIBLE INCIDENTAL USAGE	113	Formatted	...
A-13 UNALLOWABLE USE OF RESOURCES	113	Formatted	...
A-14 ELECTRONIC DOCUMENT MANAGEMENT	114	Formatted	...
A-15 GENERAL & REMOTE ACCESS	114	Formatted	...
A-16 NETWORK ACCESS AND USAGE	115	Formatted	...
A-17 PUBLIC NETWORK ACCESS & USAGE	115	Formatted	...
A-18 SOCIAL MEDIA	115	Formatted	...
A-19 CYBER SECURITY TRAINING	115	Formatted	...
A-20 IS HELP DESK	115	Formatted	...
ADDENDUM B - CONTINUATION COVERAGE RIGHTS UNDER COBRA	117	Formatted	...
PERSONNEL RESPONSIBILITIES	10	Formatted	...

POLICY 604 — PARKING.....	66	Formatted	...
POLICY 605 — SECURITY.....	67	Formatted	...
POLICY 606 — TOBACCO USE.....	68	Formatted	...
ABSENCES FROM WORK.....	69	Formatted	...
POLICY 701 — ATTENDANCE AND PUNCTUALITY.....	69	Formatted	...
POLICY 702 — ABSENCES.....	71	Formatted	...
POLICY 702A — LEAVE TABLE.....	84	Formatted	...
POLICY 703 — REST BREAKS.....	87	Formatted	...
POLICY 704 — MEAL BREAKS.....	88	Formatted	...
PERSONAL CONDUCT.....	89	Formatted	...
POLICY 801 — BEHAVIOR OF EMPLOYEES.....	89	Formatted	...
POLICY 802 — PERSONAL APPEARANCE OF EMPLOYEES.....	91	Formatted	...
POLICY 803 — PERSONAL FINANCES OF EMPLOYEES.....	92	Formatted	...
POLICY 804 — USE OF COMMUNICATION SYSTEMS.....	93	Formatted	...
POLICY 805 — CONFLICTS OF INTEREST.....	95	Formatted	...
POLICY 806 — MEDIA INQUIRIES.....	96	Formatted	...
POLICY 807 — DISCIPLINARY PROCEDURE.....	97	Formatted	...
POLICY 808 — DRUGS, NARCOTICS, AND ALCOHOL.....	99	Formatted	...
MISCELLANEOUS.....	104	Formatted	...
POLICY 901 — PERSONNEL RECORDS.....	104	Formatted	...
POLICY 902 — DISPUTE RESOLUTION PROCEDURE.....	106	Formatted	...
POLICY 903 — WHISTLEBLOWER PROTECTION ACT.....	108	Formatted	...
ADDENDUM A — INFORMATION TECHNOLOGY & SYSTEMS POLICIES.....	110	Formatted	...
A-1 PURPOSE.....	110	Formatted	...
A-2 SCOPE.....	110	Formatted	...
A-3 DEFINITION OF TERMS.....	110	Formatted	...
A-4 ALLOWABLE DIGITAL EQUIPMENT.....	111	Formatted	...
A-5 NO EXPECTATION OF PRIVACY.....	112	Formatted	...
A-6 OWNERSHIP & CONFIDENTIALITY.....	112	Formatted	...
A-7 USE OF DIGITAL EQUIPMENT FOR PERSONAL AND CITY BUSINESS.....	112	Formatted	...
A-8 NOTICE OF REQUIREMENT FOR PUBLIC RECORDS ACT COMPLIANCE.....	112	Formatted	...
A-9 ACQUISITION OF INFORMATION TECHNOLOGY RESOURCES.....	112	Formatted	...
A-10 CITY-PROVIDED CELLULAR TELEPHONES.....	113	Formatted	...
A-11 DOWNLOADS.....	113	Formatted	...
A-12 REASONABLE USE/PERMISSIBLE INCIDENTAL USAGE.....	114	Formatted	...
A-13 UNALLOWABLE USE OF RESOURCES.....	114	Formatted	...
A-14 ELECTRONIC DOCUMENT MANAGEMENT.....	115	Formatted	...
A-15 GENERAL & REMOTE ACCESS.....	115	Formatted	...
A-16 NETWORK ACCESS AND USAGE.....	116	Formatted	...
A-17 PUBLIC NETWORK ACCESS & USAGE.....	116	Formatted	...
A-18 SOCIAL MEDIA.....	116	Formatted	...
A-19 CYBER SECURITY TRAINING.....	116	Formatted	...
A-20 IS HELP DESK.....	116	Formatted	...
ADDENDUM B — CONTINUATION COVERAGE RIGHTS UNDER COBRA.....	118	Formatted	...
		Formatted	...
		Formatted	...
		Formatted	...
		Formatted	...

RESOLUTION NO. 3120

A RESOLUTION REGARDING PERSONNEL POLICIES AND BENEFITS FOR THE CITY OF ANACORTES EMPLOYEES AND SUPERSEDING IN ITS ENTIRETY RESOLUTION NO. 3049 PASSED AND APPROVED ON THE 16TH DAY OF AUGUST 2021.

WHEREAS, the City of Anacortes believes that it is in the best interest of the City and its employees to have written personnel policies to help the City of Anacortes meet its mission statement, to prevent misunderstandings and problems, and to ensure all employees understand expectations.

WHEREAS, these policies have been prepared as a guide and reference for employees. Nothing in these policies create an express or implied contract or promise concerning the City of Anacortes' s policies or practices, including policies or practices it will implement in the future. The City of Anacortes retains the right to establish, change, and abolish these policies, practices, rules, and regulations at will and as it sees fit.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Anacortes, Washington, as follows:

The Mayor and City Clerk are hereby authorized and directed to execute said personnel policies, a copy of which is attached hereto and by this reference made part hereof, as the official act and deed of the City of Anacortes.

PASSED AND APPROVED this 12th day of June 2023.

CITY OF ANACORTES:

By: _____
Matt Miller, Mayor

ATTEST:

Steve Hoglund, City Clerk Treasurer

APPROVED AS TO FORM:

Darcy Swetnam, City Attorney

RESOLUTION NO. 3049

A RESOLUTION REGARDING PERSONNEL POLICIES AND BENEFITS FOR CITY OF ANACORTES EMPLOYEES AND SUPERSEDING RESOLUTION NO. 2004 IN ITS ENTIRETY, PASSED AND APPROVED ON THE 18th DAY OF DECEMBER 2017.

WHEREAS, the City of Anacortes believes that it is in the best interest of the City and our employees to have written personnel policies to help the City of Anacortes meet our mission

~~statement, to prevent misunderstandings and problems, and to ensure that all employees know what is expected of them.~~

~~**AND WHEREAS** this Manual has been prepared as a guide and reference for employees. Nothing in this Manual creates an express or implied contract or promise concerning the City of Anacortes's policies or practices, including policies or practices it will implement in the future. The City of Anacortes retains the right to establish, change, and abolish these policies, practices, rules, and regulations at will and as it sees fit.~~

~~**NOW, THEREFORE, IT IS HEREBY RESOLVED** by the City Council of the City of Anacortes, Washington, as follows:~~

~~The Mayor and City Clerk are hereby authorized and directed to execute said personnel policies, a copy of which is attached hereto and by this reference made part hereof, as the official act and deed of the City of Anacortes.~~

~~**PASSED and APPROVED** this 16th day of January 2021.~~

CITY OF ANACORTES

Laurie M. Gore, Mayor

ATTEST

Steven D. Heglund, City Clerk-Treasurer

PERSONNEL RESPONSIBILITIES

Policy 100 Receipt Of Personnel Policies

All employees should read the following, and then sign, date and return the form to ~~the~~ Human Resource ~~Department~~. The form will be placed in the employee's personnel file.

Enclosed are the City of Anacortes's ~~p~~Personnel ~~p~~Policies. It is your responsibility to read these policies, as they will acquaint you with your employee benefits, our personnel practices and rules, and organizational philosophy. The most current personnel policies are always available on the ~~intranet~~ City website for your review. Please pay special attention to our Addendums that contain additional policies and information.

It is important to understand that these policies do not create an employment contract or a guarantee of employment of any specific duration between the City and its employees. These policies are general guidelines and do not constitute promises of specific treatment in specific circumstances. Although we hope that your employment relationship with us will be long term, we recognize that at times things do not always work out as hoped, and either of us may decide to terminate the employment relationship.

As the City grows and changes, ~~the~~ ~~p~~Personnel ~~p~~Policies may change. The City, therefore, reserves the right to revise, supplement, clarify or rescind any policy or portion of a policy when deemed appropriate by the Mayor. You will be notified of any such changes.

If you have any questions about these policies or any other policies of the City, please feel free to ask your supervisor, department head, Human Resources, or the Mayor.

I have read and understand the statement above.

Employee Signature

Employee Printed Name

Date

Policy 101 Mayor's Letter

To: All Supervisors & Managers
Re: Personnel Policies

~~This Manual~~The Personnel Policies ~~has have~~ been prepared as a guide and reference for ~~a~~ members of management at all levels of supervisory responsibility. This information is to be used to help guide employer/employee relations. The ~~Manual~~Personnel Policies ~~hasve~~ the approval of the City Council, Mayor, and ~~Department~~department Heads~~heads~~.

We believe that it is in the best interest of the organization and our employees to have written personnel policies to help the City of Anacortes meet our mission, to prevent misunderstandings and problems, and to ensure that all employees know what is expected of them. It is essential that all members of management understand the role of these policies in meeting the organization's objectives and in limiting our legal exposure.

Any policy, however, is only as good as its implementation. Supervisors and ~~Managers~~managers who are in direct contact with, and responsible for, a group of employees are essential to effective policy implementation. You are the individuals who must translate these ideas and principles into action.

Please understand that no supervisor, manager, or representative of the City has the authority to make any written or verbal statements or ~~representations, which~~representations which are inconsistent with these policies without prior written approval from the Mayor. We depend upon you for the successful development of a productive, legal, and harmonious working environment for our employees.

Accordingly, I request that you thoroughly familiarize yourself with the contents of ~~this Manual~~these Personnel Policies so that all ~~personnel policies~~policies and procedures of the organization may be administered appropriately.



Mayor ~~Laurie M. Gere~~Matt Miller

~~8/16/2024~~

Policy 102 Functions of ~~Personnel Policies~~This Manual

~~This Manual~~ These personnel policies ("policies") should be used as an outline of the basic personnel policies, practices, and procedures for the organization.

1. ~~This Manual~~The Personnel Policies contain ~~s~~ general statements of City of Anacortes ~~policy~~ and should not be read as including the details of each policy. However, in many cases details are provided and appropriate cross-references are made. ~~These policies~~This Manual should not be interpreted as forming an express or implied contract or promise that the policies discussed in it will be applied in all cases. The City of Anacortes may add to the policies ~~in the manual~~, revoke, or modify them from time to time. ~~The City will make efforts to keep the policies~~the Manual current, but there may be times when policy will change before this material can be revised.
2. These ~~personnel~~ policies shall apply to all City employees. They shall not apply to independent contractors or elected officials, provided that the policy sections on Reimbursement of Employee Expenses (~~see~~ Policies 401-405) and Employee Benefits (~~see~~ Policies 501 and 507) shall apply to the Mayor, who shall be eligible to participate in City employee benefit programs and subject to applicable policies regarding those benefit programs. In the event of conflict between any provision of ~~this manual~~these policies and any provision of a valid and effective collective bargaining agreement, employee contract, or applicable Civil Service ~~rules~~Rules and regulations, the provisions of the contract and/or the Civil Service ~~rules~~Rules shall govern. In all other cases, these policies shall govern.
3. Except as specified below, non-represented employees can be terminated only "for cause." Simply defined, "for cause" generally means that the employer has a valid performance, conduct, or attitude-related reason for disciplining or terminating the employee, or that there is a valid budgetary, ~~operational~~operational, or other legitimate reason for termination. ~~Introductory~~Probationary employees are "at-will" employees and can be terminated without cause. Employees who have an individual contract designating their employment as "at will" can also be terminated without cause.
4. ~~The Human Resource Department~~Human Resources is responsible for distribution of the ~~Manuals~~Personnel Policies to employees ~~who, in turn, are responsible for inserting approved changes.~~
5. ~~The Human Resource Department~~Human Resources will continue to review and recommend changes to the Mayor in the City of Anacortes's personnel policies. Department heads and supervisors are encouraged to recommend changes or new policies. ~~The Human Resource Department~~Human Resources is responsible for disseminating new policy information.
6. Department heads and supervisors should refer to the ~~policies Manual~~ whenever questions of policy interpretation or implementation arise. Issues needing clarification should be referred to ~~the Human Resource Department~~Human Resources. From time to time, the City may adopt temporary or emergency policies and practices to address a public health emergency or other unusual circumstances. Such policies and procedures will be communicated to affected employees as appropriate to the situation. Employees are responsible for reviewing and complying with any policies ~~or addendums~~ that supplement ~~these policies~~this Manual.
7. ~~Terms as~~ As used in the ~~Manual~~policies:
 - a. ~~Use of the masculine or feminine gender should be interpreted to include persons of any gender;~~
 - b. ~~a.~~ "Supervisor" means an individual with the authority to assign, direct, and ~~review the work of one or more subordinates; and~~
 - c. "Immediate family" means ~~the employee's spouse, registered domestic partner, brother,~~

~~sister, mother, father, stepmother, stepfather, child, stepchild, father-in-law, mother-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, grandparent, grandparent-in-law, and any other resident member of the employee's household unless otherwise specified.~~

b. "Domestic Partner" means a person whom an employee identifies as ~~his or her~~their domestic partner and who together are registered as a ~~Domestic-domestic Partnership partnership~~ with the Washington State Secretary's State Registry.

d-c. "Protected Class" means ~~groups protected from discrimination by law on the basis of race, religion, creed, color, genetic information, sex/gender, sexual orientation, gender expression, gender identity, pregnancy, age, national origin, citizenship or immigration status, disability or use of a trained guide dog or service animal by a person with a disability, status as a victim of domestic violence, sexual assault, or stalking, marital status, honorably discharged veteran or military status, and any other status protected by local, state, or federal law.~~

Policy 103 Code of ~~Employer-Employee Relations-Conduct~~

The City of Anacortes implements fair and effective personnel policies and requires all employees ~~support to support~~ the City's best interests.

1. The City of Anacortes is committed to a mutually rewarding and direct relationship with its employees. Thus, the City of Anacortes:
 - a. Provides equal employment opportunity and treatment regardless of ~~race, religion, color, sex/gender, sexual orientation or gender identification, age, national origin, disability, pregnancy, genetic information, status as an honorably discharged veteran, and any status protected by law~~protected class (see Policy 202 Productive Work Environment);
 - b. Provides compensation and benefits commensurate with the work performed (see Policies 300-305 Pay Practices);
 - c. Establishes reasonable hours of work based on the City of Anacortes's needs (see Policy 209 Hours of Work);
 - d. Monitors and complies with applicable federal, state, and local laws and regulations concerning employee safety (see Policy 601 Employee Safety and the Safety Committee);
 - e. Offers training opportunities for those whose talents or needs justify the training;
 - f. Enforces workplace policies in such a manner that does not interfere with, restrain, or prevent employees from engaging in protected activities regarding wages, hours, or other terms and conditions of employment protected under the Public Employees Collective Bargaining Act;
 - g. Is receptive to constructive suggestions about job duties, working conditions, or personnel policies; and
 - h. Establishes appropriate means for employees to discuss matters of concern with their immediate supervisor or department head. (see Policy 902 Dispute Resolution Procedure).
2. The City of Anacortes, as part of its commitment to providing the public with excellent products and services and to creating a productive work environment, expects all employees to:
 - a. Deal with the public and vendors in a professional manner;
 - b. Represent the City of Anacortes in a positive and ethical manner;
 - c. Perform assigned tasks in an efficient manner;
 - d. Be punctual (see Policy 701 Attendance and Punctuality, ~~Policy 704~~);
 - e. Demonstrate a considerate, friendly, and constructive attitude toward fellow employees; and
 - f. Follow the policies adopted by the City of Anacortes.
3. The City of Anacortes retains the discretion to exercise all managerial functions, consistent with the provisions of any governing collective bargaining agreement, employment contract, or Civil Service ~~Commission+Rules~~ to:
 - a. Dismiss, assign, supervise, and discipline employees;
 - b. Determine and change starting times, quitting times, and shifts;
 - c. Transfer employees within departments or into other departments and other classifications;
 - d. Determine and change the size and qualifications of the workforce;
 - e. Determine and change methods by which its operations are to be carried out including contracting out services;
 - f. Determine and change the nature, location, goods produced, services rendered, quantity, and continued operation of the municipality; and
 - g. Assign duties to employees in accordance with the City of Anacortes's needs and

requirements and to carry out all ordinary administrative and management functions.

4. Diversity, Equity, & Inclusion: The City of Anacortes is committed to fostering, cultivating, and preserving a culture of diversity, equity, and inclusion that reflects our community and values.

- a. We embrace and encourage our employees' differences in age, color, disability, ethnicity, family or marital status, gender identity or expression, language, national origin, physical and mental ability, political affiliation, race, religion, sexual orientation, socio-economic status, veteran status, and other characteristics that make our employees unique.
- b. We recognize that those unique qualities bring value to the organization.
- c. To that end, expectations of both the employer and employees include:
 - i. Respectful collaboration amongst all employees.
 - ii. Workplace participation that allows representation of all groups and perspectives.
 - iii. Consistent attention and updates to policies and practices that obstruct the promotion of diversity, equity, and inclusion.
 - iv. Contributions to the community that promote a greater understanding and respect for diversity.
- d. Employees who believe they have been discriminated against or have been treated in a manner inconsistent with this policy are encouraged to reach out to Human Resources.

9-

Formatted: Indent: Left: 0.63"

Formatted: Normal, No bullets or numbering

Policy 104 Ethics

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

1. The City of Anacortes is committed to conducting its business with integrity underlying all relationships, including those with citizens, customers, suppliers, and communities, and among employees. The highest standards of ethical business conduct are required of City of Anacortes employees in ~~performance~~the performance of their responsibilities. Employees will not engage in conduct or activity that may raise questions as to the City's honesty, impartiality, or reputation, or otherwise cause embarrassment to the City. Employees will avoid any action, ~~whether or not~~whether specifically prohibited in the personnel policies, which might result in or reasonably be expected to create an appearance of:
 - a. Using public office or public position for private gain;
 - b. Giving preferential treatment to any person or entity;
 - c. Losing impartiality; or
 - d. Adversely affecting the confidence of the public in the integrity of the City of Anacortes.
2. Every employee has the responsibility to ask questions, seek guidance, report suspected violations, and express concerns regarding compliance with this policy. The City of Anacortes will maintain a program to communicate to employees its commitment to integrity and uncompromising values. The program will inform employees of City policies and procedures regarding ethical business conduct and assist them in resolving questions and in reporting suspected violations. Retaliation against employees who use City reporting mechanisms to raise concerns in good faith will not be tolerated.
3. ~~The Human Resource Department~~Human Resources is responsible for providing policy guidance and issuing procedures to assist employees in complying with the City of Anacortes' expectations of ethical business conduct and uncompromising values. This policy constitutes the standards of ethical business conduct required of all employees. Managers are responsible for supporting their implementation and monitoring compliance.

Employment

Policy 201 Equal Employment Opportunity

The City of Anacortes is an equal opportunity employer. The City of Anacortes does not discriminate in employment decisions or policies in violation of law on the basis of ~~race, religion, color, sex/gender, sexual orientation, gender expression, gender identity, age, national origin, disability, pregnancy, genetic information, status as an honorably discharged veteran, citizenship or immigration status, or any other status protected by law~~ protected class. This policy applies to all terms and conditions of employment, including hiring, placement, promotion, termination, reduction in force, recall, transfer, leaves of absence, compensation, and training.

1. Reasonable Accommodation of Disabilities

- a. The City of Anacortes complies fully with its duty to provide ~~a reasonable~~ reasonable accommodation to allow an employee with physical or mental disabilities to perform the essential functions of the employee's job. Employees who have a disability that limits their ability to perform their job should contact ~~the~~ Human Resources ~~Department~~ to inform the City of their disability and request for accommodation.
- b. In order to provide a reasonable accommodation, the City of Anacortes may seek to communicate with the employee's medical provider to gain a better understanding of any limitations they possess, and given those limitations, the means by which an accommodation would allow the employee to perform the essential functions of a position. Employees may be asked to submit to a medical examination by an independent medical provider to confirm their medical condition and resulting limitations. After returning from ~~a disability~~ disability-related leave, the City of Anacortes may request that an employee undergo a fitness for duty examination to ensure that they are capable of performing the essential functions of the job.
- c. If an employee qualifies, the City of Anacortes will work with the employee and their medical providers to provide the employee with ~~a reasonable~~ reasonable accommodation so that the employee can continue to perform the job. This may include making changes to the employee's work schedule, changing some of the job duties or transferring the employee to another position that the employee is able to perform.

2. Reasonable Accommodation of Religious Beliefs:

- a. The City of Anacortes complies fully with its duty to provide a reasonable accommodation of any employee's ~~sincerely-held~~ sincerely held religious beliefs, unless the City of Anacortes believes such an accommodation would create an undue hardship or is contrary to the City's commitment to equal opportunity. For example, if an employee requires a certain work schedule or a particular day off for religious observance, or to dress or attire oneself in a way that ~~varyies~~ varies from any dress code adopted by the City, the employee must contact ~~the~~ Human Resources ~~Department~~ to request accommodation.

3. Reasonable Accommodation of Pregnancy:

- a. An employee who needs accommodation due to pregnancy may be afforded the following accommodations with or without medical certification: frequent, longer, or flexible restroom breaks; seating or allowing the employee to sit more frequently; and limiting lifting to 17 pounds or less. In addition, a pregnant employee may be entitled to other workplace accommodation(s), as long as there is no significant difficulty or expense and subject to written certification from a health care professional regarding the need for the requested accommodation.

Policy 202 Productive Work Environment (Complaints of Unlawful Discrimination, Harassment, or Retaliation)

The City of Anacortes promotes a productive work environment and does not tolerate unlawful discrimination, harassment, or retaliation.

1. The City of Anacortes is committed to providing a workplace that is free from unlawful discrimination. Unlawful discrimination occurs when an employee is disciplined, terminated, demoted, or suffers some other adverse consequence in their employment on the basis of protected class (referred to in this policy as "protected classes" or "protected class status"). ~~race, color, national origin, creed, religion, sex, age (over 40), pregnancy, marital status, physical or mental disability, genetic information, gender identification, sexual orientation, gender identity or status as an honorably discharged veteran, or any other class protected by federal, state, or local law.~~
2. The City of Anacortes is committed to providing a work environment which is free from unlawful harassment. The City expressly prohibits any form of unlawful harassment by or against its employees on the basis of ~~race, color, national origin, creed, religion, sex, age (over 40), pregnancy, marital status, physical or mental disability, genetic information, sexual orientation, gender identity, gender expression, status as an honorably discharged veteran, or any other class protected by federal, state, or local law.~~ any protected class status.
3. Sexual harassment is conduct that is directed at an employee because of ~~his or her~~ their sex, is unwelcome, and is offensive. Each supervisor and manager ~~has~~ have a responsibility to keep the workplace free of any form of harassment, and in particular, sexual harassment. No supervisor or manager is to threaten or insinuate, either explicitly or implicitly, that an employee's refusal or willingness to submit to sexual advances will affect the employee's terms or conditions of employment. Romantic or sexual relationships between co-workers where one individual has influence or control over the other's conditions of employment can create a range of potential issues, including actual or perceived favoritism, bias, conflicts of interest and even harassment. As a result, supervisors and employees are required to disclose such a relationship to Human Resources so that the City may evaluate the need for changes in reporting relationships or other modifications to avoid actual or potential problems.
4. Other sexually harassing or offensive and discriminatory conduct in the workplace, whether committed by supervisors, managers, non-supervisory employees, or non-employees, is also prohibited. Prohibited conduct includes, but is not limited to:
 - a. Unwanted physical contact or conduct of any kind, including sexual flirtations, touching, advances, or propositions;
 - b. Verbal harassment of a sexual nature, such as lewd comments, sexual jokes or references, and offensive personal references;
 - c. Demeaning, insulting, intimidating, or sexually suggestive comments about an individual;
 - d. The display in the workplace of demeaning, insulting, intimidating, or sexually suggestive objects, pictures, or photographs;
 - e. Demeaning, insulting, intimidating, or sexually suggestive written, recorded, or electronically transmitted messages.Any of the above conduct, or other offensive conduct directed at individuals on the basis of ~~race, color, national origin, creed, religion, sex, age (over 40), pregnancy, marital status, physical or mental disability, genetic information, gender identification, sexual orientation, gender identity or status as an honorably discharged veteran, or any other class protected by federal, state, or local law.~~ protected class status is strictly prohibited.
5. The City of Anacortes is committed to providing a ~~work place~~ workplace that is free from unlawful retaliation. The City of Anacortes prohibits any form of retaliation against any

employee for good faith actions in filing a complaint under the City's discrimination and harassment policies, and for participating in the investigation of any complaint of discrimination or harassment. Improper retaliation may include, but is not limited to, discipline, termination, transfers, assignment of unfavorable duties, or treating the employee who made the complaint in a hostile manner when such action or behavior is motivated in substantial part by the employee's participation in protected activity. Employees who bring complaints may be subject to discipline if the investigation reveals that the complaint was made in bad faith.

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

A harassment complaint generally will be handled as follows:

- a. Every complaint is to be reported promptly, whether by the complainant or by the person receiving the complaint. If reported verbally, the person taking the complaint should produce a written statement for the complainant to review and sign.
 - b. The complaint will be investigated as soon as reasonably practicable. Choice of investigator, level of formality, and the procedures used in the investigation may vary, depending upon the nature of the allegations and full circumstances of the situation, including the context in which the alleged incidents occurred.
 - c. Confidentiality will be maintained throughout the investigatory process to the extent practical and consistent with the need to undertake a full investigation.
 - d. There shall be no retaliation by the City, its officers, managers, or other employees toward any employee bringing a complaint in good faith or cooperating with the investigation of a harassment complaint. Any person who feels they have been retaliated against, should immediately report their concern to ~~the~~ Human Resources ~~department~~. The City strictly prohibits retaliation under this policy, and any sustained allegations of retaliation will lead to discipline, up to and including termination.
 - e. Where the investigation confirms the allegation of unlawful harassment or retaliation, the City will take prompt corrective action, and, where appropriate, discipline the offending individual. Discipline may include verbal and written reprimands, professional counseling, reassignment, demotion, or other appropriate action, up to and including termination. The affected individuals will be informed of the outcome of the investigation.
7. All officers and managers are assigned responsibility for implementing this policy, ensuring compliance with and knowledge of its terms, and for taking immediate and appropriate corrective action if they witness inappropriate behavior or receive a complaint. Managers must open and maintain channels of communication to permit employees to raise concerns of sexual or other workplace harassment without fear of retaliation, stop any observed harassment, and treat harassment matters with sensitivity, confidentiality, and objectivity. A manager's failure to carry out these responsibilities may result in disciplinary action up to and including ~~discharge~~ termination.

Policy 203 Workplace Violence

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

1. Workplace Violence Prohibition. The City of Anacortes strictly prohibits threatened or actual workplace violence. This includes, but is not limited to, any of the following conduct associated in or around the workplace, or otherwise related to employment:
 - a. Threatening injury or damage against a person or property
 - b. Fighting or threatening to fight with another person
 - c. Threatening to use a weapon on City of Anacortes premises (unless such threat is a lawful use of force by an employee required to carry a firearm or weapon as a condition of employment)
 - d. Abusing or injuring another person
 - e. Abusing or damaging property
 - f. Using obscene or abusive language or gestures in a threatening manner
 - g. Raising voices in a threatening manner
 - g-h. Because of the potential for misunderstanding, joking about any of the above misconduct is also prohibited.
2. "City of Anacortes Premises" Definition: The term "premises" means all areas within the ownership and/or control of the City of Anacortes, including, but not limited to, buildings, offices, work areas, lounges, parking lots, desks, cabinets, lockers, storage areas, and any other ~~City of Anacortes owned~~ property on which employees may work. The City of Anacortes reserves the right to search all facility premises when the facility management determines that such a search is a reasonable and necessary precaution for ~~work~~ place/workplace safety.
3. Reporting Violent Conduct. Any workplace violence incidents or incidents indicating a potential for violence are to be reported by an employee to the Human Resources Director as soon as possible. Incident reports are to be completed, as appropriate. If the City of Anacortes determines that an employee has violated this policy, the employee will be subject to immediate discipline up to and including ~~discharge/termination~~. ~~The Human Resource Department~~ Human Resources and ~~Department department Head~~ Head shall handle concerns with members of the public or other parties as it determines under its policies and procedures.
4. Imminent Danger/Violence Incident Procedure. Any employee who believes that a situation with an aggressive employee, resident, guest, contractor, vendor, or other party (e.g., any person who uses obscene or abusive language or gestures, makes threats or acts in a violent or threatening manner) may immediately become violent putting the employee or others in imminent danger, the employee should promptly leave the work area and immediately call 911 to request officer contact. No disciplinary action shall be taken against any employee who leaves a work area when the employee has a reasonable belief that an emerging situation with an aggressive person is likely to turn violent at that time. The employee should coordinate the timing and circumstances of possible return by the employee to the area with police and their immediate manager.
5. Security Precautions. All City of Anacortes security policies and rules must be adhered to at all times. To prevent inappropriate outsider access, facility solicitation and access rules must be strictly followed. It is especially important that building security rules and procedures are specifically enforced at all times (e.g., doors locked after hours). Failure to comply with these

requirements may lead to disciplinary action, up to and including ~~discharge~~involuntary termination. The following expectations also apply to all employees:

- a. Being familiar with all safety and health procedures relevant to the operations under their supervision;
- b. Inspecting their work areas periodically;
- c. Identifying conditions that are recognized as being unsafe; and
- d. Reporting accidents and injuries to the immediate manager, department head and Human Resources immediately and ensuring that any injured employee is referred to appropriate medical care (~~see~~ Policy 205 Medical Examinations).

Policy 204 Hiring

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

1. The City of Anacortes will normally ~~will~~ try to fill job openings above entry level positions by promoting from within; if qualified internal applicants are available (see Policies 207 Transfer and 208 Promotion). In addition, the City of Anacortes will normally ~~will~~ give consideration to any known qualified individuals who are on layoff status before recruiting applicants from outside the organization (see Policy 212 Layoff and Recall).
2. The City of Anacortes will consider a member of an employee's immediate family for employment if the applicant possesses all the qualifications for employment. An immediate family member may not be hired, however, if the employment would:
 - a. Create either a direct or indirect supervisor/subordinate relationship with a family member; or
 - b. Create an actual conflict of interest or the appearance of a conflict of interest.
3. These criteria will also be considered when assigning, transferring, or promoting an employee. For purposes of this policy, "immediate family" includes: the employee's spouse, domestic partner, brother, sister, mother, father, stepmother, stepfather, children, stepchildren, father-in-law, mother-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, and any other member of the employee's household.
- ~~4.1. Employees who marry or become members of the same household may continue employment as long as there is not:
 - a. A direct or indirect supervisor/subordinate relationship between the employees; or
 - b. An actual conflict of interest or the appearance of a conflict of interest.Should one of the above situations occur, the City of Anacortes would attempt to find a suitable position within the City of Anacortes to which one of the affected employees may transfer. If accommodations of this nature are not feasible, the employees will first be permitted to determine which of them will resign. If no agreement between the employees can be reached, the City of Anacortes will decide which of the employees will be terminated.~~
- 5.4. Former employees who left the City of Anacortes in good standing may be considered for re-employment. Former employees who resigned without advance notice or who were dismissed for disciplinary reasons may not be considered for re-employment (see Policy 213 Termination of Employment).
- 6.5. A former employee who is re-employed will be considered a new employee from the date of re-employment unless the break in service is less than 3-6 months, in which case the employee will retain accumulated seniority. Length of service for the purposes of benefits is governed by the terms of each benefit plan (see Policy 501 Health and Welfare Benefit Disclosure).
- 7.6. Employees who retire may be eligible, in certain circumstances, to be considered for rehire (see Policy 214 Retirement).

Policy 205 Medical Examinations

The City of Anacortes may require applicants to whom a conditional offer of employment has been extended, and current employees, to undergo medical tests, procedures, or examinations whenever management determines that these are necessary for the safe or efficient operation of the organization and are job-related and consistent with business necessity.

1. Successful applicants for employment may be required as a condition of employment to submit to a medical examination to establish their fitness to perform the jobs for which they have applied without endangering the health and safety of themselves or others. If management determines that an examination is appropriate to a particular position, all applicants for the job to whom a conditional offer of employment has been made shall be examined.
2. Employees may be required to have a medical examination on other occasions when the examination is job-related and consistent with business necessity. For example, a medical examination may be required when an employee is exposed to toxic or unhealthful conditions, requests an accommodation for a particular disability, returns from a leave due to a medical condition, or has a questionable ability to perform essential job functions due to a medical condition.
3. Employees are encouraged, but not required unless it is determined to be a condition of employment, to have physical examinations periodically during their employment. Employees are encouraged, but not required, to participate in wellness programs.
4. Medical examinations required by the City of Anacortes will be paid for by the City and will be performed by a physician or licensed medical facility designated or approved by it. Medical examinations paid for by the City of Anacortes are the property of the City of Anacortes, and the examination records will be treated as confidential and kept in separate medical files. However, records of specific examinations, if required by law or regulation, will be made available to the employee, persons designated and authorized by the employee, public agencies, relevant insurance companies, or the employee's doctor.
5. Employees who need to use prescription or nonprescription legal drugs while at work must report this requirement to their supervisor if the use might impair their ability to perform their job safely and effectively. Depending on the circumstances, employees may be reassigned, prohibited from performing certain tasks, or prohibited from working if they are determined to be unable to perform their jobs safely and properly while taking prescription or nonprescription legal drugs (~~see~~ Policy 808 Drugs, Narcotics, & Alcohol).
6. The City reserves the right, ~~to the extent permitted by~~ law, to require acceptable confirmation of the nature and extent of any illness or injury that requires an employee to be absent from scheduled work. The City also may require a second and, if appropriate, third medical opinion regarding an employee's absence because of illness or injury. The City will pay for any additional opinions it requires.
7. Employees returning from a disability leave or an absence caused by health problems may be required to provide a doctor's certification of their ability to perform their regular work satisfactorily without endangering themselves or their fellow employees.
8. Employees who become ill on the job or suffer any work-connected injury, no matter how minor, must report immediately to their supervisors. The supervisor will arrange referral for examination, treatment, and recording of the incident as necessary. Time an employee spends waiting for and receiving this medical attention will be considered hours worked for pay purposes.
9. The City also may require job applicants and current employees to take a test to determine the presence of drugs, narcotics, or alcohol, unless prohibited by law. For policies and procedures on this type of testing ~~see Policy 808 dDrugs, nNarcotics, & aAlcohol-Policy 808).~~

Policy 206 ~~Introductory Probationary~~ Period

The City of Anacortes carefully monitors and evaluates all new employees and all present employees transferred or promoted to a new job during an initial ~~introductory probationary~~ period. After satisfactory completion of the ~~probationary introductory~~ period, those employees will be evaluated as provided for in the Performance ~~Appraisals Review~~ policy (~~see~~ Policy 302 Performance ~~appraisals Reviews~~).

1. Normally, the ~~probationary introductory~~ period should last twelve months or as designated in the appropriate collective bargaining agreements and/or Civil Service Rules, ~~and Regulations~~. Supervisors should ~~observe carefully~~ carefully observe the performance of each employee in a new job position. Where appropriate, weaknesses in performance, behavior, or development should be brought to the employee's attention for correction.
2. Supervisors should prepare a written evaluation of the employee's job performance before the end of the ~~probationary introductory~~ period ~~in~~ the new job (~~see~~ Policy 302 Performance ~~appraisals Reviews~~). The evaluation should include a recommendation as to whether the employee should continue in the position. Copies of the evaluation should be forwarded to the department head and ~~the Human Resource Department~~ Human Resources for inclusion in the employee's personnel file (~~see~~ Policy 901 Personnel Records).
3. Employees generally will be allowed to continue in their new positions if they are given both a satisfactory evaluation by the end of their ~~probationary introductory~~ period and their supervisor's endorsement to continue in the job. Employees who do not receive a satisfactory evaluation and endorsement may be given additional time in 30-day increments to demonstrate their ability to do the job, if the supervisor feels additional time is warranted in order to achieve acceptable job performance; during any such extension, the employee will remain in probationary status. Supervisors may recommend the termination of a ~~probationary newly hired~~ employee at any time. ~~Probationary Introductory~~ employees are at-will employees. A recommendation for termination should be submitted in writing to ~~the Human Resource Department~~ Human Resources for review and should include an evaluation and a list of actions taken to assist the employee (~~see~~ Policy 213 Termination of Employment). Action to terminate should have the prior approval of ~~the Human Resource Department~~ Human Resources.
4. At the discretion of management, transferred or promoted employees who are unable to perform satisfactorily in their new jobs may be returned to their original jobs, if a vacancy exists, or may be terminated (~~see~~ Policies 207 Transfer and 208 Promotion).

Policy 207 Transfer

The City of Anacortes may at its discretion initiate or approve employee job transfers from one job to another or from one location to another.

1. The City of Anacortes may require employees to make either a temporary or long-term job transfer in order to accommodate the City's business needs. The City of Anacortes will try to limit the number and duration of temporary transfers that it requests ~~off from~~ individual employees in a twelve-month period.
2. Employees may request a voluntary job transfer. To be eligible for a voluntary transfer, employees normally must meet the requirements of the new position, have held their current position for at least 12 months, have a satisfactory performance record, and have no disciplinary actions during the same period.
3. Job openings for which management solicits candidates from within the City of Anacortes are sent electronically to all ~~City staff~~ through City-provided email and posted at the Operations facility. However, as it considers appropriate, management will fill job openings or make transfers without posting notices.
4. Internal Job Openings: Eligible employees who request a transfer generally will be considered in the following order, unless specified in a collective bargaining agreement:
 - a. Employees in the same department as the job opening;
 - b. Employees who are being considered for layoff because of a reduction in force or because of the elimination of their job (~~see~~ Layoff and Recall, Policy 212); and
 - c. All other employees.
5. Application Process for Internal Job Openings: Requests for transfer normally should be handled as follows:
 - a. The employee should submit an internal job application form to ~~the Human Resource Department~~ Human Resources. ~~The request should include the reason for the transfer and the department and specific job that the employee wants.~~ Requests based on posted job openings must comply with the procedures described in Policy 208 Promotion, ~~Policy 208~~, and should be initiated prior to the cut-off date specified in the posting. It is recommended that employees inform their immediate supervisor of their intent to apply for another position.
 - b. ~~The Human Resource Department~~ Human Resources and ~~the~~ hiring manager should determine if the requested job or a suitable job opening exists and whether the employee is eligible.
 - c. If the employee is eligible for a job opening, the hiring manager should arrange an interview with the candidate. The candidate will be allowed time off with pay for job interviews related to the transfer.
 - ~~d.~~ The department head with the job opening will make the final transfer decision, subject to prior approval of ~~the Human Resource Department~~ Human Resources and Mayor (~~see~~ Policy 208 Promotion).
 - ~~e.d. Supervisors and department heads may initiate the procedure and propose employees for a position.~~
6. Transferred employees will be subject in their new positions to ~~the provisions of the Introductory Period Policy~~ a six-month trial period. Regular step increases on January 1 will be maintained. (See Introductory Period, Policy 206.) Transferred employees may be required to have a medical examination if the examination is job-related and consistent with business necessity (~~see~~ Policy 205 Medical Examinations).
7. Transferred employees will retain their existing ~~job~~ City seniority.
8. Pay for transferred employees generally will be handled as follows:
 - a. Employees transferred to a job within the same salary range will continue to receive their

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

Policy 208 Promotion

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

1. All employees are encouraged to seek advancement opportunities and to obtain promotion and career guidance from their supervisor, department head, and ~~the Human Resource Department~~ Human Resources.
2. Employee eligibility for promotion will be determined by the requirements of the new job. In addition, to be considered, employees must have held their current position for at least twelve months, have a satisfactory performance record, and have no disciplinary actions during the same period. Management retains the discretion to make exceptions to the policy.
3. Job openings and promotions for which management solicits candidates from within the City of Anacortes normally will be distributed via email to all city staff. However, as it considers appropriate, management may fill job openings or make promotions without posting notices. When job openings or promotion opportunities are posted:
 - a. Interested employees must complete an internal application form and cover letter and forward it to ~~the Human Resource Department~~ Human Resources prior to the cut-off date specified in the posting;
 - ~~b. Department heads may initiate the procedure within the same time period and propose employees for the position; and~~
 - ~~c. b. The Human Resource Department~~ Human Resources may, at its discretion, solicit outside candidates during or after the posting period.
4. Employees who are candidates for job openings and promotions will be considered for the position (**see** Policy 207 Transfer).
5. Employee candidates for promotion will normally be screened and selected based on attendance and work records, ~~performance appraisal~~ performance reviews, and job-related qualifications including, in some instances, aptitude or achievement tests. Seniority will be considered if required by a labor contract. In addition, employees seeking promotion may be required to have a medical examination if the examination is job-related and consistent with business necessity (**see** Policy 205 Medical Examinations).
6. Promoted employees will be subject to six-month trial period as outlined in the Transfer policy (See Policy 207(6) Transfer), ~~the provisions of the Introductory Period policy in their new positions. (See Introductory Period, Policy 206.)~~ Seniority and pay for promoted employees will be handled as outlined in the Transfer policy. (~~See Transfer, Policy 207.~~)

Policy 209 Hours of Work

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

1. The normal workweek is Sunday through Saturday, beginning and ending at midnight on Saturday, and consisting of forty hours. The normal workday will consist of eight hours of work with an unpaid meal period. Different work schedules, such as in the case of police, fire, ~~water~~~~water~~, and wastewater employees, may be established by the City to meet job assignments and provide necessary City services. Rest ~~or coffee~~ breaks are considered ~~as~~ time worked.
2. Each employee's scheduled work hours will be determined by ~~his or her~~~~their~~ department head. The department head, or the department head's designee, will inform employees of their daily schedule of hours of work, including meal periods and rest ~~or coffee~~ breaks, and of any changes that are considered necessary or desirable by the City of Anacortes (**see** Policies 703 Rest Breaks and 704 Meal Breaks).
3. Department heads may schedule overtime or extra shifts. Supervisors will assign overtime to nonexempt employees (those employees who are subject to the minimum wage and overtime provisions of the Fair Labor Standards Act) as needed. Employees are not permitted to work overtime without the prior approval of their supervisor or department head. For the purposes of overtime compensation, only hours worked in excess of forty during a workweek will be counted.
4. Employee attendance at lectures, meetings, and training programs will be considered hours of work, and therefore will be compensated time, if management requires and authorizes attendance.
5. Nonexempt employees normally will be granted a minimum of two hours of "reporting pay" and "call-back pay." Reporting pay will be granted when ~~employee~~~~an employee~~ reports for work and no work is available. However, reporting pay will not be granted if the lack of work is the result of conditions beyond the City of Anacortes's control or if employees refuse to accept other work that they are qualified to perform. When work is not available, the City of Anacortes will make a reasonable effort before starting time to notify employees not to report to work. ~~Call back~~~~Callback~~ pay will be granted when employees are asked to come to work outside of their normal working hours.
6. Department heads, at their discretion, may allow nonexempt employees to make-up lost time during a given workweek. However, make-up will not be allowed if the lost time is the result of conditions the employee could control, if there is no work the employee is qualified to do, or if adequate supervision is not available.
7. Nonexempt Timesheets: All nonexempt employees are required to complete an individual time record showing the daily hours worked. Time records cover half of one month (1-15th and 16th-end of month) and must be completed by dates determined by the Finance Department. The following points should be considered in filling out time records:
 - a. Employees should record their total hours worked for each workday;
 - b. Employees are not permitted to sign in or begin work before their normal starting time or to sign out or stop work after their normal quitting time without the prior approval of their supervisor;
 - c. Employees are required to take scheduled lunch or meal breaks;
 - d. Employee time records should be reviewed and approved by the supervisor. Special attention should be given to unworked time for which an employee is entitled to be paid (paid absences, paid holidays, or paid vacation time) and authorized overtime;
 - e. Unapproved absences should not be considered as hours worked for pay purposes.

- (see Policies 701 Attendance and Punctuality and 702 Absences). Supervisors should inform employees if they will not be paid for certain hours of absence; and;
- f. Timesheet estimation is permitted following established guidelines; however, falsifying any time record is prohibited and may be grounds for disciplinary action, up to and including termination (see Policies 801 Behavior of Employees and 807 Disciplinary Procedure).
8. Compensatory Time Off: Nonexempt employees can earn overtime for hours worked beyond the normal workweek. Nonexempt employees (those not exempt from the provisions of the Fair Labor Standards Act) will be paid overtime compensation, either in cash or compensatory time off, at the rate of one and one-half times ~~(1.5x)~~ their regular hourly rate for work in excess of forty hours during their normal workweek. If an employee elects to accrue compensatory time off in lieu of overtime pay, one and one half-hours ~~(1.5)~~ of compensatory time-off is earned for one hour of work beyond the normal workweek.
- a. Maximum accruals of compensatory time shall be limited to two hundred-forty (240) hours or per bargaining agreement. After maximum accrual, overtime compensation will be paid to nonexempt employees.
 - b. Employees may use compensatory time after making a request to their department head, unless doing so would unduly disrupt City operations. Compensatory time should be used for short-term absences from work during times mutually agreed to by the employee and the department head.
 - c. Upon termination of any type, including retirement, employees receive compensation for their accrued compensatory time balance.
9. Exempt Timesheets and Exchange Time Off: Personnel employed in executive, administrative, professional, or certain computer-related capacities generally are exempt from the provisions of the Fair Labor Standards Act.
- a. Exempt employees are not required to complete hourly time records but must account for daily attendance and attendance exceptions.
 - b. Exempt employees do not receive overtime compensation. Exempt employees are eligible to receive exchange time off on a one-~~for~~-one basis for work in excess of forty hours during their normal workweek.
 - c. Maximum accruals of exchange time shall be limited to two hundred and forty (240) hours. Exempt employees will not continue to accrue exchange time after reaching the maximum.
 - d. Upon voluntary or involuntary termination of any kind, accrued exchange time hours are not eligible for payout.
10. For policies and procedures regarding pay practices, see Policies 300-305 Pay Practices.

Policy 210 Outside Employment

The City of Anacortes allows its employees to engage in outside work or hold other jobs, subject to certain restrictions as outlined below.

1. Employees are required to disclose outside work or other jobs to their department heads and obtain pre-approval to perform outside work or hold another job.
2. The City of Anacortes requires that employees' activities and conduct away from the job must not compete, conflict with, or compromise its interests, or adversely affect job performance and the ability to fulfill all responsibilities to the City of Anacortes (**see** Policy 805 Conflicts of Interest). This requirement, for example, prohibits employees from performing any services for customers on non-working time that are normally performed by City of Anacortes personnel. This prohibition also extends to the unauthorized use of any City of Anacortes resources, including its communication systems, and the unauthorized use or application of any confidential information. In addition, employees are not to solicit or conduct any outside business during paid working time.
3. Employees are cautioned to ~~consider carefully~~**carefully consider** the demands that additional work activity will create before accepting outside employment. Outside employment will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel, or refusal to work overtime or different hours. If outside work activity causes or contributes to job-related problems, it must be discontinued. If necessary, normal disciplinary procedures will be followed to deal with the specific problems (**see** Policy 807 Disciplinary Procedure).
4. In evaluating whether to grant approval for outside work, department heads and ~~the Human Resource Department~~**Human Resources** will consider whether the proposed employment:
 - a. May reduce the employee's efficiency in working for the City of Anacortes;
 - b. Involves working for an organization that does a significant amount of business with the City of Anacortes, such as major contractors, suppliers, and customers; or
 - c. May adversely affect the City of Anacortes's image.
5. If employees outside employment job duties are similar or related to their City of Anacortes service, or if they cause the employee to deal with people or entities whom the employee deals with for the City of Anacortes duties, the employee must be prepared to explain why no potential conflict exists between the outside employment and the official duties of the City of Anacortes.
6. Employees who have accepted outside employment may not use paid sick leave to work on the outside job. Fraudulent use of sick leave will result in disciplinary action up to and including termination (**see** Policy 807 Disciplinary Procedure).

Policy 211 Employee Classifications

The City of Anacortes classifies employees as full-time, part-time, or temporary and as exempt or nonexempt for the purposes of compensation administration. In addition, the City of Anacortes may supplement the regular workforce, as needed, with other forms of flexible staffing.

1. ~~The Human Resource Department~~ Human Resources is responsible for classifying employees. Employees generally may be categorized as follows:
 - a. A **full-time employee** is an individual who works a normal forty-hour workweek and is hired for an indefinite period. ~~(see Policy 209 Hours of Work, Policy 209.)~~ A full-time employee may be classified as either exempt or nonexempt.
 - b. A **part-time employee** is an individual who works less than a normal workweek and is hired for an indefinite period. A part-time employee may be classified as either exempt or nonexempt. Note that a modified definition of part-time employee is used under Policy 501 Health and Welfare Benefit Disclosure, Policy 501, to align the City's health insurance coverage with the Affordable Care Act.
 - c. A **temporary employee** generally is an individual who is hired either part-time or full-time for a specified, limited period. A temporary employee may be classified as either exempt or nonexempt. A temporary employee who works more than one thousand, forty regular hours (1,040) in a work year may be required to join the applicable bargaining unit.
 - d. A **nonexempt employee** generally is subject to the minimum wage and overtime provisions of the Fair Labor Standards Act ("FLSA") and is typically paid either on an hourly or salary basis.
 - e. An **exempt employee** is exempt from the provisions of the FLSA and is not entitled to overtime payments. Exempt employees typically are paid on a salary basis and include administrative, executive, ~~and~~ professional employees, outside sales representatives, and certain highly skilled computer professionals. ~~(see Policy 209 Hours of Work)~~.Other flexible staffing classifications or arrangements may be added as needed.
2. For information regarding eligibility for paid absences, vacations, and holidays **see** Policy 702 Absences, Policy 502 Vacations, Policy 503a Holidays, and Policy 503b Unpaid Holidays for Reasons of Faith or Conscience. An employee whose status changes from full-time to part-time may use any days of paid absence or vacation earned as a full-time employee. An employee whose status changes from temporary or part-time to full-time will be considered hired on the date of the change of status for purposes of eligibility for paid absences and vacation. Information concerning eligibility for other City of Anacortes benefits, such as the pension plan, is available from ~~the Human Resource Department~~ Human Resources.

Policy 212 Layoff And Recall

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

1. In the event that a layoff is expected, the City of Anacortes will attempt to communicate information about an impending layoff as soon as possible. ~~However, management reserves the right to alter the layoff procedure and withhold information about the layoff as permitted by law in order to protect the City of Anacortes's interests., subject to operational needs and considerations.~~
2. Layoffs that are expected to be temporary generally will be handled according to the provisions of this policy. Selections for layoffs that are known to be permanent will be made according to this policy and then handled according to policies outlined in Policy 213 Termination of Employment and Policy 303 Severance Pay.
3. Evaluation of layoff criteria shall be within the sole discretion of the City. Employees will be selected for layoff, based on the following criteria:
 - a. Promotion potential and transferability of skills to other positions within the ~~unit~~City;
 - b. Demonstrated current and past performance;
 - c. The needs of the City of Anacortes; and
 - d. Length of service with the City of Anacortes.
4. An employee's length of service is measured from the original date of employment with the City of Anacortes, as long as there has not been a break in service greater than 30 days. During a layoff, employees with breaks in service greater than 30 days, but less than one year per break, are credited only for their time actually worked, i.e., the break time does not get counted unless required by law. Employees with a break in service greater than one year receive credit for service only from their most recent date of hire with the City of Anacortes.
5. Employees selected for ~~layoff~~layoffs will be given as much notice as is required by law or as much as is reasonable under the circumstances.
6. Employees who are laid off will be maintained on a recall list for six months or until management determines the layoff is permanent, whichever occurs first. Removal from the recall list terminates all job rights the employee may have. While on the recall list, employees should report to ~~the Human Resource Department~~Human Resources if they become unavailable for recall. Employees who do not keep a current home address on record with ~~the Human Resource Department~~Human Resources will lose their recall rights.
7. Employees will be recalled according to ~~needs~~the needs of the City of Anacortes, their classification, and their ability to perform the job. Notice of recall will be sent by registered mail, return receipt requested, to the current home address on record with ~~the Human Resource Department~~Human Resources. Unless an employee responds to the recall notice within seven days following receipt of the notice, or its attempted delivery, the employee's name will be removed from the recall list and the employee will no longer have any job rights with the City of Anacortes.
8. Credit for seniority will continue to accumulate during any layoff of 30 days or less. Employees laid off for more than 30 days and subsequently recalled within one year from the date of layoff will be credited with the years of service accumulated at the time of layoff.
9. If the layoff is expected to exceed 30 days, vacation pay equal to the number of unused vacation days accrued will be paid at the time of layoff. Employees who are laid off will not accrue vacation or sick leave during the layoff.

Policy 213 Termination Of Employment

Formatted: PP 2

The City of Anacortes may terminate employment ~~because due to voluntary or involuntary reasons including~~ an employee's resignation, ~~discharge termination~~, or retirement, the expiration of an employment contract, or a permanent reduction in the workforce. ~~Discharge~~ Involuntary termination can be for any reason not prohibited by law. In the absence of a specific written agreement, employees are free to resign at any time and for any reason, and the City of Anacortes reserves the right to involuntarily terminate employment with cause. The exception to this is with "at will" employees, such as ~~introductory probationary~~ employees and department heads (who have individual contracts with the City of Anacortes) who may be terminated at any time, with or without notice and with or without cause. At will employees, however, cannot be terminated for any reason that would violate anti-discrimination laws or public policy.

1. Employees are requested to give advance written notice of their intent to resign including the anticipated date of termination. Failure to give advance written notice may result in ineligibility for re-employment (~~see~~ Policy 204 Hiring and Policy 502 Vacations). The following guidelines are suggested:
 - a. Department heads and managerial employees should give at least four weeks' notice; and
 - b. All other employees should give at least two weeks' notice.
2. Employees who are absent from work for three consecutive days without being excused or giving proper notice will be considered as having voluntarily ~~quit~~ terminate (~~see~~ Policy 701 Attendance and Punctuality).
3. ~~The Human Resource Department~~ Human Resources is responsible for notifying terminating employees who are covered by the City of Anacortes's group health plan of their right to continue coverage under that plan. (For a special summary of the Consolidated Omnibus Budget Reconciliation Act "COBRA" continuation coverage requirements, ~~see Appendix Addendum BA~~).
4. Supervisors should send notices of resignation and recommendations for termination to ~~the Human Resource Department~~ Human Resources for review. This information should be accompanied by any needed supporting documents, such as ~~performance appraisal~~ performance reviews or disciplinary reports (~~see~~ Policy 302 ~~performance appraisal~~ Performance Reviews and Policy 807 Disciplinary Procedure).
5. Requests for employment references should be made in writing to ~~the Human Resource Department~~ Human Resources and should include an authorization by the employee for the release of the requested information. Generally, ~~the Human Resource Department~~ Human Resources will not release reference information without the employee's authorization, or will limit the information to verification of the employee's position, job location, and dates of employment with the City of Anacortes. Employees may request that their supervisor provide a letter of recommendation. A copy of the letter of recommendation is to be placed in the employee's personnel file. Supervisors are not authorized to provide references on behalf of the City without the approval and involvement of the ~~Director of the Human Resources department~~ Director (~~see~~ Policy 901 Personnel Records).

Formatted: Font: Bold, Italic

Policy 214 Retirement

The City of Anacortes determines employees who are eligible for normal retirement per the guidelines described in the Washington State Department of Retirement Systems Handbook that is applicable to the employee's job classification. Regular uniformed employees in the police and fire departments are covered by the Law Enforcement Officer's and Firefighter's Retirement System (LEOFF). Regular full-time and eligible part-time non-uniformed employees are covered under the Public Employees Retirement System (PERS). The State of Washington determines eligibility, benefit levels, and contribution rates.

1. Employees who choose to take normal retirement are requested to give ~~the Human Resource Department~~ Human Resources as much advance notice of their intent as possible, or at least 90 days. Employees who have given notice of either normal or early retirement may be called upon to assist in the training of their replacements.
2. Employees who qualify for retirement under this policy may be eligible to receive limited health and various other benefits in accordance with the provisions of the City of Anacortes's employee benefit plans (~~see~~ Policy 501 Health and Welfare Benefit Disclosure). Retiring employees are eligible to receive pay for accrued but unused vacation (~~see~~ Policy 502 Vacations). All employee benefit plans and programs are subject to amendment or termination, even after retirement, at the City of Anacortes's and the Washington State Retirement System's discretion.

~~3.~~ The Washington State Department of Retirement Systems (DRS) administers the retirement benefits. DRS is the best resource for staff members with questions about retirement benefits. Information on DRS can be found here: <http://www.drs.wa.gov/> ~~-DRS contact information is as follows:~~

~~—~~ DRS Mailing Address

Department of Retirement Systems
PO Box 48380
Olympia, WA 98504-8380

~~—~~ DRS Street Address

6835 Capitol Boulevard SE
Tumwater, WA 98504

~~—~~ DRS Phone Number

360-664-7000 or toll free (outside the Olympia area) 1-800-547-6657

~~—~~ Website: <http://www.drs.wa.gov/>

~~3.~~ When contacting the Washington State Department of Retirement Systems the following identifying information is necessary: Your name, retirement system plan, and your Social Security number.

4. Retiring employees may be eligible to reapply for employment, and those who are interested in future temporary or part-time employment with the City of Anacortes should make that interest known at their exit interview (~~see~~ Policies 204 Hiring and Policy-213 Termination of Employment). Hiring an applicant who is receiving Washington State retirement benefits must comply with State of Washington regulations. These include a prohibition of any written agreement for re-employment and an absence of at least one ~~(1)~~ month prior to starting a new job with the City of Anacortes.

Formatted: List Paragraph, Outline numbered + Level: 1 +
Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left +
Aligned at: 0" + Indent at: 0.25"

Pay Practices

Policy 301 Salary Administration

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

1. New employees generally will be hired at the starting rate assigned to their job grade. Supervisors may recommend higher or lower starting rates depending on an applicant's experience or skill level or other competitive considerations. These recommendations will be reviewed and approved before implementation by the appropriate department head, ~~the Human Resource Department~~Human Resources, and the Mayor.
2. ~~The Human Resource Department~~Human Resources is responsible for coordinating with the Mayor the continuing review of compensation and for making sure that each job is evaluated and assigned a job grade and salary range. This review should determine whether compensation accurately and fairly reflects each position's responsibilities and performance.

Policy 302 Performance AppraisalsReviews

The City of Anacortes will evaluate the job performance of each employee periodically.

1. Supervisors should complete ~~performance appraisal~~performance review upon the following occasions (or per the applicable collective bargaining agreement):
 - a. At least once before the end of the first twelve months of employment (~~see~~ Policy 206 ~~Introductory-Probationary~~ Period); evaluation conversations are encouraged once per quarter;
 - b. Then on an annual basis (based on anniversary date or before the end of each calendar year, ~~depending on the department~~).Between scheduled appraisals, supervisors should discuss with employees on an informal basis any performance issues that require attention and should keep records of any significant incidents. Supervisors may be authorized to retain information to aid in the development on an employees' ~~performance appraisal~~performance review. These notes are to be destroyed following the ~~performance appraisal~~performance review.
2. In evaluating employees, supervisors should consider factors such as the experience and training of the employee, the job description, and the employee's attainment of previously set objectives and goals. Other factors that normally should be considered include knowledge of the job, quantity and quality of work, promptness in completing assignments, cooperation, initiative, reliability, attendance, judgment, conduct, and acceptance of responsibility.
3. Supervisors should prepare a written ~~appraisal~~performance review of each employee's job performance. The ~~appraisal~~review should include the supervisor's comments and recommendations, an action plan for both the employee and supervisor, and performance goals for the next evaluation period.
4. Department heads ~~and the Human Resources Director~~ should review each supervisor's written evaluation to help assure that the evaluation function has been properly completed in as uniform, fair, and objective a manner as possible.
5. The supervisor and employee should meet and discuss the evaluation, assess the employee's strengths and weaknesses in a constructive manner, and set objectives and goals for the period ahead. The employee should be given the opportunity to examine the evaluation and make written comments about any aspect of it. The employee and supervisor should then sign and date the evaluation and forward it to ~~the Human Resource Department~~Human Resources for review and inclusion in the employee's personnel file- (~~see~~ Policy 901 Personnel Records, Policy 901-). Employees may have a copy of their completed ~~performance appraisal~~performance review for their records.
6. Information derived from the ~~performance appraisal~~performance review may be considered when making decisions affecting training, pay, promotion, transfer, or continued employment.

Policy 303 Severance Pay

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

1. Severance pay is intended to provide extra economic help to certain terminated employees while they adjust to their job loss. Severance pay is not available for temporary employees.
2. ~~The Human Resource Department~~Human Resources is responsible for administering ~~City of Anacortes policy on severance pay~~this policy and will handle any employee claims or complaints.
3. ~~Employees may be considered eligible for severance pay if they have worked full time for at least one year and are terminated because of:~~
 - a. ~~A permanent reduction in force (unless the employee refuses a transfer recommended by the City of Anacortes);~~
 - b. ~~The elimination of the job or position.~~
4. ~~Employees normally will not be considered eligible for severance pay if their employment is terminated because of:~~
 - a. ~~An employee-initiated voluntary resignation;~~
 - b. ~~Conduct or performance issues;~~
 - c. ~~A layoff that is expected to be short term (less than 30 days);~~
 - d. ~~A breach of an employment agreement;~~
 - e. ~~Normal retirement, permanent disability, or death.~~
- 5.3. Eligible employees will be required to sign a release agreement in order to receive severance pay.
6. ~~When severance pay is granted, eligible employees normally will receive 4 weeks regular straight time pay for 1-4 years of continuous service; 5 weeks regular straight time pay for 5-9 years of continuous service; and 6 weeks regular straight time pay for 10+ years of continuous service. Severance pay is calculated from the most recent date of hire. Unless otherwise provided, payment will be made in a lump sum at the time when final termination pay is provided.~~

Policy 304 Pay Procedures

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

1. Employees normally will be paid on the fifth (5th) day and the twentieth (20th) of the month. If the regular payday occurs on a Saturday, Sunday, or a holiday, employees will be paid on the last working day before the regular payday.
2. Employees may elect to receive payment by direct deposit by providing written authorization and filling out the necessary forms with ~~the Human Resource Department~~ Human Resources. Direct deposit will remain in effect until revoked in writing by the employee.
3. Employees on each payday will receive, in addition to their pay, a statement showing gross pay, deductions, health and welfare benefits (if applicable), and net pay. Local, state, federal, Social Security taxes, and retirement contributions shall deduct automatically. No other deductions will be made unless required or allowed by law, contract, or employee obligation. Employees may elect to have additional deductions taken from their pay only if they authorize the deductions in writing.
4. Employees who discover a mistake in their paycheck, lose their paycheck, or have it stolen should notify their supervisor immediately. In the case of a mistake made by the City the error will be remedied promptly. In the case of loss or theft, the Finance Department will attempt to stop payment on the check and reissue a new one to the employee. However, the employee is solely responsible for the monetary loss, and the City of Anacortes will not be responsible for the loss or theft of a check if it cannot stop payment on the check.
- ~~5. Nonexempt employees (those not exempt from the provisions of the Fair Labor Standards Act) will be paid overtime compensation, either in cash or compensatory time off, at the rate of one and one-half times their regular hourly rate for work in excess of forty hours during their normal workweek. After maximum accrual, overtime compensation will be paid to nonexempt employees~~
- ~~6. Exempt employees are eligible to receive exchange time off on a one-to-one basis for work in excess of forty hours during their normal workweek. Maximum accruals of exchange time shall be limited to 240 hours. (For a more detailed discussion of exempt and nonexempt status, see Employee Classifications, Policy 211.)~~
- ~~7.5.~~ Employees who wish to authorize another person to pick up their paycheck must complete a "Payroll Warrant Pick Up Authorization Form." A copy of the completed form must be provided to the employee's manager and the ~~F~~inance ~~d~~Department. Paychecks will not be distributed without ~~an~~ authorization in place.
- ~~8. For policies and procedures regarding on-call and reporting pay, see Hours of Work, Policy 209. For policies and procedures governing pay upon termination, see Termination of Employment, Policy 213.~~
- ~~9.6.~~ Employees are encouraged to discuss any questions or concerns regarding their rate of pay and other compensation issues, including any improper deductions from pay, with their immediate supervisor. If the employee and immediate supervisor are not able to resolve the question, the employee should contact the department head or Human Resources ~~Department~~. The City will promptly investigate all reported complaints and, if appropriate, take corrective action. The City prohibits and will not tolerate retaliation against any employee because that employee filed a good faith complaint under this policy. Specifically, no one will be disciplined, ~~intimidated~~ intimidated, or otherwise retaliated against because that person exercised rights under this policy or applicable law.

Policy 305 Interim Assignments

The City of Anacortes may authorize interim assignments during the absence of supervisory employees in specific situations.

1. Interim assignments provide valuable on-the-job training and allow continuation of a critical workload during an extended absence. Employees may be assigned the responsibilities as an "interim" or "acting" supervisor or department head during times of vacation, sick leave, or other absences that require more than 10 consecutive business days away from work. Interim assignments require pre-approval from the Mayor. Interim ~~supervisors-assignees~~ will receive a wage premium of 9% beginning on the 11th consecutive day of the assignment. Interim assignments are limited to 90 business days. Extensions require approval by the Mayor. The interim ~~supervisor-assignee~~ must be able to assume the majority of the duties of the higher classification ~~and have the education and/or certificate requirements stated in the job description~~. If an employee covered by a bargaining unit is assigned to a non-union interim assignment, this policy will govern conditions of the assignment unless in conflict with the applicable bargaining agreement~~the City of Anacortes' policy supersedes the bargaining agreement~~. If an employee covered by a bargaining agreement is assigned to a position within the same bargaining unit, the bargaining agreement procedures take precedence.

Reimbursement of Employee Expenses

Policy 401 Travel

Business travel must be approved in advance and should be engaged in and reimbursed according to the guidelines described in the supplementary Travel Policy Manual. The Finance Department maintains the Travel Policy Manual. The City of Anacortes retains the right to amend or terminate the Travel Policy at any time.

1. Employees holding jobs that require extensive travel are expected to travel as a condition of employment. For all other jobs, travel is considered only an incidental function of the ~~position, but~~ position but may be required.
2. Supervisors, department heads, and the Mayor, ~~and the Council Finance Committee~~ must approve any employee travel in advance.
3. The City of Anacortes may issue guidelines specifying or restricting travel booking requirements. Under normal circumstances, employees should use the most appropriate form of transportation available, book the least expensive fares, and stay in and eat at moderately priced establishments.
4. Employees should provide their supervisor with a copy of their itinerary before leaving on business travel.
5. Employee expenses for approved travel will be paid or reimbursed when properly documented by the employee and approved by the supervisor, the Mayor, and the Finance Department. Examples of expenses normally paid or reimbursed include transportation, meals, lodging, and limited incidental expenses. The Travel Policy Manual describes the per diem method of allowable reimbursement. Employees who know or anticipate that they will have a special request for travel expense reimbursement should ask for approval from their supervisor before incurring the expense. Any travel expenses considered unreasonable under the circumstances will not be paid or reimbursed and are the employee's personal responsibility. Employees will not be reimbursed for the travel (including lodging and meal) expenses of their spouses, domestic partner, or other non-employees who may accompany the employee.
- ~~6. Employees whose jobs require travel will be issued City of Anacortes credit cards for payment of business expenses. City of Anacortes credit cards are City of Anacortes property, and their use must be properly documented and approved as outlined in Comment (5), above.~~
- ~~7.6.~~ Time spent by nonexempt employees ~~(those covered by the minimum wage and overtime requirements of the Fair Labor Standards Act)~~ in traveling away from home on City of Anacortes business ~~during normal working hours (including what would be normal working hours on a day not usually scheduled to work)~~ are will generally be considered hours worked for pay purposes (**see** Policy 209 Hours of Work).
- ~~8.7.~~ Employees traveling on City of Anacortes business are representatives of the City of Anacortes and are expected to maintain a high level of professionalism and to follow all of the City of Anacortes's policies and rules (**see** Policy 801 Behavior of Employees).

Policy 402 Vehicle Usage

The City of Anacortes provides vehicles for business use, to allow employees to drive on City of Anacortes business, and to reimburse employees for business use of personal vehicles according to the guidelines below. For further clarification, refer to the Travel Policy Manual. The City of Anacortes retains the right to amend or terminate travel policy at any time. ~~The term "vehicle" as used in these guidelines includes, but is not limited to, cars, trucks, backhoes, front-end loaders, graders, and any motorized watercraft.~~

1. Employees may not drive any vehicles for City of Anacortes business without prior approval of their supervisor. Employees issued fuel pins are required to acknowledge the City's fuel card policy and procedures. ~~Periodically, before approving a driver, each supervisor should check the employee's driving record, with the employee's consent, and verify the existence of a valid driver's license and personal auto liability coverage.~~ Employees approved to drive ~~for~~ City of Anacortes business are required to inform their supervisor of any changes that may affect either their legal or physical ability to drive or their continued insurability.
2. Employees holding jobs requiring regular driving for business as a condition of employment must be able to meet the driver approval standards of this policy at all times. Employees holding jobs where driving is a condition of employment must inform their supervisors of any changes that may affect their ability to meet the standards of this policy. For example, employees who lose their licenses must report this to their supervisors. For all other jobs, driving is considered only an incidental function of the position.
3. If possible, City of Anacortes vehicles will be permanently assigned to departments that have demonstrated a continued need for them. Additional vehicles are maintained in a motor pool for use by individual employees, as needed.
4. Employees who need transportation in the course of their normal work may be assigned a City of Anacortes vehicle for their use. All other employees needing transportation for City of Anacortes business may use vehicles assigned to their department or those drawn from the motor pool. When no City of Anacortes vehicles are available, employees may use their own vehicles for business purposes with prior approval of their supervisor.
5. Employees who drive a vehicle on City of Anacortes business must, in addition to meeting the approval requirements above, exercise due diligence to drive safely follow all traffic laws, avoid distractions while driving (such as using mobile phones), and maintain the security of the vehicle and its contents. In addition, because texting while driving is particularly dangerous and illegal ~~in several states~~, employees specifically are prohibited from texting while driving. Drivers also must make sure the vehicle meets all City or legal standards for insurance, maintenance, and safety. Employees are personally responsible for any driving infractions or fines as a result of their driving a City vehicle and must report them to their supervisors. Employees who drive a City vehicle ~~also should~~ should also ensure that the vehicle is kept clean and free of litter.
6. Non-business passengers are prohibited from riding in City of Anacortes vehicles, i.e., family ~~and, friends, or other employees without a business need.~~
7. Employees who use their personal vehicle for approved business purposes will receive a mileage allowance equal to the Internal Revenue Service optional mileage allowance for such usage. A reduced mileage allowance will be utilized when an employee chooses to take a personal vehicle when a City vehicle is available. The allowance is to compensate for the cost of gasoline, oil, depreciation, and insurance. Employees who operate personal vehicles for City of Anacortes business should obtain auto liability coverage for bodily injury and property damage with a special endorsement for ~~Business-business Useuse~~, when ~~necessary~~ necessary, as determined by their personal insurance agent.
8. Employees must report any accident, theft, or malicious damage involving a City of

Anacortes vehicle to their supervisor and ~~the Human Resource Department~~Human Resources, regardless of the extent of damage or lack of injuries. Such reports must be made as soon as possible but no later than ~~forty-eight~~twelve hours after the incident. Employees are expected to cooperate fully with authorities in the event of an accident. However, employees should make no voluntary statement other than in reply to questions of investigating officers.

9. Employees who are on call on a 24-hour basis may be allowed to take a City of Anacortes vehicle home so they can respond as soon as possible need to provide written acknowledgment that they fully understand that the vehicle is used only as part of emergency response and not for personal use.
10. Employees are not permitted, under any circumstances, to operate a City of Anacortes vehicle, or a personal vehicle for City of Anacortes business, when any physical or mental impairment causes the employee to be unable to drive safely. Additionally, employees shall not operate any City of Anacortes vehicle at any ~~time, or~~time or operate any personal vehicle while on City of Anacortes business, while using or consuming alcohol, illegal drugs, or prescription medications that may affect their ability to drive. These prohibitions include circumstances in which the employee is temporarily unable to operate a vehicle safely or legally because of impairment, illness, medication, or intoxication.
11. In most circumstances, time spent by nonexempt employees (~~those covered by the minimum wage and overtime provisions of the Fair Labor Standards Act~~) in driving a City or personal vehicle on City business is considered hours worked for pay purposes. However, under most circumstances, commuting time before the start and after the end of the workday is not treated as work time for pay purposes.

Policy 403 Meal Reimbursement

The City of Anacortes provides, pays, or reimburses employees for business-related meals according to the guidelines below. For further clarification, the Travel Policy Manual should be referred to and followed. The City of Anacortes retains the right to amend or terminate ~~the travel policy~~this policy at any time.

1. Employees required to travel on City of Anacortes business may charge to the City of Anacortes, or be reimbursed for, the cost of all meals during their travel pursuant to the Travel Policy Manual per diem method of allowable reimbursement (~~see~~ Policy 401 Travel). Meal reimbursements that do not include an authorized overnight stay are taxable and reimbursement will be included in the employee's paycheck following submittal to the Finance Department.
2. Meal expenses should follow the guidelines set by the Travel Policy Manual.

Policy 404 Membership in Clubs and Civic Organizations

The City of Anacortes encourages employees to participate in the activities of community clubs and civic organizations.

1. Employees are encouraged to seek membership in community clubs and civic organizations where membership will promote the City of Anacortes's business interests and enhance its image in the community. However, employees who participate in clubs or community organizations may not allow their activities to interfere with job performance or harm or conflict with the City of Anacortes's interests (**see** Policy 805 Conflicts of Interest).
2. The Mayor may identify certain community organizations in which the City wants to be represented and then designate the employees that it will sponsor for membership in them. Employees who are designated for membership act as City of Anacortes representatives in the organization and are expected to promote its interests.
3. Employee participation in club and civic organization activities is not considered as hours worked for pay purposes unless it is at the City of Anacortes's request or under its direction and control.
4. The Mayor will normally consider the following factors when selecting organizations for representation and designating employees to sponsor for membership:
 - a. The nature and purpose of the club or organization;
 - b. The potential benefit to the City of Anacortes, including the enhancement of the employee's leadership and organizational skills;
 - c. The cost to the City of Anacortes;
 - d. The extent to which the City of Anacortes is already represented in the club or organization; and
 - e. The employee's job responsibilities, length of service, and overall qualifications for membership.The Mayor will review periodically the City's representation in community organizations and its sponsorship of employees for membership and will make changes as appropriate.
5. Employees whose membership is sponsored by the City of Anacortes are encouraged to use the clubs or civic organizations for business purposes.
6. Employees who are sponsored for membership in community clubs and civic organizations are eligible for reimbursement for dues only. An expenditure voucher must be completed to claim reimbursement.
7. Employees who are not designated and sponsored for membership in community organizations are responsible for their own expenses.

Policy 405 Participation in Trade And Professional Associations

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

1. Employees are encouraged to participate in trade and professional associations that promote City of Anacortes goals, individual skills development, and professional recognition. However, employee participation in those associations must not conflict with the City of Anacortes's interests and must fit within budgetary constraints (**see** Policy 805 Conflicts of Interest).
2. The City of Anacortes may identify certain trade and professional associations in which representation is desirable and then designate the employees that it will sponsor for membership. Employees who are designated for membership act as City of Anacortes representatives in the association and are expected to promote its interests and to participate accordingly.
3. Employee participation in trade and professional association activities will not be considered as hours worked for pay purposes for employees classified as nonexempt under the Fair Labor Standards ~~Act, unless~~ **Act unless** participation is at the City of Anacortes's request or under its direction and control (**see** Policy 209 Hours of Work).
4. Department heads are responsible for coordinating representation in trade and professional associations and must receive prior approval from the Mayor. The following factors normally will be considered in selecting associations for representation and in designating employees to be sponsored for membership:
 - a. The nature and purpose of the association;
 - b. The potential benefit to the City of Anacortes, including enhancement of the City of Anacortes's reputation and the development of the employee's leadership and organizational skills;
 - c. The cost to the City of Anacortes;
 - d. The extent to which the City of Anacortes is already represented in the association; and
 - e. The employee's job responsibilities, length of service, and overall qualifications for membership.
5. Department heads are responsible for planning, budgeting, and approving the expenses of their employees' participation in association activities within their budgetary authority. The City of Anacortes will pay or reimburse the approved and reasonable expenses of employees sponsored for membership in trade and professional associations. Employees not sponsored for association membership may be eligible for reimbursement for the expenses of special association events, if the Mayor approves participation in the activity in advance.
6. Employees must have their supervisor's advance approval before soliciting or accepting any official position in a trade or professional association that will occur during regularly scheduled working hours.
7. Employees are encouraged to contribute articles, present papers, and give talks to trade and professional associations. However, employees must obtain prior approval for any communication that might represent the City of Anacortes's position or involve any information that is sensitive (**see** Policy 806 Media Inquiries).

Employee Benefits

Policy 501 Health and Welfare Benefit Disclosure

The City of Anacortes provides its employees with various health and welfare benefits. Information and summaries intended to explain these benefit plans will be furnished to all plan participants and beneficiaries on a timely and continuing basis. The City reserves the right to modify, amend, or terminate its health and welfare benefits as they apply to all current, former, and retired employees. Additionally, the Administrator of each benefit plan has the discretionary authority to determine eligibility for benefits and to interpret the plan's terms.

1. Health Coverage

The City of Anacortes Health Coverage policy is administered in accordance with the Employer Shared Responsibility provisions of the Patient Protection and Affordable Care Act, as amended (PPACA). Under the terms and conditions of this policy and City's health benefits plan, The City provides health coverage to full-time employees and their dependents up to age 26. The benefits, terms, and conditions of City's health benefits plan, including costs owed by eligible employees, are explained in a separate plan document (the "Plan") and/or in applicable collective bargaining agreements. If there are conflicts between this policy, the Plan, and any collective bargaining agreements, the collective bargaining agreement shall control. If the agreement does not satisfy the minimum protections of the PPACA the parties shall negotiate a modification that at least meets the minimum.

2. Definitions and Classifications

- a. **Full-time.** At time of hire or change in job classification, employee is reasonably expected to work, on average, 30 or more hours per week. Full-time employees are eligible for health coverage and will be enrolled in health coverage as specified in the Plan. In no event shall the date of enrollment be later than 90 days following the date of hire or the date of change in job classification.
- b. **Part-time.** At time of hire or change in job classification, employee is reasonably expected to work, on average, less than 30 hours per week. Part-time employees are subject to monthly and annual hours limitations and are generally not eligible for health coverage, unless they satisfy the criteria below or are otherwise entitled to coverage under the terms of the Plan or applicable collective bargaining agreement.

Regular part-time employees classified as 50% - 74% FTE (but in all cases below an average of 30 hours per week) are eligible for ½ of the employee-only medical insurance premiums of the lowest cost plan offered by the City. Employees may choose between the benefit plans offerings, but the City's contribution is limited to half of the lowest cost plan offered. Employees fitting this criterion have the option of enrolling dependents in the City's health benefits plan during open enrollment or for a qualifying event; however, employees are responsible for all premium expenses. Coverage offered to eligible regular part-time employees is provided by the City on a voluntary basis and is not required under the PPACA.

If, based on City prior approval, a part-time employee averages 30 or more hours per week during a measurement period (discussed below), the employee will be deemed a full-time employee, eligible for health coverage during a subsequent stability period (discussed below).

- c. **Variable-hour.** At time of hire or change in job classification, the City cannot reasonably determine whether employee will or will not average 30 or more hours per week.

Variable-hour employees are subject to monthly and annual hours limitations and are generally not eligible for health coverage, unless otherwise specified under the terms of the Plan or applicable collective bargaining agreement. If, based on the City's prior approval, a variable-hour employee averages 30 or more hours per week during a measurement period (discussed below), the employee will be deemed a full-time employee, eligible for health coverage during a subsequent stability period (discussed below).

- d. **Seasonal.** At time of hire or change in job classification, employee is hired or re-hired into a position for which the customary annual employment is approximately six months or less, beginning in approximately the same season of each calendar year. Seasonal employees are subject to a mandatory annual break in service of approximately six continuous months and are not eligible for health coverage, unless otherwise specified under the terms of the Plan or applicable collective bargaining agreement.
- e. **Dependents.** Children of full-time employees up to age 26 (including the entire calendar month in which a child turns age 26). Includes biological and adopted children, ~~stepchildren~~stepchildren, and foster children. Also includes spouses and domestic partners. Dependents of full-time employees are eligible for health coverage.
- f. **Volunteers.** Individuals who provide services to the City on a voluntary basis and whose compensation is limited to: (1) reimbursement for reasonable expenses incurred in the performance of services as a volunteer; (2) reasonable fringe benefits, excluding health coverage; and/or (3) nominal fees or honorarium provided in connection with services as a volunteer. Volunteers are not employees and are not eligible for health coverage.

3. Work Hours Limitations

For certain employee classifications, the City restricts the maximum annual and/or monthly hours of work.

- a. **Full-time employees** are not subject to an annual or monthly hours limitation and may work 30 or more hours per week, without limit, unless otherwise limited by City's overtime policy, job description, the terms of any applicable collective bargaining agreement, or the terms of any other City policy or agreement. Full-time employees are not subject to initial or standard measurement, administrative, or stability periods (discussed below).
- b. **Part-time employees** are subject to an annual hours limitation and may not exceed 1500 hours annually without the City's prior approval. In addition to an annual hours limitation, part-time employees may not exceed 125 hours in any single calendar month without the City's prior approval. Part-time employees are subject to initial and standard measurement, administrative, and stability periods (discussed below).
- c. **Variable-hour employees** are subject to an annual hours limitation and may not exceed 1500 hours annually without the City's prior approval. In addition to an annual hours limitation, variable-hour employees may not exceed 125 hours in any single calendar month without the City's prior approval. Variable-hour employees are subject to both initial and standard measurement, administrative, and stability periods (discussed below).
- d. **Seasonal employees** are not subject to an annual or monthly hours limitation and may work 30 or more hours per week, without limit, unless otherwise limited by City's overtime policy, job description, the terms of any applicable collective bargaining agreement, or the terms of any other Employer policy or agreement. Seasonal employees are limited to an annual employment duration of approximately six months and must have an annual break in service of approximately six continuous months before being eligible for re-hire. Seasonal employees may work longer than six months with the City's prior approval. Seasonal employees are subject to initial and standard measurement, administrative, and stability periods (discussed below).

4. Measurement and Administrative Periods – Initial Periods

The City uses a 12-month initial measurement period to measure the hours of new part-time, variable-hour, and seasonal employees.

The City uses an initial administrative period of not longer than two months, divided in two phases. The first phase begins on the date of hire of a new part-time, variable-hour, or seasonal employee and continues until the last day of that calendar month. The second phase begins at the end of the 12-month initial measurement period and lasts for one full calendar month. The purpose of the first phase of the initial administrative period is to reduce administrative complexity by consolidating all new part-time, variable-hour, and seasonal employees hired during a month into the same initial measurement and stability periods. The purpose of the second phase of the initial administrative period is to allow the City to calculate the hours worked by employees during the initial measurement period and to enroll eligible employees in health coverage.

The City uses a 12-month initial stability period for purposes of providing or excluding health coverage to new part-time, variable-hour, and seasonal employees. If an employee works an average of 30 hours or more per week during an initial measurement period, the employee will be deemed a full-time employee and ~~will~~will be eligible for health coverage during the initial stability period, regardless of the hours worked during the initial stability period, so long as the employee remains employed by the City. If an employee works an average of less than 30 hours per week during the initial measurement period, the employee will not be deemed a full-time employee and will not be eligible for health coverage during the initial stability period, regardless of the hours worked during the initial stability period.

Initial Administrative Period (Phase 1)	Begins on date of hire, continues until end of month.
Initial Measurement Period	Begins on first <u>the first</u> day of first full calendar month following date of hire and continues for 12 months.
Initial Administrative Period (Phase 2)	Begins on first day of first full calendar month following Initial Measurement Period and lasts for the entire month.
Initial Stability Period	Begins on first day of first full calendar month following Phase 2 of Initial Administrative Period and continues for 12 months.

To determine the average hours worked by each employee during the 12-month initial measurement period, the City will divide the employee's total hours worked during the period by 52.

Example:

- Employee A is hired as a new variable-hour employee on April 2, 2015. Employee B is hired as a new part-time employee on April 15, 2015.
- Under the first phase of the initial administrative period, Employee A is placed into an initial administrative period from April 2, 2015 through April 30, 2015. Employee B is

placed into an initial administrative period from April 15, 2015 through April 30, 2105. [The purpose of the first phase of the initial administrative period is to reduce administrative complexity by consolidating all new part-time, variable-hour, and seasonal employees hired in the same calendar month into the same initial measurement and stability periods.]

- Employee A and Employee B both have initial measurement periods beginning May 1, 2015 and ending April 30, 2016 (12 months).
- Employee A and Employee B are both subject to the second phase of the initial administrative period, beginning May 1, 2016 and ending May 31, 2016 (one month). During this period, the City calculates Employee A's and Employee B's hours worked during the initial measurement period.
- Employee A and Employee B are both subject to an initial stability period beginning June 1, 2016 and ending May 31, 2017 (12 months). If either employee averaged 30 or more hours per week during the initial measurement period, he/she will be offered and enrolled in health coverage during the initial stability period. If either employee averaged fewer than 30 hours per week during the initial measurement period, he/she will be excluded from health coverage during the initial stability period.

5. Measurement and Administrative Periods – Standard Periods

The City uses a 12-month standard measurement period to measure the hours of all ongoing part-time, variable-hour, and seasonal employees hired on or before the start of a standard measurement period.

The City uses a standard administrative period of 31 days. The purpose of the standard administrative period is to calculate the hours worked by employees during the preceding standard measurement period and to enroll eligible employees in health coverage during the resulting standard stability period.

The City uses a 12-month standard stability period for purposes of providing or excluding health coverage to ongoing part-time, variable hour, and seasonal employees. If an employee works an average of 30 hours or more per week during a standard measurement period, the employee will be deemed a full-time employee and will be eligible for health coverage during the resulting standard stability period, regardless of the hours worked during the standard stability period, so long as the employee remains employed by the City. If an employee works an average of less than 30 hours per week during the standard measurement period, the employee will not be deemed a full-time employee and will not be eligible for health coverage during the resulting standard stability period, regardless of the hours worked during the stability period.

Standard Measurement Period	December 1 of each year through November 30 of the following year
Standard Administrative Period	December 1 through December 31 of each year
Standard Stability Period	January 1 through December 31 of each year

To determine the average hours worked by each employee during the 12-month standard measurement period, the City will divide the employee's employees' total hours worked during the period by 52.

Example:

- Employee C is an ongoing variable-hour employee who was hired on or before

December 1, 2017 (the start of Employer's standard measurement period).

- Starting in 2017, Employee C's standard measurement period begins December 1, 2017 and ends November 30, 2018 (12 months).
- Employee C's standard administrative period begins December 1, 2018 and ends December 31, 2018. During this period, Employer calculates Employee C's hours worked during the preceding standard measurement period. If Employee C averaged 30 or more hours per week during the preceding standard measurement period, Employee C will be eligible for health coverage during the resulting standard stability period. If Employee C averaged below 30 hours per week during the preceding standard measurement period, Employee C will be excluded from health coverage during the resulting standard stability period.
- Employee C's standard stability period begins January 1, 2019 and ends December 31, 2019 (12 months).
- Employee C's next standard measurement period begins December 1, 2018 and ends November 30, 2019 (12 months).

6. Measurement and Administrative Periods – Overlapping Initial and Standard Periods

The City's standard measurement periods apply to all ongoing part-time, variable-hour, and seasonal employees hired by the City on or before the start date of a standard measurement period. New part-time, variable-hour, and seasonal employees will be measured by both the City's initial measurement period and the first standard measurement period beginning on or after each employee's date of hire.

Example:

- Employee D is a new variable-hour employee. Employee D is hired September 29, 2015.
- Employee D is subject to the first phase of the initial administrative period, beginning September 29, 2015 and ending one day later, September 30, 2015.
- Employee D is subject to an initial measurement period beginning October 1, 2015 and ending September 30, 2016.
- Employee D is subject to the second phase of the initial administrative period, beginning October 1, 2016 and ending on October 31, 2016.
- Employee D is subject to an initial stability period beginning November 1, 2016 and ending October 31, 2017.
- Because Employee D was hired on or before Employer's 2015 standard measurement period, Employee D is concurrently subject to the standard measurement period beginning December 1, 2015 and ending November 30, 2016.
- Employee D is subject to a standard administrative period beginning December 1, 2016 and ending December 31, 2016.
- Employee D is subject to a standard stability period beginning January 1, 2017 and ending December 31, 2017.

Based on the overlapping nature of initial and standard measurement and stability periods, situations will arise where part-time, variable-hour, and seasonal employees will be subject to simultaneous initial and standard measurement, administrative, and stability periods.

If the City determines an employee is eligible for health coverage during an initial measurement period or standard measurement period, the employee must be enrolled in health coverage for the entire associated stability period. This is the case even if the employee is determined to be eligible for health coverage during the initial measurement period but determined not to be eligible for coverage during the overlapping or immediately following standard measurement period. In such a case, the City may exclude the employee

from health coverage only after the end of the initial stability period. Thereafter, the employee's eligibility for health coverage would be determined in the same manner as that of other ongoing part-time, variable-hour, or seasonal employees.

In contrast, if City determines an employee is not eligible for coverage during the initial measurement ~~period, but~~ period but is eligible for coverage based on the overlapping or immediately following standard measurement period, employee will be eligible for health coverage for the entire standard stability period (even if the standard stability period begins before the end of the initial stability period). Thereafter, the employee's eligibility for health coverage would be determined in the same manner as other part-time, variable-hour, or seasonal employees.

7. Rules Concerning Eligibility and Enrollment

To be enrolled in health coverage under the Plan, eligible employees must comply with all applicable application requirements and deadlines. Failure to do so may result in delayed or no enrollment until the next annual enrollment period or upon a qualified change in status.

If an eligible employee's payment for the cost of health coverage is untimely, the terms of the Plan provides when coverage terminates and whether there is a grace period for payment. The City is not required to provide health coverage for the period for which the cost of health coverage is not timely paid and may terminate coverage.

Eligible employees have the right to waive enrollment in the City's health coverage.

~~Employer~~ The City will provide a written waiver that must be timely completed, signed, and submitted by an eligible employee desiring to waive enrollment. Unless the Plan specifies otherwise, a new waiver must be completed annually. The City will provide otherwise eligible employees who previously waived enrollment in health coverage the opportunity to enroll at least once annually.

8. Hours for Paid and Unpaid Leave during Measurement Periods

Hours of service for employees during measurement periods include both actual hours of service worked in addition to paid hours for vacation leave, sick leave, holiday leave, or other paid leave.

Periods of unpaid leave, including unpaid FMLA or military leave, are excluded from the hours calculation during any measurement period. Example: Employee E is a variable-hour employee subject to a 12-month (52-week) standard measurement period. During the standard measurement period, Employee E takes four weeks of unpaid FMLA leave. The four weeks of unpaid FMLA leave are excluded from the hours calculation. The average is calculated by the total hours worked by Employee E during the standard measurement period (12 months), divided by 48 weeks (instead of 52 weeks).

Administrative periods overlap with measurement and stability periods. Employees offered health coverage during a stability period must remain enrolled in coverage during a subsequent administrative period. Employees excluded from health coverage during a stability period remain excluded from coverage during a subsequent administrative period.

9. Breaks in Service

Employees, regardless of classification, who separate their employment with the City, voluntarily or involuntarily, must have a break in service of at least 13 continuous weeks before being eligible for re-hire. Employees re-hired after a break in service of at least 13 continuous weeks will be treated as a "new" employee, without any consideration given to previous hours worked or previous measurement or stability periods that may have applied prior to separation.

Employees who are re-hired into full-time positions must be enrolled in health coverage no later than the first day of the fourth calendar month following their date of re-hire. Employees who are re-hired into part-time, variable-hour, or seasonal positions are subject to the City's initial measurement, initial administrative, and initial stability periods.

The City reserves the right to suspend this rule on a case-by-case basis.

Policy 502 Vacations

The City of Anacortes grants annual vacations with pay to regular full-time and regular part-time employees in accordance with the guidelines established below.

1. Vacations are accrued or earned based on the employee's length of service and on the time actually worked. Vacation does not accrue when an employee is on an unpaid leave of absence.
2. Full-time employees will accrue paid vacation according to the following schedule:

Service Period	Vacation Accrual (per month)	Vacation Accrual (per year)	Maximum Accrual
First month through 48 months <u>(years 0-4.00)</u>	8 hours	96 hours	176 hours
Months 49 through 108 <u>(years 4.01-9.00)</u>	10 hours	120 hours	200 hours
Months 109 through 168 <u>(years 9.01-14.00)</u>	14 hours	168 hours	240 hours
169 months and beyond <u>(years 14.01+)</u>	17 hours	204 hours	240 hours

- ~~3.~~ Vacation cannot be taken until hours are accrued. Employees whose vacation balance ~~exceeds~~ meets the maximum accrual will no longer accrue vacation benefits until the vacation balance falls below the maximum accrual. Employees are responsible ~~to monitor for~~ monitoring their accrual balance. If an employee requests vacation that has not accrued and has personal holiday hours available, the personal holiday hours will be utilized.
- ~~4.3.~~ Regular part-time employees whose ~~full-time~~ full-time equivalency is 50% or more are entitled to vacation on a prorated basis. Regular part-time employees shall earn vacation leave proportionate to the number of hours that they work in a pay period divided by the number of hours a ~~full-time~~ full-time employee works in the same pay period. Maximum accrual of hours is prorated for part-time employees based on their ~~full-time~~ full-time equivalency. Part-time employees working less than 20 hours per week and temporary employees do not receive paid vacation (~~see~~ Policy 211 Employee Classifications).
- ~~5.4.~~ Employees who feel that there is a discrepancy in the calculation of their vacation pay or eligibility may request a review of that calculation ~~by from~~ the Human Resource and Finance Departments (~~see~~ Policy 902 Dispute Resolution Procedure).
- ~~6.5.~~ Vacation pay for full-time and part-time employees will consist of the employee's regular rate of pay for the vacation period.
- ~~7.6.~~ Generally, employees should submit vacation plans to their supervisor at least four weeks in advance of the requested vacation date. Management reserves the right to approve when vacations are taken. Supervisors are responsible for ensuring adequate staffing levels and should attempt, when feasible, to resolve vacation scheduling conflicts based on length of service. However, employees who want to change their plans after the vacation schedule has been approved lose their seniority consideration.
- ~~7.~~ Once per year, employees may elect to have their accrued vacation balance that exceeds 160 hours cashed out and deposited into a deferred compensation account set up through the City of Anacortes. The employee must notify payroll in writing by November 20 of each year for distribution on the December 5 payday. This benefit is prorated for ~~part-time~~ part-time employees based on their ~~full-time~~ full-time equivalency.
- ~~8.~~ Upon termination, including retirement, voluntary or involuntary termination, layoff, or other the employee will have their vacation balance paid out at their exiting rate of pay.

Formatted: Indent: Left: 0.25", No bullets or numbering

Policy 503a Holidays

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

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

<u>1</u>	New Year's Day	January 1st
<u>2</u>	Martin Luther King Day	3rd Monday in January
<u>3</u>	President's Day	3rd Monday in February
<u>4</u>	Memorial Day	Last Monday in May
<u>5</u>	Juneteenth	June 19th
<u>6</u>	Independence Day	July 4th
<u>7</u>	Labor Day	1st Monday in September
<u>8</u>	Veteran's Day	November 11th
<u>9</u>	Thanksgiving Day	4th Thursday in November
<u>10</u>	<u>Native American Heritage Day</u>	Day after Thanksgiving
<u>11</u>	Christmas Day	December 25th
<u>12-14</u>	3 Personal Holidays	See below

Employees may select three (3) personal holidays each year. On January 1st each year, 24 hours of personal holiday are added to an employee's record. Personal holidays are prorated for employees who work less than 12 months of the year or a ~~part-time~~part-time schedule. Personal holidays are prorated according to the employee's ~~full-time~~full-time equivalency (FTE) in the payroll accounting system. Personal holiday hours are not carried over from one year to the next. At the end of the year, unused personal holiday hours are forfeited.

In the event of conflict between this provision of the ~~manual~~polices and any provision of a valid and effective collective bargaining agreement, employee contract, or applicable Civil Service rules, the provisions of the contract and/or the Civil Service rules shall govern.

2. Full-time employees are eligible to receive their regular rate of pay (up to 8 hours) for each observed holiday. Part-time employees who are scheduled to work at least 20 hours per week (1,040 per year) are entitled to holiday pay. The amount of holiday pay is determined on the same basis as for full-time employees, but is based on the ~~employee's~~employees' FTE budget allocation. For example, an employee allocated at 65% FTE will receive 5.2 hours of holiday pay on each City approved holiday. Temporary employees and employees on unpaid leaves of absence or on layoff are not eligible to receive holiday pay.
3. To receive holiday pay, an eligible employee must be at work or taking an approved absence on the workdays immediately preceding and immediately following the day on which the holiday is observed. An approved absence is a day of paid vacation or paid short-term absence (~~see~~ Policies 502 Vacations and 702 Absences). If an employee is absent on one or both of these days because of an illness or injury, the City of Anacortes may require verification of the reason for the absence before approving holiday pay (~~see~~ Policy 205 Medical Procedures).
4. A holiday that occurs on a Saturday will be observed on the preceding Friday. A holiday that occurs on a Sunday will ~~observed~~be observed the following Monday. Shift workers observe holidays on the actual holiday.
5. If a holiday occurs during an employee's vacation period, the employee records the day as holiday pay on their timesheet.
6. The City of Anacortes recognizes that some employees may wish to observe, as periods of

Formatted: Centered

Formatted Table

Formatted: Centered

Formatted: Centered

Formatted: Centered

Formatted: Centered

Formatted: Centered

Formatted: Centered

Formatted: Centered

Formatted: Centered

Formatted: Centered

Formatted: Centered

Formatted: Centered

Formatted: Centered

worship or commemoration, certain days that are not included in the City of Anacortes's regular holiday schedule. Employees may use personal holidays or accrued vacation for these occasions.

7. The City of Anacortes may schedule work on observed holidays as it considers necessary. Normally, work on an observed holiday will be paid as if the day were a regularly scheduled day. Employees will be given the option of receiving additional pay for the day or a "floating" holiday that may be taken, with the prior approval of their supervisor, at another time during the year.

Policy 503b Unpaid Holidays For Reasons Of Faith Or Conscience

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.

1. Employees may select the days on which the employee desires to take the two unpaid holidays after consultation with their supervisor. If an employee prefers to take the two unpaid holidays on specific days, then the employee will be allowed to take the unpaid holidays on the days ~~he or she~~they ~~has~~-selected unless the absence would unduly disrupt operations, impose an undue hardship, or the employee is necessary to maintain public safety. The term "undue hardship" has the meaning contained in the rule established by the Office of Financial Management.
2. If possible, an employee should submit a written request for an unpaid holiday provided for by this section to the employee's supervisor a minimum of 14 days prior to the requested day. Approval of the unpaid holiday shall not be deemed approved unless it has been authorized in writing by the employee's supervisor. The employee's supervisor shall evaluate requests by considering the desires of the employee, scheduled work, anticipated peak workloads, response to unexpected emergencies, the availability, if any, of a qualified substitute, and consideration of the meaning of "undue hardship" developed by rule of the Office of Financial Management.
3. The two unpaid holidays allowed by this section must be taken during the calendar year, if at all; they do not carry over from one year to the next.

Policy 504 Continuing Education

The City of Anacortes attempts to provide employees with flexible work schedules when taking Mayor-approved educational courses.

1. Flexible work schedules will be considered if the City of Anacortes determines the courses of study are directly related to the employee's present job or that will enhance the employee's potential for advancement to a position within the City of Anacortes and to which the individual in the view of management has a reasonable expectation of advancing.

Policy 505 Employee Counseling

The City of Anacortes assists employees with referral services that will help in solving financial, legal, and emotional wellbeing concerns.

1. The City of Anacortes recognizes that personal difficulties can adversely affect job performance. Accordingly, employees experiencing financial, legal, or emotional wellbeing concerns are encouraged to seek assistance from the Employee Assistance Program (EAP). The Employee Assistant Counselors are available 24 hours a day, seven days a week to arrange an appointment with a qualified counselor. The telephone number for EAP is 1-800-570-9315 or www.guidanceresources.com.
2. Supervisors should be alert to signs of the existence of personal problems among their employees. Indications of personal problems include excessive absenteeism, changes in both behavior and employee attitudes, and substandard job performance.
3. Supervisors, where appropriate, should try to communicate with employees who seem to be experiencing problems. Depending on the circumstances, the supervisor should proceed as follows:
 - a. If an employee's problem seems to require professional counseling, or does not lend itself to an easy solution, the supervisor should refer the employee to the City's Employee Assistance Program.
 - b. If the employee's problem is an unresolved complaint or grievance, the supervisor should advise the employee of the appropriate steps to be taken in compliance with the Grievance Procedure (**see** Policy 902 Dispute Resolution Procedure).
4. Employees needing extended treatment may request a leave of absence in accordance with the City of Anacortes's leave policy (**see** Policy 702 Absences).
5. ~~The Human Resource Department~~[Human Resources](#) will also, to the degree that its resources permit, provide counseling and reference information for employees seeking guidance on education and career planning, relocation, outplacement, and retirement planning (**see** Policies 213 Termination of Employment, 214 Retirement, and 504 ~~Educational Assistance~~[Continuing Education](#)).
6. Employees are required to meet satisfactory standards of job performance. ~~Performance appraisal~~[Performance review](#)s are to be based on factors related to job performance, regardless of whether an employee seeks counseling (**see** Policy 302 ~~Performance Appraisal~~[Performance Reviews](#)). In certain circumstances, however, the City of Anacortes may require an employee to participate in counseling as a condition of continued employment (**see** Policy 808 Drugs, Narcotics, and Alcohol).
7. Communications between employees, supervisors, ~~the Human Resource Department~~[Human Resources](#), the Employee Assistance Program, and professional counselors or agencies as a result of this policy are to be confidential, except to the degree necessary to protect the safety of the employee or others or to protect the security of City of Anacortes property.

Policy 506 Employee Recognition and Service Awards

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

1. The City of Anacortes may reward outstanding performance and productivity by presenting recognition awards to eligible employees. Generally, the Mayor will be responsible for setting eligibility requirements and implementing the different programs. Department heads and supervisors may assist in determining award recipients for the Mayor's Award of Merit. In most cases, ~~Mayor's~~ the Mayor's Award of Merit awards will be presented at a City Council meeting following the determination of an award recipient. The Mayor is responsible for identifying the employees who will be honored, notifying the presenter, ordering the awards, and arranging for appropriate announcements and publication of awards, both internally and externally.
2. All regular full-time and regular part-time employees are eligible to receive a Pride in Service award upon completion of 1, 5, 10, 15, 20, 25, and 30 years of service. Human Resources is responsible for identifying when employees should be honored, notifying the employees, ordering the awards, and helping management to ~~arrange for~~ arrange appropriate announcements and publications of awards, both internally and externally.
3. Regular full-time and regular ~~part-time~~ part-time employees hired prior to January 1, 2022 are eligible to accrue longevity benefits as described in their applicable bargaining agreement. Non-union employees receive \$5.00 per month for each year of service following completion of 5 years of service. The maximum longevity benefit per month is \$100.00.
4. The IRS classifies cash and gift certificate awards as taxable income. Payroll withholds taxes accordingly.

Policy 507 Exercise and Wellness Programs

The City of Anacortes encourages employees to participate in exercise and wellness programs. In support of the City of Anacortes Wellness Program, the City established a Fitness Reimbursement Program to encourage regular exercise.

~~1. The Human Resource Department is responsible for administering exercise and wellness programs.~~

~~1.~~ Participation in City of Anacortes ~~recreational-fitness reimbursement~~ programs is open to regular full-time or regular part-time employees who are regularly scheduled to work 20 or more hours per week. Spouses, domestic ~~partners~~partners, and other employee dependents who are eligible for the City's medical insurance coverage may participate. Volunteer firefighters are eligible to participate. Temporary, seasonal, terminated, or retired employees are not eligible to participate.

~~2.~~ These programs are voluntary and should take place outside normal working time.

~~2-3.~~ To be eligible for reimbursement of a portion of the membership dues, the employee, spouse, domestic partner, or eligible dependent must provide proof of participation and dues to ~~the~~ Human Resources ~~department~~ showing at least 10 workouts per month at a fitness facility or through a paid exercise subscription. Swim lessons with 8 sessions per month are the only exception to the 10-visit rule. Proof of visits must be provided each month and will not be retroactively paid. For example, if you have visits for the month of March, you must turn in your proof no later than the last day of April. Free programs are not eligible for reimbursement.

~~3-4.~~ Employees, spouses, domestic partners, and eligible dependents are limited to one health club reimbursement per month, per person. Eligible family members are not required to work out at the same facility.

~~4-5.~~ Employees are responsible for the full payment of the fitness program/dues including initiation fees, annual charges, or other associated fees. The extent of City of Anacortes financial support for each program will be determined on an annual basis. This benefit is considered taxable income.

~~6.~~ The reimbursement will appear as "Fitness/Pool Reimburs" on the employee's paystub. There may be up to a two-month lag time before reimbursements may be processed through payroll.

~~5-7.~~ Participation in the City of Anacortes ~~wellness-fitness reimbursement~~ program is limited in some situations to employees who have medical benefits through the City of Anacortes.

~~6.~~ Participating employees may be required to sign waiver of liability forms.

~~8.~~ The City of Anacortes retains the right to change all aspects of its exercise and wellness programs and to discontinue their existence.

Formatted: Underline

Formatted: Font: 11 pt

Formatted: Policy List 5

Policy 508 Dual Insurance Incentive

The City of Anacortes encourages all employees and their spouses and/or dependents to participate in health insurance coverage to maintain health and wellness. Employees who have spouses and/or dependents who obtain full medical insurance coverage elsewhere and opt out of dual coverage under a City health insurance plan may be eligible to receive a monthly incentive.

1. Human Resources is responsible for benefit plans for all employees.
2. The Dual Insurance Incentive plan is a voluntary program limited to employees who have medical insurance coverage through the City of Anacortes and this coverage must be maintained to participate in the plan.
3. Employees' spouses and/or dependents must be removed from the City of Anacortes medical insurance coverage. This does not extend to dental, vision, or life insurance, which remain in effect.
4. Employees must certify through a Dual Insurance Incentive Enrollment form that their spouses and/or dependents have obtained medical insurance that meets "minimum essential coverage." Minimum essential coverage cannot be obtained from an individual market or an insurance exchange. Coverage from Medicare does not qualify spouses and/or dependents for the dual insurance incentive. Coverage from TRICARE does qualify spouses and/or for the dual insurance incentive.
5. Incentive amounts are based on the lowest cost PPO plan based on the full family premium and updated annually on the Dual Insurance Incentive Enrollment form.
6. Employees must provide proof of the spouse's and/or dependent's continuous, comprehensive medical coverage. Enrollment is effective for one year only. Employees must resubmit a Dual Insurance Incentive Enrollment form each year during open enrollment to receive the incentive payment. If employees do not re-enroll, dual insurance incentive will be automatically dropped. Retroactive dual insurance incentives will not be provided for late proof.
7. Employees are responsible for informing Human Resources of any changes in insurance statuses when receiving the dual insurance incentive. If an employee fails to inform Human Resources that they are no longer eligible for the incentive and receives funds the employee is not entitled to, the City of Anacortes will withhold amounts overpaid from the employee's paycheck as permitted by and consistent with RCW 49.48.200-.210.
- 4-8. The City retains the right to revoke, modify, or cancel this policy at any time and as it deems appropriate.

Formatted: Underline

City of Anacortes Premises and Work Areas

Policy 601 Employee Safety and the Safety Committee

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

1. The City of Anacortes appoints a Safety Committee to oversee the City of Anacortes's safety policies and procedures.
2. All employees are responsible for ensuring that they understand and comply with all City of Anacortes safety rules, regulations, and procedures. All employees are responsible for:
 - a. Being familiar with all safety and health procedures relevant to the operations under their supervision;
 - b. Inspecting their work areas periodically;
 - c. Identifying conditions that are recognized as being unsafe; and
 - d. Reporting accidents and injuries to the immediate manager, department head and Human Resources immediately and ensuring that any injured employee is referred to appropriate medical care (see Policy 205 Medical Examinations).

Supervisors should complete a Safety Orientation Checklist upon hiring a new employee and before the new employee begins work. This is to ensure that the employee understands and complies with the safety rules, regulations, and procedures within their department. The completed and signed form should be included in the employee's personnel folder.

3. Employees should report to their supervisor or the Safety Committee all observed safety and health violations, potentially unsafe conditions, and any accidents resulting in injuries to employees or the public. Employees are encouraged to submit suggestions to the Safety Committee concerning safety and health matters.
4. Violations of City of Anacortes safety rules, regulations, or procedures will result in disciplinary action, up to and including termination (see Policies 801 Behavior of Employees and -807 Disciplinary Procedure).
5. Employees are offered CPR and First Aid training. Depending on the employee's job assignment the training may be mandatory.
 - a. Employees whose job descriptions warrant them to take Blood Borne Pathogen training should, if possible, be scheduled to attend training as soon as possible. The Blood Borne Pathogen Site Specific Plan identifies job titles in which exposure to pathogens may exist and require training. Supervisors are responsible to ensure that their ~~employees~~employees' Blood Borne Pathogen certification remains current.

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

- a. Employees who do not have health insurance will be reimbursed for reasonable expenses to obtain their Hepatitis B vaccination when their role may have exposures.
- b. Employees who have health insurance are expected to utilize their insurance to cover the costs of the vaccination.

Policy 602 Personal Property

The City of Anacortes asks employees to refrain from bringing unnecessary or inappropriate personal property to work.

1. The City of Anacortes recognizes that employees may bring certain personal items to work such as family photographs, houseplants, or other small decorative items for their workspaces. However, personal property that is not related to the employee's job performance may disrupt work or pose a safety risk to other employees.
2. Employees are expected to exercise reasonable care to safeguard unauthorized personal items brought to work. The City of Anacortes is not responsible for the loss, damage, or theft of personal belongings, and employees are advised not to carry unnecessary amounts of cash or other valuables with them when they come to work.
3. The City of Anacortes may assign each employee a locker or storage area for safekeeping small personal effects during working hours. In addition, the City of Anacortes will provide and retain keys for file cabinets, desks, and other workstations. Employees may not place their own locks on any storage facility.
4. To maintain security and protect against theft, the City of Anacortes reserves the right to inspect when presented with reasonable suspicion all personal property brought onto the City of Anacortes's premises, including vehicles, packages, briefcases, backpacks, purses, bags, and wallets. In addition, whether locked or not, the City of Anacortes may inspect the contents of lockers, storage areas, file cabinets, desks, and ~~work stations~~workstations at any time and remove all City of Anacortes property and other items that violate City of Anacortes rules and policies (**see** Policy 605 Security).
5. Articles of personal property found on the premises should be returned to the owner, if known, or turned in to the Facilities Manager. Inquiries regarding lost property should be directed to the Facilities Manager.

Policy 603 Solicitation

The City of Anacortes prohibits solicitation and distribution on its premises by non-employees and permits solicitation and distribution by employees only as outlined below.

1. The City of Anacortes limits solicitation and distribution on its premises because those activities can interfere with its normal operations, reduce employee efficiency, annoy customers or employees, and pose a threat to security.
2. ~~The Human Resource Department~~Human Resources is responsible for administering this policy and enforcing its provisions. Employees will be subject to disciplinary action for violating this policy (**see** Policies 801 Behavior of Employees and 807 Disciplinary Procedure).
3. Individuals not employed by the City of Anacortes are prohibited from soliciting funds or signatures, conducting membership drives, distributing literature or gifts, offering to sell merchandise or services (except with the Mayor's prior approval) or engaging in any other solicitation, distribution, or similar activity on City of Anacortes premises.
4. The City of Anacortes may authorize a limited number of fund drives by employees on behalf of charitable organizations or for employee gifts. Employees are encouraged to volunteer to assist in these drives, but participation is entirely voluntary.
5. The following restrictions apply when employees engage in permitted solicitation or distribution of literature for any group or organization, including charitable organizations:
 - a. Soliciting and distributing literature, or selling merchandise or services, during the working time of either the employee making the solicitation or distribution, or the targeted employee, is prohibited. The term "working time" does not include an employee's authorized lunch or rest periods or other times when the employee is not required to be working.
 - b. Distribution of literature is prohibited in work areas at all times.
 - c. Distributing literature in a way that causes litter on City of Anacortes property is prohibited.
 - d. Employees may not use City facilities, resources, or supplies to promote or solicit participation in gambling activities, including but not limited to wagers, bets, or pools.
6. The City of Anacortes maintains various communication systems to communicate City of Anacortes information to employees and to disseminate or post notices required by law. These communication systems (including bulletin boards, text messages, cell phones, electronic mail, voice mail, facsimile machines, and personal computers) are for business use only and may not be used for employee solicitation or distribution of literature. The unauthorized use of the communication systems or the distribution or posting of notices, photographs, or other materials on any City of Anacortes property is prohibited (**see** Policy 804 Use of Communication Systems).

Policy 604 Parking

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

1. The City of Anacortes will provide parking for as many employees as practical. Special spaces will be designated for certain employees, customers, and visitors.
2. The City owned parking lots are considered part of the City of Anacortes premises; therefore, all City of Anacortes policies and rules apply to employees and their vehicles while on the lots (**see** Policy 801 Behavior of Employees).
3. Employees who use the City of Anacortes parking lots do so at their own risk. The City of Anacortes assumes no responsibility for any damage to, or theft of, any vehicle or personal property left in the vehicle while on the parking lots (**see** Policies 602 Personal Property and ~~Policy~~ 605 Security).

Policy 605 Security

The City of Anacortes makes reasonable efforts to provide for the security of its property, its employees, and visitors to its premises.

1. Employees (unless required to carry a firearm or weapon as a condition of employment), are prohibited from possessing firearms or other weapons on City of Anacortes property and at events sponsored by the City of Anacortes. Employees (unless required to carry a firearm or weapon as a condition of employment) are further prohibited from carrying weapons in employer-provided vehicles or in personal vehicles while on City business. ~~(Note: While Washington State allows individuals the right to carry a concealed weapon, employers are able to prohibit weapons in the workplace, including in personal vehicles parked on the premises, at worksites, in employer-provided vehicles, or at employer sponsored events. (Cherry v. Metro Seattle, 116 Wn. 2d 794, 808 P.2d 746 (1991)). This cited reference indicates that since 1991, municipalities have had the right to prohibit employees from carrying weapons or possessing weapons in the workplace.))~~
2. All personal property brought onto the City of Anacortes's premises, such as vehicles, packages, briefcases, backpacks, purses, bags, and wallets, are subject to inspection with reasonable suspicion. In addition, the City of Anacortes may inspect the contents of lockers, storage areas, file cabinets, desks, and ~~work stations~~workstations at any time and may remove all City of Anacortes property and other items that are in violation of City of Anacortes rules and policies (**see** Policy 602 Personal Property).
3. Employees working in sensitive or high security jobs must meet any applicable special security clearance requirement specified for those jobs (for example, police and fire employees). These requirements may include more extensive background checks, fingerprinting, bonding, or other special security measures. Failure or inability to meet or comply with any special security requirements is grounds for termination of employment or rejection of an applicant.
4. Employees may remain at their workplace outside their normal working hours only when authorized to do so by their supervisor.
5. Employees are expected to exercise reasonable care for their own protection and for that of their personal property while on the City of Anacortes premises and while away from the premises on business. The City of Anacortes assumes no responsibility for loss, damage, or theft of personal property (**see** Policy 602 Personal Property).
6. Employees are expected to know and comply with the City of Anacortes's security procedures and should report any violations or potential problems to the Police Department. Violations of City of Anacortes security rules or procedures will result in disciplinary action, up to and including termination (**see** Policies 801 Behavior of Employees and 807 Disciplinary Procedure).
- ~~7. Employees are issued identification badges that must be available for display while working for and representing the City of Anacortes.~~

Policy 606 Tobacco Use

The City of Anacortes complies with all applicable federal, state, and local regulations regarding tobacco in the workplace and provides a work environment that promotes productivity and the wellbeing of its employees.

1. The use of tobacco products of any kind (including cigarettes, cigars, pipes, e-cigarettes, vapes, or chewing tobacco) in the workplace is ~~in violation of the law in the State of Washington. Accordingly, the use of smoking and smokeless tobacco products are restricted in all of its facilities.~~ Smoking is defined to include the use of tobacco-containing products, including cigarettes, cigars, and pipes, as well as the use of electronic cigarettes. This prohibition applies to time spent at work sites or stations in any City building, facility, vehicle, or location.
2. ~~Smoking is prohibited inside all City of Anacortes facilities, including City-owned buildings, vehicles, and offices or other facilities rented or leased by the City, including individual employee offices.~~ The smoking no tobacco use policy applies to employees during working time and to customers and visitors while on the City of Anacortes's premises.
3. Smoking-Tobacco use is only allowed in designated outside areas that are at least 25 feet from building entrances and exits, windows that open, and ventilation intakes during designated breaks or off-work time. There shall be absolutely no tobacco use during work time. Employees are expected to exercise common courtesy and to respect the needs and sensitivities of coworkers with regard to the smoking policy. Smokers have a special obligation to not abuse break and work rules and to keep smoking areas litter-free. Complaints about smoking issues should be resolved at the lowest level possible but may be processed through the City of Anacortes's grievance procedure (**see** Policy 902 Dispute Resolution Procedure). Employees who violate the policy will be subject to disciplinary action (**see** Policy 807 Disciplinary Procedure).
4. Employees may contact ~~the Human Resource Department~~ Human Resources for information regarding the effects of smoking and the availability of smoking cessation programs.

Absences from Work

Policy 701 Attendance and Punctuality

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

1. Supervisors should notify employees of their starting, ending, and break times. Employees are expected to be engaged in carrying out their duties during all scheduled work time and should be ready to begin working at their scheduled starting time (~~see~~ Policy 209 Hours of Work). Supervisors should record all absences and, for nonexempt employees (those subject to the minimum wage and overtime requirements of the Fair Labor Standards Act), any tardiness or early departure exceeding ten minutes.
2. Employees should notify their supervisor in as far advance as possible whenever they are unable to report for work, know they will be late, or must leave early. The notice should include a reason for the absence and an indication of when the employee can be expected to report for work. If the supervisor is unavailable, notification should be made to the next level of management.
3. Employees will be compensated during authorized absences in accordance with ~~the policies contained in~~ Policy 702 Absences. Nonexempt employees will not receive compensation for time missed because of tardiness or early departure if the time missed exceeds 10 minutes after starting time or before quitting time. Failure to notify the City of Anacortes properly of any absence may result in loss of compensation during the absence and may be grounds for disciplinary action.
4. Nonexempt employees who are delayed in reporting for work more than 30 minutes and who have not notified their supervisor of their expected tardiness may lose their right to work the balance of the ~~work day~~workday. In addition, employees who report for work without proper equipment or in improper attire may not be permitted to work- (~~see~~ Policies 601 Employee Safety and the Safety Committee and 802 Personal Appearance of Employees). Employees, who report for work in a condition considered not fit for work, whether due to illness, alcohol or drug use, or any other reason, will not be allowed to work (~~see~~ Policies 205 Medical Examinations and 809 Drugs, Narcotics, and Alcohol).
5. Employees generally are expected to report for work during inclement weather conditions unless the Mayor or the Mayor's designee declares an emergency closing. During times of inclement weather or natural disaster, it is essential that the City continue to provide vital public services. Therefore, employees are expected to make every reasonable effort to report to work, so long as doing so does not endanger their personal safety. An employee who is unable to get to work or leaves work early because of unusual weather conditions may charge the time missed to vacation, personal holiday, compensatory time off, exchange time off, or leave without pay.
6. Nonexempt employees will not be required or permitted to work any period of time before or after scheduled starting or quitting times for the purpose of making up time lost because of tardiness, unauthorized absence, authorized absence, or any other reason if the result will be that the employee works more than forty hours during the workweek.
7. Employees must report to their supervisor after being late or absent, give an explanation of the circumstances surrounding their tardiness or absence, and, when applicable, certify that they are fit to return to work (~~see~~ Policy 205 Medical Examinations). The supervisor should record the information in the employee's file and forward a copy to ~~the Human Resource Department~~Human Resources. When appropriate, the supervisor should counsel the

employee on the importance of good attendance and warn that excessive tardiness or absences will lead to discipline, up to and including termination (**see** Policies 702 Absences and 807 Disciplinary Procedure).

8. Employees who are frequently away from the premises for business reasons should inform their supervisors of their whereabouts during working hours.
9. Unauthorized or excessive absences or tardiness will result in disciplinary action, up to and including termination (**see** Policy 807 Disciplinary Procedure). An absence is considered to be unauthorized if the employee has not followed proper notification procedures or the absence has not been properly approved. Generally, absences in excess of those allowed in Policy 702 Absences, and tardiness or early departure (i.e., beyond ten minutes of starting or quitting time) more than three times in a three-month period are grounds for discipline.
10. Employees who are absent from work for three consecutive days without giving proper notice to the City of Anacortes will be considered as having abandoned ~~the~~**their** job. At that time, the City of Anacortes will formally note the termination and advise the employee of the action by certified mail to the employee's last known address (**see** Policy 213 Termination of Employment).

Policy 702 Absences

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

1. Washington Paid Sick Leave (WPSL)

- a. All City employees are eligible to accrue WPSL, whether regular, full-time, part-time, temporary or seasonal. Employees accrue WPSL at the rate of 1 hour for every 40 hours worked. For accrual purposes, hours worked encompasses actual working time, and not paid or unpaid leave. Accrual of WPSL begins on an employee's first day of work, although WPSL may not be used until the individual has been employed for 90 calendar days.
- b. Employees may carry up to a maximum of 40 hours of unused WPSL over from one calendar year to the next. Any accrued WPSL in excess of 40 hours will be transferred over to the employee's City Paid Sick Leave bank (subject to the maximum accrual limit of 1440 hours, as described below); if an employee is not eligible for City Paid Sick Leave, WPSL hours in excess of 40 at year end will be forfeited. Accrued but unused WPSL will not be cashed out upon separation from the City unless ~~employeean~~ employee qualifies for retirement buyback under section 3e below. If an employee separates from the City and is rehired within 12 months any WPSL balance that existed at the time of separation will be reinstated, provided that if the rehire occurs in the following calendar year, reinstatement of the balance will be limited to 40 hours.
- c. Accrued WPSL may be used for:
 - i. The employee's own illness, injury or health condition; to accommodate the need for medical diagnosis, care or treatment of a health condition; or preventive medical care.
 - ii. The employee's care for a family member with illness, ~~injuryinjury~~, or health condition; care for family member who needs medical diagnosis, care or treatment; care for family member who needs preventive medical care. Family members include an employee's child (whether biological, adoptive, foster, step-child, or child for whom employee stands in loco parentis, is a legal guardian for, or is a de facto parent and regardless of age or dependency status); parent (whether biological, adoptive, in-law, de facto, step-parent, legal guardian or person who stood in loco parentis to employee when employee was a child); spouse or registered domestic partner; grandparent; grandchild; or sibling.
 - iii. An absence due to closure of the City's offices by order of public official for any health-related reason, or where the employee's child's school or day care is closed for such a reason.
 - iv. Absences covered by the Domestic Violence/Sexual Assault/Stalking leave policy below.
- d. Where the need to use WPSL is foreseeable, employees should submit written notice of the need for leave to their supervisor at least 10 days in advance of the leave date(s). For unforeseeable leave, employees must contact their supervisor as soon as the need for leave becomes known. The City may require documentation regarding the use of leave, provided that for non-exempt employees:
 - i. Documentation may only be required when an employee uses more than three consecutive workdays of WPSL;
 - ii. An employee will have up to 10 calendar days to provide the required documentation;

- iii. If requested, documentation need not disclose the nature of the medical condition causing the need for leave; and
- iv. If a requirement to provide documentation will result in unreasonable burden or expense to the employee, an employee may advise the City of this concern and the City will evaluate its request in light of the circumstances.
- e. When an employee needs to be absent for a WPSL-covered reason (including any FMLA-eligible absence), any accrued WPSL may be applied. Any available City paid sick leave will be applied after the employee's WPSL accrual is exhausted (if City paid sick leave is qualifying), subject to the provisions of the Family Care policy below.

2. City Paid Sick Leave

- a. Regular, full-time and regular part-time employees whose full-time equivalency is 50% or more are eligible to accrue City paid sick leave in addition to WPSL. Full-time employees will accrue City paid sick leave at the rate that ensures their total monthly sick leave accrual (including both WPSL and City leave) equals 8 hours per calendar month of continuous employment or the monthly accrual rate established in the applicable labor agreement. Eligible part-time employees will accrue City paid sick leave on a pro-rata basis.

Example: A full-time employee who is eligible for a total of 8 hours of paid sick leave per month works 160 hours during the month. ~~She-They~~ would receive 4 hours of WPSL (1 hour per 40 hours worked). The remaining 4 hours of ~~her-their~~ monthly entitlement of 8 hours would go into the employee's City sick leave bank.

Example: A ~~part-time~~part-time employee works 80% of a full-time ~~schedule,~~ ~~and schedule and~~ is therefore entitled to a total monthly sick leave accrual of 6.4 hours (80% of 8 hours). During a month, the employee works 120 hours and would therefore accrue 3 hours of WPSL. The remaining 3.4 of ~~his-their~~ monthly sick leave accrual would be placed into the employee's City sick leave bank.

- b. ~~Employees do not accrue City sick leave benefits during an absence without pay.~~ Temporary, seasonal and part-time employees who work less than a 50% equivalency are not eligible for City paid sick leave benefits. ~~Employees do not accrue City sick leave benefits during an absence without pay.~~
- c. The maximum number of hours of City paid sick leave that an employee can accumulate is one thousand four hundred and forty (1440) hours.
- d. City paid sick leave is available to employees after their leave accrual under WSPL has been exhausted, subject to the provisions of the Family Care Act, described below.
- e. Sick leave may be used for the reasons outlined for Washington State Paid Sick Leave Policy 702(1)(c). ~~any of the following purposes:~~
 - f. ~~Personal illness or incapacity of the employee;~~
 - g. ~~Forced quarantine of the employee by a public health official;~~
 - h. ~~To care for the employee's dependent children under age 18 who is ill;~~
 - i. ~~To attend the birth of the employee's child;~~
 - j. ~~Use of a prescription drug that impairs job performance or safety;~~
 - k. ~~Medical or dental appointments of the employee or dependent children under the age of 18, when such appointments cannot reasonably be scheduled during off-duty time;~~
 - l. ~~For any other purpose described in the WA Family Care policy set forth below.~~
- m.e. City paid sick leave may be coordinated with certain other leaves (see Family and Medical Leave policy below). Employees may be required to provide medical or other documentation to verify the appropriate use of sick leave. A doctor's note will typically be required when an employee is absent for more than three consecutive days, or in other situations as deemed appropriate by the City of Anacortes (e.g., pattern absences on Fridays and/or Mondays.) Excessive tardiness or absences (other than approved FMLA, WPSL or disability-related leave) may lead to disciplinary action up to

and including termination.

~~A-f.~~ An employee who is eligible for retirement under the applicable DRS retirement plan is eligible for ~~a~~ cash-out of a portion of their unused WPSL and City paid sick leave proportionate to their sick leave balance. Employees do not need to draw from retirement to be considered eligible for retirement under DRS and eligible for a sick leave buyout. City sick leave cash out is prorated for ~~part time~~part-time employees based on full time equivalency at retirement.

Total Sick Leave Balance at Retirement	Percent Cash out
0-800 hours	0%
801-1251 hours	18% of unused sick leave hours
1251-1440 hours	25% of unused sick leave hours

Unused sick leave is not cashed out upon separation other than retirement.

3. Family Care/Use of Accrued Leave to Care for Sick Family Member

- Consistent with the Washington Family Care Act, employees may use their choice of any accrued leave that they have available for their own use in order to care for their child, spouse, domestic partner, parent, parent-in-law, or grandparent as described below.
- An employee may use available paid time off to care for their child where the child has a health condition requiring treatment or supervision, or where the child needs preventative care (such as medical, dental, optical, or immunization services).
- An employee may use available paid time off when a spouse, domestic partner, parent, parent-in-law, or grandparent has a "serious or emergency health condition" which are conditions:
 - Requiring an overnight stay in a hospital or other medical-care facility
 - Resulting in any period of incapacity or treatment or recovery following inpatient care
 - Involving continuing treatment under the care of a health services provider that includes any period of incapacity to work or attend to regular daily activities; or
 - Involving an emergency (~~i.e.~~i.e. demanding immediate action)
- Where the need for family care leave is unexpected, the City of Anacortes understands that advance approval of the use of leave (as is required for certain kinds of accrued leave) may not be possible. Employees are required, however, to notify their supervisor of the need to take time off to care for a family member as soon as the need for leave becomes known. Subject to WPSL verification limits where WPSL is used, the City of Anacortes reserves the right to require verification or documentation confirming that a family member has or has had a "serious or emergency" health condition when available leave is used to care for that family member.

4. Family and Medical Leave ("FMLA")

Recognizing the importance of family and out of concern for the wellbeing of our employees, the City of Anacortes family and medical leave program enables employees to take time off, under certain conditions, for health reasons or to care for family members. This policy will be administered in accordance with the federal Family and Medical Leave Act (FMLA). A notice entitled "Employee Rights and Responsibilities Under the Family and Medical Leave Act" is posted in break rooms and is provided to employees upon hire. Nothing in this policy affects or supersedes any federal or state law or collective bargaining agreement that may provide greater entitlement to medical or family leave than those set forth in this policy. Employees may also be entitled to seek partial wage replacement benefits during FMLA leave through the Washington Paid Family and Medical Leave (PFML) program (see Section 6 below).

- Eligibility for Federal Family and Medical Leave (FMLA): To be eligible for leave under

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

- b. Leave Entitlement: An eligible employee may request up to 12 workweeks of FMLA leave per "leave year" for one or more of the following reasons:
 - i. To care for the employee's child upon birth, or to care for a child upon the child's placement with the employee for adoption or foster care;
 - ii. To care for a spouse, son, daughter, or parent who has a serious health condition;
 - iii. To care for self, if the employee has a serious health condition that makes the employee unable to perform the essential functions of the position (including incapacity due to pregnancy, prenatal medical care, or childbirth); or
 - iv. For a "qualifying exigency" arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member who is on active ~~duty, or~~ duty or has been notified of an impending call to active duty in support of a contingency operation. Covered military members are ~~active-duty~~ active-duty service members deployed to a foreign country, who have been called to active duty or notified of an impending call to active duty. Qualifying exigencies are generally activities related to the active duty or call to duty, including attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling ~~sessions~~ sessions, and attending post-deployment reintegration briefings.
- c. The City of Anacortes defines a leave year as the rolling twelve-month period measured backward from the date an employee uses any FMLA leave. FMLA leave for birth or placement for adoption or foster care must conclude within 12 months of the birth or placement. In addition, spouses employed by the City of Anacortes are jointly entitled to a combined FMLA leave of 12 workweeks of family leave for the birth or placement of a child for adoption or foster care, or to care for a parent with a serious health condition. Each spouse is, however, eligible for the full 12 weeks of leave in the 12-month leave period to care for a child, spouse with a serious health condition, or for the employee's own serious health condition.
- d. An eligible employee may also take up to 26 weeks of leave during a single 12-month period to care for an injured service member who is the employee's spouse, parent, child, or next of kin. A covered service member is a current member or veteran of the Armed Forces, including National Guard or Reserves members, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform ~~his or her~~ their duties for which the service member is undergoing medical treatment, recuperation or therapy; or in outpatient status; or is on the temporary disability retired list. This benefit applies to current service members or veterans who are undergoing medical treatment, recuperation, or therapy for a serious injury or illness that occurred any time during the five years preceding the date of treatment. For purposes of this kind of leave, the 12-month period begins the first day the employee takes leave. The combined total of leave for all purposes described in this policy may not exceed 26 weeks in the applicable leave year.
- e. Serious Health Condition: A serious health condition is an illness, injury, impairment or physical or mental condition that involves:
 - i. Any period of incapacity or treatment connected with inpatient care (~~i.e.,~~ i.e., an overnight stay) in a hospital, hospice, or residential medical care facility;
 - ii. A period of incapacity of more than three consecutive, full calendar days from work, school, or other regular daily activities that also involves:
 - iii. 1. two visits to a health care provider, OR

Formatted: Indent: Left: 0.88"

advance notice of the foreseeable need for leave. The City of Anacortes also may delay or deny approval of leave for lack of proper certification establishing the need for leave.

- vi. Please contact Human Resources to obtain further information and forms relating to FMLA leave requests.
- h. Continuation of Pay and Benefits
 - i. FMLA leave is unpaid leave; however, employees are required to use accrued City paid sick leave for FMLA-qualifying events as part of their 12 weeks of FMLA leave. Employees may elect to use accrued WPSL. Use of vacation leave is optional.
 - ii. During all leave designated as FMLA leave, the City of Anacortes will continue to pay the employer's portion of health insurance premiums, provided that the employee continues to pay their share of the insurance premiums, if any. Failure of the employee to pay their portion of the premium may result in cancellation of health insurance. Under certain circumstances, if an employee fails to return to work at the end of the leave, the employee may be responsible to pay back the City of Anacortes for the employer portion of the health insurance premiums. Leave such as vacation and sick leave will continue to accrue during paid leave (e.g., while an employee is using accrued sick leave or vacation), but not during unpaid leave.
- i. Job Restoration Upon Return from Leave
 - i. Upon return from family and medical leave, an employee will be entitled to return to the employee's former position or a position with equivalent pay, benefits, and conditions of employment, unless unusual circumstances have arisen (e.g., the employee's position or shift was eliminated for reasons unrelated to the leave). If the employee chooses not to return to work for any reason, the employee should notify the City of Anacortes as soon as possible.
- j. Leave for Pregnancy Disability and to Care for a Newborn

Note: The pregnancy disability leave does not apply when the qualifying event is the placement of a newborn by adoption or foster care.

 - i. Under Washington State Law, regardless of whether the employee meets the FMLA eligibility requirements above, pregnant employees are entitled to an unpaid leave for the period of time that the female employee is physically disabled due to the pregnancy and/or childbirth. The period of temporary disability normally lasts six to eight weeks if the pregnancy and childbirth are without complications. With complications, such as required bed rest before childbirth, the period of temporary disability can last longer.
 - ii. The pregnancy disability leave runs ~~concurrent~~concurrently (at the same time) with ~~the FMLA,~~ and does not extend the 12 weeks of leave allowed under federal law.
 - iii. Pregnancy disability leave is unpaid leave unless the employee has accrued vacation and/or sick leave available (and the reason for the leave is sick leave qualifying). An employee may also be eligible for state PFML benefits during the period of disability (**see** Section 5 below).
 - iv. ~~An employee who is a new parent, but not the parent who was pregnant, may use 80 hours of paid sick leave during the birth and immediately following the birth of the employee's child. This policy also applies to adoptive parents. It is intended to allow the limited use of sick leave for bonding time with a new child. Any additional use of sick leave following the birth or placement of the employee's child beyond this 80-hour benefit must be for one of the reasons for which sick leave is specifically authorized.~~

5. Washington Paid Family and Medical Leave (**"PFML"**)

Beginning in 2020, eligible employees may apply for ~~Washington Paid Family Medical Leave ("WA PFML" or "PFML")~~, a program administered by the Washington State Employment Security Department ("ESD"). The PFML program allows eligible individuals to receive partial wage replacement and time off for qualifying family or medical events, including welcoming a new child into their family, a serious health condition or injury, or the need to care for an ill relative, and for certain military-connected events. Leave benefits are funded by employer contributions and employee payroll deductions as described in RCW 50A.10.030. Eligibility is determined by the ESD, and employees must apply directly to the state to participate (<https://www.paidleave.wa.gov/login>).

If an employee's PFML application is approved by ESD, the employee must file weekly claims for benefits, and will receive benefit payments from the State. These benefits are distinct from paid leave accruals offered by the City. An employee cannot receive PFML benefits and use paid leave accruals for the same absence.

a. Eligibility Under PFML

Employees may be eligible for monetary benefits and job protection when taking leave for covered reasons. Eligibility requirements are as follows:

- i. Monetary Benefits: In order to be eligible for monetary benefits from ESD, an employee must have worked 820 hours in Washington State (for any employer or combination of employers) during the year preceding the claim.
- ii. Job Protection: In order to be eligible for job protection with the City under PFML, an employee must meet the Federal Family Medical Leave Act ("FMLA") eligibility requirements (must have worked for the City for at least 12 months and have worked 1250 hours in the last year).

An employee is ineligible for PFML benefits during any period of suspension from employment or during which the employee works for compensation or profit (i.e. outside employment or contracting).

b. Leave Entitlement

Within your "claim year" you can take:

- Up to 12 weeks of medical leave to recover from or get treatment for a "serious health condition," or family leave to take care of a qualifying family member who is ill or injured with a "serious health condition" or to bond with a new child or for certain military events.
- Up to 16 weeks of combined medical and family leave if you have events covered by both in the same claim year.
- Up to 18 weeks of combined medical and family leave if you experience a condition in pregnancy that results in incapacity, like being put on bedrest, and then take bonding leave.

c. PFML leave may be taken for the following qualifying events:

- Family leave
 - Bonding with a new child coming into your family through birth, ~~adoption~~adoption, or foster placement.
 - Caring for a covered family member with a serious health condition or injury.
 - Bereavement leave for seven days following the loss of a child for whom an employee could have taken medical or bonding leave.
 - Certain events for military families.
- Medical leave (for yourself)
 - Recovery or treatment for your own serious health condition or injury, including recovery from childbirth.

PFML leave runs concurrently with FMLA leave year where an absence is covered by

- both laws and an employee is receiving PFML benefits.
- d. Notification Requirements
- An employee must provide written notice to ~~the City~~ Human Resources ~~office~~ of the intent to take PFML leave. If the need for leave is foreseeable, notice must be given at least 30 days in advance of the leave. For unforeseeable leave, notice must be given as soon as possible.

~~Sample notice to your employer(s):~~

~~{DATE YOU GIVE NOTICE}~~

~~Dear {EMPLOYER NAME},~~

~~This is to notify you that I plan to take __ (TYPE OF LEAVE: MEDICAL LEAVE/ FAMILY LEAVE/ COMBINATION OF BOTH) __ starting __ (DATE) __.~~

~~I expect to be gone for __ (NUMBER OF DAYS/WEEKS) __ and hope to return __ (DATE) __.~~

~~{Add additional details (such as the days you will be out, etc.)}~~

If an employee fails to provide this required notice to the City, ESD will temporarily deny PFML benefits. After receiving the employee's written notice of the need for leave, the City will advise the employee whether the employee is eligible for job protection under PFML or FMLA or both.

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

For any week during which an employee submits a claim to ESD for PFML benefits, the employee must notify the City of how many PFML hours were claimed, so that the City may properly track leave use. If taking leave intermittently, an employee must notify ~~the~~ Human Resources ~~office~~ in writing each time PFML leave is taken so that the City may properly track leave use.

- e. PFML Monetary Benefits

If ESD approves a claim for PFML benefits, partial wage replacement benefit payments will be made by ESD directly to the employee. The amount of the benefit is based on a statutory formula, which generally results in a benefit in the range of 75-90 percent of an employee's average weekly wage, subject to a weekly maximum ~~of \$1,000 per week.~~ ESD's website provides a benefits calculator to assist employees in estimating their weekly benefit amount.

Existing Leave Benefits Paid leave accruals (vacation, Washington paid sick leave [WPSL], City sick leave, personal holidays, compensatory time, exchange time, or any other accrued leave) are not supplemental to PFML benefits. ~~In qualifying circumstances~~ If an employee may elects to use such accrued leave during a PFML-covered absence, ~~however~~ the receipt of accrued leave must be reported to ESD as part of the PFML claims process, and will result in a pro-rated weekly PFML benefit.

Note: failure to report the receipt of accrued leave may result in an overpayment by ESD, which ESD may recoup from the employee.

- f. Waiting Period

Monetary PFML benefits are subject to a seven (7) consecutive calendar waiting period,

Formatted: Indent: Left: 0.5"

except for leave taken in connection with the birth or placement of a child or for a qualifying military exigency. The waiting period begins on the Sunday of the week in which PFML leave is first taken. ~~The waiting period is counted for purposes of the overall duration of PFML leave, but no monetary benefits will be paid by ESD for that week.~~ Employees may use available accrued leave to cover absences during the waiting period without a reduction in WA PFML benefits.

g. Coordination with Other Benefit Programs

When an employee is on leave and only receiving PFML benefits, the employee is deemed to be in "unpaid status" for purposes of City policies and benefit programs. Insurance coverage will be handled in the same manner as other unpaid leaves of absence, pursuant to City policy and subject to any FMLA or other legal requirements requiring continuation of coverage.

h. Job Restoration & Return to Work Recertification

Similar to the federal FMLA, an employee who is eligible for job-protected leave will be restored to the same or equivalent position at the conclusion of PFML leave, unless unusual circumstances have arisen (~~i.e.~~ the employee's position or shift was eliminated for reasons unrelated to the leave). The City may require a return-to-work certification from a health care provider before restoring the employee to work following PFML leave when the employee has taken leave for the employee's own serious health condition. (Certification will typically be required after three ~~(3)~~ consecutive workday absences.)

~~Under certain conditions, the City may deny job restoration to an exempt/salaried employee who is among the highest paid ten percent of employees.~~ If an employee taking PFML leave chooses not to return to work for any reason, the employee should notify ~~the City~~ Human Resources ~~office~~ as soon as possible.

To apply for benefits, visit <https://paidleave.wa.gov/>

For more information on any of these leave policies, or if you think you may need to take a Family and/or Medical Leave, please contact Human Resources. Employees are encouraged to contact Human Resources with any questions about how the various laws are coordinated in a particular situation.

6. Jury or Witness Duty

- a. Employees who are required by law to render jury service will be granted paid time off during a period of jury duty up to ten workdays per calendar year. During jury service, exempt employees will receive their full pay for any workweek in which they perform any work for the City, even if jury service exceeds ten workdays. Employees should notify their supervisors as soon as possible after receipt of a juror summons so that operational adjustments can be made as needed during the employee's absence. A copy of the juror summons must be provided to the supervisor. If an employee is summoned for jury service during a critical work period, the City of Anacortes may ask the employee to request a waiver from duty; in such cases, the City of Anacortes will provide documentation to the relevant court supporting the waiver request. Employees should contact their supervisor for instruction if there is a break greater than four hours during jury duty where the employee is not required to report to the court; depending on the circumstances, an employee may be required to return to work during such a period.
- b. An employee subpoenaed to testify in court will be granted time off for the period served as a witness. In general, leave for witness duty is unpaid unless the employee has been called as a witness by the City of Anacortes.

7. Military Leave

- a. Every employee who is a member of the Washington National Guard or of the U.S. Army, Navy, Air Force, Coast Guard or Marine Corps, or of any organized reserve of the United States, will be granted military leave in accordance with state and federal law. Employees who take military leave will have whatever rights to reinstatement, seniority, vacation, layoffs, and compensation as are provided by applicable law.
- b. Paid Leave of 21 Days Per ~~Year Washington~~ Year Washington State Law provides 21 days of paid military leave per year. A public employee is entitled to a paid military leave of absence for a period not to exceed 21 working days during each year beginning October 1st and ending the following September 30th. Military leave beyond the 21 days of paid time off will be unpaid. The employee may elect to use accrued vacation, compensatory time, exchange time, or other available paid time off during the period of military leave. Usage of the paid military leave entitlement will be calculated as follows:
 - Employees will be charged with the use of paid military leave only for days on which they are actually scheduled to work.
 - If an employee is scheduled to work a shift that begins on one calendar day and ends on the next, the employee will be charged with the use of military leave only for the first calendar day. If the employee is scheduled to work a shift that begins on one calendar day and ends later than the next calendar day, the employee will be charged military leave for each calendar day except the day on which the shift ends.
- c. Employees should notify their supervisor as soon as they receive notice of the need to report for military duty and provide the supervisor with a copy of the military orders.

8. Leave for Spouses of Military Personnel (Non-FMLA)

- a. During a period of military conflict declared by the President or Congress, an employee who is the spouse of a member of the Armed Forces, National Guard or Reserves is entitled to up to 15 days of unpaid leave while their spouse is on leave from deployment, or before and up to deployment. (This reason for leave may also be covered under FMLA leave for a qualifying exigency, although an employee need not meet the more stringent FMLA eligibility requirements in order to take this spousal military leave.) The purpose of this leave is to support the families of military personnel serving in military conflicts by permitting them to spend time together before a family member is deployed or while the family member is on leave from a deployment. An employee must work an average of 20 hours per week to be eligible for this family military leave.
- b. An employee who seeks to take family military leave must provide the City of Anacortes with notice of their intent to take the leave within five business days of receiving official notice that the employee's spouse will be on leave or of an impending call to active duty. The employee may substitute available accrued vacation, compensatory time, or exchange time leave for any part of this family military leave.

9. Bereavement Leave

- a. In the event of the death of an employee's immediate family member, time off with pay for employee's regular scheduled workday will be granted to regular full time employees. The phrase "immediate family" for the purposes of the bereavement policy includes the employee's spouse, domestic partner, brother, sister, father, mother, stepfather, stepmother, grandparent, children, stepchildren, grandchildren, father-in-law, mother-in-law, grandparent-in-law, sister-in-law, brother-in-law, daughter-in-law, and son-in-law.
 - i. Three consecutive workdays off with pay will be approved ~~to attend the funeral or memorial service.~~ For bereavement within 90 days of death of the immediate family member. (Maximum 24 hours).
 - ii. Two additional consecutive ~~work days~~ workdays off with pay will be approved for travel from the employee's home to the funeral or memorial service if the travel

- exceeds two hundred (200) miles each way. (Maximum 16 hours)
- iii. Regular part-time employees who are scheduled to work twenty or more hours per week are eligible to receive Bereavement Leave. The amount of leave allowed will be pro-rated for regular ~~part-time~~part-time employees.

10. Leave due to Domestic Violence or Sexual Assault; Safety Accommodations

- a. In compliance with Washington law, the City authorizes leave for employees who are victims of domestic violence, sexual assault, or stalking. It is also available to employees with a family member (child, spouse, domestic partner, parent, parent-in-law, grandparent, or person with whom the employee has a dating relationship) who is a victim of domestic violence, sexual assault, or stalking. The leave may be taken in blocks, intermittently, or on a reduced leave schedule. The amount of leave that an employee may take is limited to a "reasonable" amount. Domestic violence/sexual assault leave is unpaid, although an employee may elect to use the employee's accrued paid leave (~~e-g-e.g.~~ vacation, compensatory time, exchange time, or sick leave if it qualifies) in connection with such leave.
- b. Domestic Violence/Sexual Assault Leave may be taken for the following purposes:
 - i. To seek law enforcement or legal assistance or to prepare for or participate in any legal proceeding related to domestic violence, sexual assault or stalking;
 - ii. ~~¶~~To seek health care treatment for physical or mental injuries from domestic violence, sexual assault, or stalking, or attend to such health care treatment for a family member;
 - iii. To obtain (or assist a family member in obtaining) mental health counseling related to domestic violence, sexual assault, or stalking; or
 - iv. To participate in safety planning, to temporarily or permanently relocate, or to take other actions to increase the safety of the employee or family member relating to domestic violence, sexual assault, or stalking.
- c. When possible, employees must give advance notice of the intention to take leave. If advance notice is not possible, employees (or their designees) must give notice of the need for this leave no later than the end of the first day the employee takes the leave.
- d. The City of Anacortes may require verification to support the need for the leave. Depending on the situation, verification can take the form of police reports, court documents, or the employee's own written statement of the need for the leave. Except where disclosure is authorized or required by law, the City of Anacortes will maintain confidentiality of all information provided by the employee in conjunction with the Domestic Violence/Sexual Assault Leave Act.
- e. The City will also make reasonable safety accommodations for any employee who is the victim of domestic violence, sexual assault, or stalking. ~~Accommodations~~Accommodation may include, for example, modification of a telephone number or email address, a modified work schedule, or implementation of safety procedures. An employee in need of safety accommodations should contact Human Resources.

11. Leave Share Program

- a. Eligible employees may donate excess vacation leave for use by another employee who is suffering from an extraordinary medical emergency requiring them to be out of work. Employees are eligible to receive shared leave when the severity of the emergency would cause the employee to take leave without pay or to terminate employment without shared leave. Employees who donate leave waive all rights to the donated leave.
- b. Employees may request a leave donation when they have or expect to use all of their accrued leave (including vacation, sick, personal days, compensatory time, and exchange time) and would otherwise be on a leave without pay and has been found to be ineligible to receive industrial insurance benefits. The employee receiving a leave

donation is required to provide medical justification and documentation both of the necessity for the leave and the length of time the employee reasonably can be expected to be absent due to the condition. While an employee is receiving shared leave, the employee continues to be classified as a City employee and shall receive the same treatment in respect to salary, wages, and employee benefits as the employee would normally receive if using the employee's own accrued leave except that the shared hours received are not eligible for retirement benefits.

- c. The maximum number of days an employee can receive of donated leave is 90 per calendar year. The Mayor and Human Resource Department retain discretion to determine the eligibility to receive donated leave.
- d. The maximum amount of vacation leave an employee can donate per request, per calendar year is 40 hours. Donations and use of leave are on an hour-for-hour basis, without conversion for differentials between rates of pay received by the donors and the recipients.

12. Coordination of Wages with Worker's Compensation

Worker's Compensation provides partial wage replacement for injured employees. Employees receiving Worker's Compensation as a result of a Labor and Industries Claim may choose to use their accrued sick leave or vacation leave to supplement the Worker's Compensation wage replacement. If an employee elects to use accrued leave while receiving Worker's Compensation benefits, the City will pay the employee his/her regular wages using accrued sick or vacation leave. If an employee elects this option, when the employee receives time loss payments from the Department of Labor and Industries, the employee must turn such payments over to the Finance Department. The Finance Department will use the worker's compensation payment to replenish the employee's sick leave or vacation leave balance that was drawn down at the employee's current hourly wage rate. Compensatory time, exchange time, and shift trades are not eligible for buyback and may not be used following a work-related injury or illness while an employee is receiving Worker's Compensation pay.

13. Other Unpaid Leave

Subject to operational and other considerations, the Mayor may grant a leave of absence without pay for an absence not covered by any other type of leave. Any available accrued leave must be exhausted before an unpaid leave will be approved. An example of an absence that may qualify is a prolonged illness or medical condition for which an employee needs reasonable accommodation.

14. Administrative Leave

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

15. Benefits During Leave

Employees who are on a paid leave of absence shall continue to receive benefits they were entitled to prior to the start of their leave, including the accrual of vacation, sick leave, holidays, retirement, and health insurance benefits. Unless stated otherwise in these policies (for example, FMLA leave), benefits that accrue according to length of service, such as paid vacation, holiday, and sick days, do not accrue during periods of unpaid leave or during periods in which the employee receives workers' compensation or PFML benefits. In certain cases, self-payment of insurance premiums may apply (see Policy 501 Health and Welfare Benefit Disclosure).

16. Outside Employment During Leave

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

approved by the Mayor.

17. Employees will only receive paid time off if they have accrued balances in the leave banks prior to the leave being taken. In addition, authorized days off for short-term absences will not be considered as working time for calculating weekly overtime compensation (**see** Policy 209 Hours of Work).

Policy 702a Leave Table

NOTE: The table below is a general overview of the various leave entitlements. Employees should refer to the specific leave policies for any details regarding applicable procedures for using these forms of leave.

Leave Law	Jurisdiction	Paid Leave	Unpaid Leave	Family Members Covered	Leave Allowed	Employer-Employee Criteria
Family and Medical Leave Act (FMLA)	Federal Law- US Dept of Labor 29 CFR 825	X Unpaid unless the employee has paid leave to substitute <u>or receives PFML benefits</u>	X Unpaid unless the employee has paid leave to substitute <u>or receives PFML benefits</u>	Spouse, child, or parent	12 weeks over a rolling 12 month period	<u>All public employers; private employers with ≥ 50 employees within 75 miles</u> Employee who worked 1,250 hours in previous 12 months; <u>has worked for employer for 12 months; works at site with at least 50 employees within 75 miles</u>
Family Care Act	L&I RCW 49.12.265 WAC 296-130	X Only available when employee has accrued leave to use		Child, spouse, registered domestic partner, parent, parent-in-law, grandparent	Use of paid leave for care of a sick family member	No size requirement; Employee must have a paid leave benefit
Washington Paid Family and Medical Leave Act	Title 50A RCW WAC 192-500 to 192-810	X Eligible employees may apply for partial wage replacement benefits through ESD		Child (of any age), <u>child's spouse</u> , grandchild, grandparent, parent, parent-in-law, sibling, or spouse, son-in-law, daughter-in-law, <u>or any individual with whom an employee has a relationship that creates an expectation that the employee will care for the individual</u>	12 weeks of family or medical leave, or combined total of 16 weeks of family and medical leave; additional 2 weeks if medical leave involves incapacity of employee due to pregnancy	For monetary benefits, employee must have worked 820 hours for any WA employer in qualifying period; for job-protected leave, employee must have worked for City for 12 months and worked 1,250 hours in the 12 months prior to the leave

Formatted: PP 2

Formatted: Centered

Formatted Table

Formatted: Font: Bold

Formatted: Font: Bold

Formatted: Font: Bold

Leave for Victims of Domestic Violence, Sexual Assault, and Stalking	L&I RCW 49.76	✗ Unpaid unless the employee has paid leave to substitute	✗ Unpaid unless the employee has paid leave to substitute	Child, spouse, parent, parent-in-law, grandparent, or person the employee is dating	Reasonable leave for domestic violence, sexual assault or stalking - for legal, or law enforcement assistance, medical treatment, counseling, victim advocate, safety, or relocation	All employers and employees; No eligibility requirements
Washington Paid Sick Leave	L&I RCW 49.46.210	✗		Child, parent, parent-in-law, spouse, registered domestic partner, grandparent, grandchild, sibling	Employees accrue one hour of paid leave for every 40 hours worked, to be used for employee's own health condition or medical care; family member's health condition or medical care; where workplace or child's school is closed due to health reason; or reasons covered by domestic violence leave law	All employers and employees
Leave for Spouses of Military Personnel	L&I RCW 49.77	✗	✗	Spouse and Registered Domestic Partner of all military personnel	15 days leave per deployment prior to deployment or when spouse on leave from deployment	All employers; Employees who work ≥ 20 hours a week on average
Pregnancy Disability Leave	Washington Human Rights Commission oregon www.hum-wa.gov		✗ Unpaid unless the employee has paid leave to substitute <u>or is receiving PFML benefits</u>	Employee	Covers leave during the period of actual disability caused by pregnancy or childbirth. There is no particular length of time set forth in the statute, but it is usually six to eight weeks for a birth without complications, depending on the doctor's recommendations	Employers with ≥ 8 employees A woman who does not qualify for FMLA because her employer has fewer than 50 employees or because she has not worked for her employer long enough is still eligible for disability leave for pregnancy and childbirth related conditions under WLAD.

Formatted: Font: Bold

Formatted: Font: Bold

Formatted: Font: Bold

Formatted: Font: Bold

I

Policy 703 Rest Breaks

The City of Anacortes provides rest breaks during the course of each workday.

1. Nonexempt employees (~~those covered by the minimum wage and overtime requirements of the Fair Labor Standards Act~~) should receive a rest break of fifteen minutes at approximately the middle of every four hours of work not interrupted by a meal period (**see** Policy 704 Meal Breaks).
2. Supervisors are responsible for scheduling the time for nonexempt employees' rest breaks and should consider the workload and the nature of the job performed. Whenever necessary, the frequency and time of rest periods may be changed.
3. Time spent on rest breaks will be compensated as working time (**see** Policy 209 Hours of Work). However, employees are expected to be punctual in starting and ending their breaks and may be disciplined for tardiness (**see** Policy 701 Attendance and Punctuality).
4. Employees are expected to take their rest breaks.
5. Mothers who choose to breastfeed their infants may express and collect breast milk during work hours. The City provides private space for breastfeeding. Each employee choosing to breastfeed can work with their supervisor or the ~~human~~-Human resource-Resource department to identify private space for the mother to express and collect breast milk. This space, other than a bathroom, will be shielded from view and free from intrusion by co-workers or the public. Employees may take reasonable breaks during work hours to express and collect breast milk. Break time which extends beyond normal paid breaks will be unpaid.
6. Employees on rest breaks may not interfere with other employees who are continuing to work (**see** Policy 603 Solicitation).

Policy 704 Meal Breaks

The City of Anacortes provides meal breaks during the course of each workday.

1. Full-time employees are allowed a meal break near the middle of the workday. In departments operating on single shifts, the break will be sixty minutes. In departments operating on two or three shifts, the meal break will be thirty minutes, depending on operating requirements.
2. Part-time employees scheduled to work more than five consecutive hours during any workday will receive a meal break of the same duration as full-time employees in their department.
3. Supervisors are responsible for balancing workloads and scheduling meal breaks and should take into consideration the workload and the nature of the job performed. Whenever necessary, the duration and time of meal periods may be changed.
4. Employees required to work more than ten hours in any workday will be allowed a second meal break no later than six hours after returning from their first meal break.
5. Nonexempt employees (~~those covered by the minimum wage and overtime requirements of the Fair Labor Standards Act~~) will not be compensated for their meal breaks unless they are required to work during their breaks (**see** Policy 209 Hours of Work).
6. Employees on meal breaks are not permitted to interfere with other employees who are continuing to work (**see** Policy 603 Solicitation).

Personal Conduct

Policy 801 Behavior Of Employees

The City of Anacortes finds that certain rules and regulations regarding employee behavior are necessary for efficient business operations and for the benefit and safety of all employees. Conduct that interferes with operations, discredits the City of Anacortes (with the exception of a proper exercise of First Amendment, whistleblower, or other rights protected by law), or is offensive to customers or coworkers will not be tolerated.

1. Employees are expected at all times to conduct themselves in a positive manner in order to promote the best interests of the City of Anacortes. Appropriate employee conduct includes:
 - a. Treating all customers, visitors, and coworkers in a courteous manner;
 - b. Refraining from behavior or conduct that is offensive or undesirable, or which is contrary to the City of Anacortes's best interests (**see** Policy 202 Productive Work Environment);
 - c. Reporting to management suspicious, unethical or illegal conduct by coworkers, customers, or suppliers (**see** Policy 605 Security);
 - d. Reporting to the ~~Director managing the~~ Human Resources Director department any threatening or potentially violent behavior of coworkers;
 - e. Cooperating with City of Anacortes investigations (**see** Policies 202 Productive Work Environment and 605 Security);
 - f. Complying with all City of Anacortes safety and security regulations (**see** Policies 601 Employee Safety and the Safety Committee and 605 Security);
 - g. Wearing clothing appropriate for the work being performed (**see** Policies 601 Employee Safety and the Safety Committee and 802 Personal Appearance of Employees);
 - h. Performing assigned tasks efficiently and in accord with established quality standards;
 - i. Reporting to work punctually as scheduled and being at the proper ~~work~~ station/workstation, ready for work, at the assigned starting time (**see** Policy 701 Attendance and Punctuality);
 - j. Giving proper advance notice whenever unable to work or report on time (**see** Policy 701 Attendance and Punctuality);
 - k. Smoking only at times and in places not prohibited by City of Anacortes rules or local ordinances (**see** Policy 606 Tobacco Use); and
 - l. Maintaining cleanliness and order in the workplace and work areas.
2. The following are examples of conduct that is prohibited. Individuals engaged in these behaviors will be subject to discipline, up to and including termination (**see** Policy 807 Disciplinary Procedure):
 - a. Possessing firearms or other weapons on City of Anacortes property (unless employee is required to carry a firearm or other weapon as a condition of employment);
 - b. Fighting or assaulting a coworker or customer;
 - c. Threatening or intimidating coworkers, customers, or guests;
 - d. Engaging in any form of discrimination, sexual or other harassment, or retaliation (**see** Policy 202 Productive Work Environment);
 - e. Reporting to work under the influence of alcohol, illegal drugs (including marijuana which remains illegal under federal law), controlled substances, or narcotics or using, selling, dispensing, or possessing alcohol, illegal drugs, or narcotics on City of Anacortes premises (**see** Policy 808 Drugs, Narcotics, and Alcohol);
 - f. Disclosing confidential City of Anacortes information (**see** Policy 806 Media Inquiries);
 - g. Falsifying or altering any City of Anacortes record or report, such as an employment application, medical reports, production records, time records, expense accounts,

absentee reports, or shipping and receiving records;

- h. Stealing, destroying, defacing, or misusing City of Anacortes property or another employee's or customer's property;
 - i. Using City communication systems (including electronic mail, computers, Internet access, personal handheld devices and telephones), and social media in a manner inconsistent with or in violation of City policy (**see** Policy 804 Use of Communication Systems);
 - j. Refusing to follow management's instructions concerning a job-related matter or being insubordinate;
 - k. Failing to wear assigned safety equipment or failing to abide by safety rules and policies (**see** Policy 601 Employee Safety and the Safety Committee);
 - l. Soliciting or distributing in violation of City of Anacortes policies (**see** Policy 603 Solicitation);
 - m. Smoking where prohibited by state law and City of Anacortes rules (**see** Policy 606 Tobacco Use);
 - n. Using profanity or abusive language (**see** Policy 804 Use of Communication Systems);
 - o. Sleeping on the job without authorization;
 - p. Gambling on City of Anacortes property;
 - q. Playing pranks or engaging in horseplay; and
 - r. Wearing improper attire or having an inappropriate personal appearance (**see** Policy 802 Personal Appearance of Employees).
3. The examples of impermissible behavior described in **Comment** (2), above, are not intended to be an all-inclusive list. At management's discretion, any violation of the City of Anacortes's policies or any conduct considered inappropriate or unsatisfactory may subject the employee to disciplinary action. Questions about this policy should be directed to the Human Resource Department.

Policy 802 Personal Appearance Of Employees

The City of Anacortes requires each employee's dress, grooming, and personal hygiene to be appropriate to the work situation. Employees are expected at all times to present a professional image.

1. Employees are expected at all times to present a professional image to customers and the public. Professional personal appearance, like proper maintenance of work areas, is an ongoing requirement of employment with the City of Anacortes. Radical departures from personal grooming and hygiene standards are not permitted.
2. Office workers and any employees who have regular contact with the public must comply with the following personal appearance standards and are expected to dress in a manner that is considered professional attire in similar business establishments. Employees should not wear suggestive attire or similar items of casual attire that do not present a professional appearance.
3. Employees who do not regularly meet the public should follow basic requirements of safety and ~~comfort, but~~ comfort but should still be as neat and professional as working conditions permit.
4. Certain employees may be required to meet special dress, grooming, and hygiene standards, such as wearing uniforms, depending on the nature of their job.
5. On Fridays, the City of Anacortes allows employees (who are not required to wear a uniform) to dress in a more casual fashion than is normally required; however, employees are still expected to present a neat appearance and are not permitted to wear ripped or disheveled clothing, or similarly inappropriate clothing.
6. An employee who does not meet the standards of this policy will be required to take corrective action, which may include leaving the premises. Non-exempt employees ~~(those subject to the minimum wage and overtime requirements of the Fair Labor Standards Act)~~ will not be compensated for any work time missed because of failure to comply with this policy. Violations of this policy also may result in disciplinary action.

Policy 803 Personal Finances Of Employees

The City of Anacortes expects employees to meet their financial obligations in a timely manner.

1. Employees should manage their personal finances so that they do not adversely affect job performance or the City of Anacortes's image in the community. The failure of employees to meet financial obligations may impose an administrative and financial burden on the City of Anacortes through extra bookkeeping and the need to respond to legal notices and court orders.
2. The City of Anacortes will not disclose employee financial information to outside parties without express written permission from the employee, except as required by law.
- ~~3. The City of Anacortes will conduct credit checks of applicants for employment in accordance with its hiring policy.~~
- 4.3. The Payroll ~~manager~~ Manager of the Finance Department is the only person authorized to receive a writ of garnishment or attachment, a notice of levy by any taxing authority, or any other similar order requiring payment of a portion of an employee's compensation to someone other than the employee. ~~The Human Resource Department~~ Human Resources will notify the affected employee and then Payroll will deduct the required amount from the employee's earnings, up to the limit permitted by law.
- ~~5.4.~~ No employee will be disciplined because their earnings have been garnished for one indebtedness. However, multiple garnishments (three or more in a 12-month period) may result in discipline, up to and including termination, depending on the circumstances of the case and any legal restrictions.

Policy 804 Use Of Communication Systems

The City of Anacortes provides or contracts for the communications services and equipment necessary to promote the efficient conduct of its business.

1. Communications systems and equipment are provided by the City of Anacortes to facilitate the performance of City work. ~~Incidental personal use is secondary, should not interfere or conflict with business use or job performance, should clearly indicate that it is personal usage and is subject to regulation for cost controls required by the City.~~ All communication systems must be used in compliance with applicable statutes, regulations, and the City's policies including those that require a work environment free from discrimination and harassment. Employees are expected to use common sense and sound judgment to avoid any communication which is disrespectful, offensive, or illegal.
- ~~2. No Expectation of Privacy: All City of Anacortes communications services and equipment, including the messages transmitted or stored by them, are the sole property of the City of Anacortes. Department Heads or as designated Division Managers may access and monitor employee communications and files as considered appropriate. Communication services and equipment include, among other things: mail, electronic mail ("e-mail"), instant messaging, courier services, facsimiles, telephone systems, personal computers, computer networks, on-line services and tapes, Internet connections, Intranets, computer files, video equipment and tapes, tape recorders and recordings, pagers, cellular phones, smart phones, personal digital assistants, tablets, voice mail, and bulletin boards.~~
- ~~3.2.~~ The City as provider of access to communication systems reserves the right to specify how the City's network resources will be used and administered to comply with this policy. Message content sent from City communication systems reflects the City's image, both positively and negatively. Employees may be subject to disciplinary action for using these resources in a manner other than for the intended purposes. The information sources available via the Internet are worldwide and constantly growing in kind and number. It is not possible for any organization to fully manage the types and content of information accessed by its systems and users. Nonetheless, the City reserves the right to restrict access to any data source if/when, in its sole discretion and after appropriate review, the City determines such a source to be problematic. These restrictions do not constitute an implication of approval of other non-restricted sources.
- ~~4. Without exhausting all of the possibilities, the following are examples of inappropriate use of City communication systems:~~
 - ~~a. Exposing others, either through carelessness or intention, to materials which are offensive, obscene or in poor taste. This includes information which could create an intimidating, offensive, threatening, or hostile work environment.~~
 - ~~b. Any use that may for a reasonable person create or further a hostile attitude or give offense on the basis of any protected class including sex, race, color, religion, national origin, genetic information, pregnancy, age, marital status, sexual orientation, gender identity, gender expression, disability, military status or any other characteristic protected by law.~~
 - ~~c. Communication of confidential City information to unauthorized individuals within or outside the City (see Policy 806 Media Inquiries).~~
 - ~~d. Sending messages or information which is in conflict with applicable law or City policies, rules, or procedures.~~
 - ~~e. Unauthorized attempts to access data or break into any City or non-City system.~~
 - ~~f. Theft or unauthorized copying of electronic files or data including documents, photographs, and music or video files~~
 - ~~g. Intentional misrepresentation of one's identity for improper or illegal acts.~~

~~5. Incidental personal use by employees of the City's communications services and equipment is allowed as long as the use does not interfere with the employee's work or the City's operations and does not violate any City policy. Employees must properly log any personal use charges and reimburse the City for them. However, whenever possible, personal communications that incur usage charges should be placed on a collect basis or charged directly to the employee's personal credit card or account.~~

~~6.3. City communications property or equipment may not be removed from the premises without written authorization from the employee's supervisor. Some resources (designated laptop computers and audio-visual equipment) are made available through a reservation system and may not require supervisory approval. In addition, employees should keep use of personal communication devices to a minimum so that their use does not interfere with the employee's work or the City's operations.~~

~~7.4. Employees should ensure that no personal correspondence appears to be an official communication of the City of Anacortes. Employees may be perceived as representatives of the City of Anacortes and, therefore, damage or create liability for the City. All outgoing messages, whether by mail, facsimile, e-mail, Internet transmission, or any other means, must be accurate, appropriate, and work-related. Employees may not use City of Anacortes stationery or postage for personal letters. Only the City of Anacortes may issue personalized stationery and business cards bearing the City's logo.~~

~~8. Employees must bear in mind that email is not private and its source is clearly identifiable. Email messages may remain part of City business records long after they have been deleted. Electronic records, including e-mail messages, are public records subject to Washington State's Public Disclosure Records Act, and will be disclosed upon request unless an exemption to disclosure is found to apply. In general, e-mail is subject to discovery in civil lawsuits.~~

~~9. Email may not be used for spam (unsolicited bulk email) or to send or post chain letters, messages of a political or religious nature, or messages that contain obscene, profane, or otherwise offensive material or language.~~

~~5. Emergency Contact~~ Employees who do not have direct access to a City of Anacortes telephone should make provisions to have emergency or other necessary incoming calls routed to a department approved telephone or to ~~the Human Resource Department~~ Human Resources. Although the City of Anacortes will attempt to deliver personal messages to employees, it cannot and does not accept responsibility for the prompt or accurate relay of these messages.

~~40.6. See Addendum A Information Technology & Systems Policies for further details on IT, IS, and communication systems.~~

~~11. Improper use of City of Anacortes communications services and equipment and social media or any other violations of this policy will result in discipline, up to and including termination. Improper use includes any misuse as described in this policy, any misuse that would result in violations of other City policies, as well as any harassing, offensive, demeaning, insulting, defaming, intimidating, sexually suggestive, or otherwise inappropriate written, recorded, or electronically transmitted communications (see Policies 202-Productive Work Environment and 801-Behavior of Employees). Nothing in this policy is designed to interfere with, restrain, or prevent employee communications regarding wages, hours, or other terms and conditions of employment. Employees have the right to engage in or refrain from such activities.~~

Formatted: Font: Bold, Italic

Policy 805 Conflicts Of Interest

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

1. Employees are expected to represent the City of Anacortes in a positive and ethical manner. Thus, employees have an obligation to avoid conflicts of interest and to refer questions and concerns about potential conflicts to their supervisor.
2. Employees may not, ~~directly~~directly, or indirectly whether on or off the job, engage in any conduct that is disruptive or damaging to the City of Anacortes.
3. Employees who marry or become members of the same household may continue employment as long as there is not:
 - a. A direct or indirect supervisor/subordinate relationship between the employees; or
 - b. An actual conflict of interest or the appearance of a conflict of interest.Should one of the above situations occur, the City of Anacortes would attempt to find a suitable position within the City of Anacortes to which one of the affected employees may transfer. If accommodations of this nature are not feasible, the employees will first be permitted to determine which of them will resign. If no agreement between the employees can be reached, the City of Anacortes will decide which of the employees will be terminated.
- ~~3-4.~~ Employees and their immediate family may not accept gifts, except those of nominal (i.e. less than \$20.00) value, or any special discounts or loans from any person or firm doing, or seeking to do, business with the City of Anacortes. The meaning of gifts for purposes of this policy includes the acceptance of entertainment and free travel and lodging.
- ~~4-5.~~ Employees may not give, offer, or promise, directly or indirectly, anything of value to any representative or any entity in connection with any transaction or business that the City of Anacortes may have.
- ~~5-6.~~ Employees may not accept any employment relationship with any organization that does business with the City of Anacortes. This prohibition on employment includes serving as an advisor or consultant to any organization of that type, unless the activity is conducted as an assigned representative of the City of Anacortes.
- ~~6-7.~~ Any conflict or potential conflict of interest must be disclosed to the City of Anacortes. failure to do so will result in discipline, up to and including termination (**see** Policy 807 Disciplinary Procedure).

Policy 806 Media Inquiries

All media inquiries and other inquiries of a general nature should be referred to the ~~d~~Department ~~H~~head or ~~D~~division ~~M~~anager. In addition, the Mayor must approve all press releases, publications, speeches, or other official declarations (~~see~~ Policy 605 Security). The Mayor may authorize specific employees to respond to media inquiries on the City's behalf without prior approval. Questions about employee references or other information concerning current or former employees should be referred to ~~the Human Resource Department~~Human Resources.

Policy 807 Disciplinary Procedure

The City of Anacortes expects that all employees comply with the City of Anacortes's standards of behavior and performance and that noncompliance with these standards must be corrected.

1. Under many circumstances, the City of Anacortes utilizes a policy of progressive discipline in which it attempts to provide employees with notice of deficiencies and an opportunity to improve. It does, however, retain the right and discretion to administer discipline in any manner it sees fit, and to terminate all at-will employees with or without cause.
2. Depending on the circumstances, the City of Anacortes may utilize the following procedures:
 - a. If an employee is not meeting City of Anacortes standards of behavior or performance, the employee's supervisor may take the following action:
 - i. Meet with the employee to discuss the matter;
 - ii. Inform the employee of the nature of the problem and the action necessary to correct it; and
 - iii. Prepare a memorandum for the supervisor's own records indicating that the meeting has taken place.
 - b. If there is a second occurrence, the supervisor may hold another meeting with the employee and take the following action:
 - i. Issue a written reprimand to the employee (~~the Human Resources Department~~ should assist in the preparation of the written reprimand);
 - ii. Warn the employee that a third incident will result in more severe disciplinary action; and
 - iii. Prepare and forward to ~~the Human Resource Department~~ Human Resources a written report describing the first and second incidents and summarizing the action taken during the meeting with the employee. This information will be included in the employee's personnel file (see Policy 901 Personnel Records).
3. If there are additional occurrences, the supervisor may take the following action, depending on the severity of the conduct:
 - a. Issue an additional written reprimand or warning;
 - b. Typically, the employee should be suspended immediately, and an investigation of the incidents leading up to the suspension should be conducted to determine if any action such as termination should be taken; or
 - c. The supervisor must prepare and forward to ~~the Human Resource Department~~ Human Resources another written report describing the occurrences, indicating the timing between the occurrences, and summarizing the action taken or recommended and its justification.
4. The progressive disciplinary procedures described in ~~Comment~~ (2), above, may also be applied to an employee who is experiencing a series of unrelated problems involving job performance or behavior.
5. The degree of disciplinary action administered depends on the severity of the infraction and will be carried out in accordance with this policy, or in accordance with applicable Civil Service Rules ~~and Regulations~~ or collective bargaining agreements. It is the responsibility of management to evaluate the circumstances and facts thoroughly and objectively. In cases involving serious misconduct, or any time the supervisor determines it is necessary, the procedures contained in ~~Comment~~ (2), above, may be disregarded. The supervisor should suspend the employee immediately and, if appropriate, recommend termination of the employee (see Policy 801 Behavior of Employees). If appropriate, an investigation of the incidents leading up to the suspension may be conducted to determine what further action, if any, should be taken. Employees suspended from work generally will not receive or accrue any employee benefits during the suspension.

6. Pre-disciplinary Meeting

- a. In the case of suspension, demotion, or termination of an employee (other than ~~introductory-probationary~~ employees), the City will conduct a pre-disciplinary meeting. The pre-disciplinary meeting serves as a check against mistaken decisions and as an opportunity for an employee to furnish additional facts before a suspension or termination decision is finalized. The employee shall be provided with a notice of intended discipline. The notice shall include an explanation of the charges on which the recommendation is based, and the time and date for a pre-disciplinary meeting. If the employee fails or refuses to appear, the suspension, demotion, or termination may proceed. Pre-disciplinary meetings will be presided over by the Human Resources Director or designated representative.
- b. A non-supervisory employee who is represented by a union may request that a union representative be present at a pre-disciplinary meeting. The meetings are intended to be informal. The employee may show cause why they should not be suspended, demoted, or terminated. Usually within two working days after the pre-disciplinary meeting, the Mayor will issue a decision on whether there are reasonable grounds to believe the charges against the employee are true and support suspension, demotion, or termination. A longer review period may be required in situations that are more complex.

7. ~~The Human Resource Department~~ Human Resources shall review and approve all recommendations for termination before any final action is taken (**see** Policy 213 Termination of Employment).
8. Employees who believe that this policy has not been followed, and wish to challenge the decision, must use the dispute resolution procedure (**see** Policy 902 Dispute Resolution Procedure).
9. If an employee who has been disciplined for relatively minor misconduct works a full year without further disciplinary action under this policy, the next failure to meet behavior or performance standards may be treated as a first occurrence under this policy; however, the City of Anacortes may still consider all past disciplinary actions in evaluating the employee- (**see** Policy 302 ~~Performance appraisal~~ Performance Reviews).

Policy 808 Drugs, Narcotics, And Alcohol

The City of Anacortes is committed to protecting the health, safety and well-being of its employees and all individuals who come into contact with our employees and workplace. In addition, we strive to create and maintain a productive and efficient work environment in which all employees have an opportunity to thrive and be successful.

Recognizing that drug and alcohol use and abuse can pose a serious threat to these goals, the City of Anacortes is committed to providing a drug and alcohol-free workplace for all of its employees. This policy is in accordance with Chapter 296-800 of the Washington State Administrative Code (WAC) and with the federal Drug Free Workplace Act.

This policy applies to all employees of the City. Employees who are required to maintain a commercial driver's license (CDL) are also subject to the City's Drug and Alcohol Policy for DOT Employees.

1. The City of Anacortes strictly prohibits the following in the workplace, on City property (including all City-owned, leased, and controlled premises, vehicles, and workstations whereby the employee is being paid by the City and is under the direct control and supervision of the City in City vehicles) or on work time:
 - a. the use, sale, distribution, dispensation, manufacture or possession of alcohol or drugs (including marijuana and other drugs included in Schedule I or II of the federal Controlled Substances Act) or drug paraphernalia;
 - b. the unauthorized use or distribution of prescription drugs;
 - c. the use of any legally obtained drug (prescriptions or over-the-counter medications) when such use may adversely affect an employee's job performance, their safety or the safety of others, or any combination thereof;
 - d. reporting to work or working while under the influence of alcohol or drugs (including marijuana and other drugs included in Schedule I or II of the federal Controlled Substances Act). An employee will be deemed under the influence of a drug if the employee tests positive following a test conducted in accordance with this policy or when the employee acknowledges impairment.
2. Prescription medication. The possession and use of medically prescribed or over-the-counter drugs during work hours is permissible, subject to certain conditions. The employee shall have no obligation to inform the City of such use unless, according to a warning notice or the input of a physician or pharmacist, the drug may cause a possible impairment that could prevent the employee from performing ~~his or her~~their job safely or effectively. In such cases, the employee should notify ~~his or her~~their supervisor or Human Resources so that a determination can be made as to whether it is in the best interests of the City and the employee that the employee work, not work or be reassigned during the period medication is used. Medical information will be handled in a confidential manner. Notwithstanding the above, the medical use of marijuana that causes drug or drug metabolites to be present in the body above minimum thresholds established by federal law constitutes prohibited conduct regardless of whether the marijuana was used under the guidance of a medical practitioner and regardless of whether the medical practitioner advised that such use will not adversely affect the employee's ability to safely and effectively perform job duties.
3. Workplace drug related convictions. The Drug Free Workplace Act of 1988 requires employees, as a condition of employment, to report any criminal convictions of drug-related activity in the workplace to the City no later than five (5) days following a conviction. Any such report should be directed to ~~the Human Resource Department~~Human Resources. Employees convicted of workplace drug-related crimes may be subject to discipline up to

and including termination.

4. Drug and alcohol testing

a. The City of Anacortes asserts its right to test employees or applicants for alcohol and/or controlled substances to the extent allowed by law. This includes urine drug testing and evidential breath alcohol testing. Employee or applicant acceptance of testing, when required in accordance with this policy, is a mandatory condition of employment. Refusing to submit to such tests constitutes a violation of City policy and will result in termination of employment or, for an applicant, withdrawal of the job offer. The City of Anacortes reserves the right to test for drugs and/or alcohol as defined below:

- i. **Pre-employment** – After receiving a conditional offer of employment, an applicant for a safety sensitive position must submit to, and successfully pass, a drug test.
 - ii. **Post-accident** – An employee who is involved in an accident that causes significant property damage while driving a vehicle for City business, or who sustains or causes an injury that requires medical attention, will be required to submit to drug and alcohol testing, unless the circumstances surrounding the accident do not indicate a reasonable possibility that drug or alcohol use was a contributing factor.
 - iii. **Reasonable Suspicion** – Reasonable suspicion is based on specific personal observations that a City of Anacortes management representative can describe and document (using a Reasonable Suspicion Testing and Documentation Form) regarding an employee's appearance, behavior, speech and breath odor.
- b. The City of Anacortes will follow the collection and drug testing guidelines and standards issued by the U.S. Department of Health and Human Services and the U.S. Department of Transportation (DOT).
- c. To ensure the accuracy and integrity of the program, the City of Anacortes also will follow these employee protection guidelines:
- i. For drug analysis, we will use a laboratory that has been certified by the Substance Abuse and Mental Health Services Administration (SAMHSA).
 - ii. A strict chain of custody will be used to ensure specimen integrity; a split specimen will also be collected.
 - iii. The process will ensure privacy and confidentiality of all test results.
 - iv. All positive drug test results will be confirmed by gas chromatography/mass spectrometry before they are reported to the City of Anacortes.
 - v. All confirmed positive, invalid, ~~substituted~~substituted, and adulterated results will receive medical review by a Medical Review Officer (MRO), who will give the employee an opportunity to provide possible medical explanations for the result.
 - vi. All negative test results will be reported to the designated employer representative.
- d. In addition, when the City has a reasonable suspicion that an employee is violating any aspect of this policy, the employee may be asked by the City of Anacortes to submit immediately to a search or inspection at any time (including breaks and the lunch period) while on City premises or in City property. Any refusal to consent to a search constitutes a violation of this policy and is grounds for disciplinary action, up to and including termination of employment.

5. Procedures for administering tests:

a. Drug screen

- i. Upon identifying an event that requires testing (pre-employment, post-accident or reasonable suspicion), ~~the~~ Human Resources ~~department~~ will provide the employee with a non-DOT Custody and Control Form indicating the reason for the test and the specific services to be performed.
- ii. The employee will report to a clinic or authorized collection site with the Custody and Control Form and photo identification within 60 minutes of notification. In the

event of a post-accident or reasonable suspicion testing event, the employee will be transported to the collection site by a City of Anacortes management representative.

- iii. Samples will be collected by personnel who have met DOT collector training requirements as specified by U.S. Department of Transportation (DOT) Regulations 49 CFR Part 40. Collectors will follow standard DOT collection procedures and use a non-DOT chain of custody form. A split sample collection is required.
 - iv. Shy bladder collections – In the event that an employee is unable to provide an adequate specimen on the first attempt, ~~he or she~~they will be given 40 ounces of water over a 3-hour period. The employee may attempt to provide a sample at any time within the 3-hour period. The employee must remain at the collection site until the collection is completed. If the employee is not able to provide an adequate specimen within 3 hours, the City of Anacortes Human Resources office will be notified immediately, and they will then notify the Medical Review Officer (MRO) for an evaluation. In this instance, the employee shall have the option to undergo a medical evaluation for “shy bladder” at their expense. If no medical explanation is found for their inability to produce urine, it shall constitute a refusal to test and be considered a failed test.
 - v. Suspected substitution or adulteration collections – If the employee provides a sample and the collection temperature does not register on the collection cup, or the collector suspects that the specimen has been adulterated (for example, it has a blue color or chemical odor that is not consistent with urine, such as bleach or perfume), that collection will be completed, and a second sample will be collected under same-gender direct observation. Both samples will be submitted to the lab for analysis, and both results will require MRO review. If an employee refuses to provide a second sample under observation, the event will be deemed as a refusal to test.
 - 1. The sample will be shipped via courier to a SAMHSA-certified lab.
 - 2. Each sample will undergo a screening test and, if it demonstrates a positive response for any drug, it also will be subject to a confirmation test by gas chromatography/mass spectrometry (GC/MS).
 - 3. All negative results will be reported by an authorized SAMHSA-certified lab directly to the City of Anacortes. All results reported from the laboratory as positive, invalid, ~~substituted~~substituted, or adulterated results will be reported to the MRO for review. The MRO will contact the employee by telephone to give that individual an opportunity to provide a valid medical explanation for the positive result.
 - 4. If the MRO accepts an employee’s explanation and/or documentation as a valid, medically acceptable explanation, the result may be deemed “negative” and reported to Human Resources as such. All results for which the MRO determines that there is no valid, acceptable medical explanation will be deemed a “confirmed positive” and reported to Human Resources as a failed test. The MRO may require a re-collection under direct observation in the event of some invalid results.
6. Breath alcohol
- a. All alcohol tests will be conducted using an evidential breath testing device operated by a trained Breath Alcohol Technician who has met qualification and proficiency requirements.
 - b. The Breath Alcohol Technicians will use a non-DOT Alcohol Testing Form to record the test. The employer copy of the Alcohol Testing Form will be sent to ~~the~~ Human

Resources ~~department~~.

- c. A breath alcohol result of < 0.019 grams of alcohol/210 L of breath will be considered negative, and no further testing will be required for that incident.
 - d. A breath alcohol result of > 0.020 grams of alcohol/210 L of breath will require a second, confirmatory test conducted no sooner than 15 minutes after the initial test. If the confirmation test result is > 0.020 grams of alcohol/210 L of breath, the result will be considered positive and will be reported immediately to Human Resources.
 - e. If the result is positive, the employee will not be allowed to return to work, and arrangements must be made to provide transportation to the employee's home.
7. Confidentiality. All information received by the employer through the program is confidential. Access to this information is limited to those who have a legitimate need to know.
8. Consequences. An employee's refusal to do any of the following when required is considered non-compliance and may result in disciplinary action, up to and including termination of employment:
- a. Take a drug or alcohol test.
 - b. Appear for testing.
 - c. Accept the EAP recommendations when required to use the EAP because of a positive drug test or due to violating a City rule pertaining to drugs or alcohol.
 - d. Comply with the conditions of a Last Chance Agreement.
9. First verified positive test: An employee may be terminated solely for a first-time confirmed positive drug or breath alcohol test. However, if not terminated, the employee will be given an opportunity for job retention through a Last Chance Agreement. This policy does not prohibit an employee from being terminated for reasons other than a confirmed positive test result. The availability of a Last Chance Agreement in a given situation, as well as the specific terms of that agreement, shall be subject to the City's discretion and approval.
10. Second verified positive test: If an employee has a confirmed positive drug screen or positive breath alcohol test for a second time, the employee will be terminated immediately.
11. Implementation details
- a. Supervisor training. The City of Anacortes will provide a supervisor training program to help supervisors recognize an employee with possible alcohol and/or drug problems. This program will train supervisors how to recognize specific performance or behavior criteria related to substance abuse and how to refer employees for assistance.
 - b. Employee education. The City of Anacortes will provide alcohol and drug awareness information for all employees. This will include the City of Anacortes policy on alcohol and drug abuse; the dangers of alcohol and drug abuse; and treatment and counseling services available through the Employee Assistance Program.
 - c. Employee Assistance Program. The City of Anacortes recognizes that alcohol and drug addiction can be successfully treated and is willing to help employees who suffer from these problems while holding them responsible for their own recovery. The City of Anacortes maintains an Employee Assistance Program (EAP). Employees may also have access to professional services through the City's medical health insurance plans to aid them with any alcohol or drug problems. Employees who need help with drug and/or alcohol misuse or abuse are encouraged to use these resources.
12. Employees are strongly encouraged to seek help to address their drug or alcohol problems before such issues affect their performance or result in a positive drug or alcohol test. Seeking assistance after an employee has tested positive or demonstrated performance issues will not allow the employee to avoid the disciplinary consequences of his/her behavior. For employees seeking assistance for alcohol and/or drug problems, the EAP will be administered as follows:
- a. Employees seeking help on their own, or who are referred to the EAP by their supervisor, will be provided assistance on a confidential basis without jeopardizing their

employment status.

- b. Employees who are offered a Last Chance Agreement in lieu of termination for a violation of this policy may be required to use the EAP and/or successfully complete a treatment program as a condition of continued employment. In such case, the employee may be required to authorize the EAP or treatment provider to disclose to the City information regarding compliance with the treatment program. A Last Chance Agreement may also include requirements for follow-up drug and alcohol testing for a period of two years as a condition of continued employment.

Miscellaneous

Policy 901 Personnel Records

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

1. The City of Anacortes tries to balance its need to obtain, use, and retain employment information with a concern for each individual's privacy. To this end, it attempts to maintain only the personnel information that is necessary for the conduct of its business or required by federal, state, or local law.
2. ~~The Human Resource Department~~Human Resources is responsible for overseeing record keeping for all personnel information and will specify what information should be collected and how it should be stored and secured.
3. Employees have a responsibility to keep their personnel records up to date and should notify ~~the Human Resource Department~~Human Resources in writing of any changes in at least the following:
 - a. Name;
 - b. Address;
 - c. Telephone number;
 - d. Marital status (for benefits and tax withholding purposes only);
 - e. Number of dependents;
 - f. Addresses and telephone numbers of dependents and spouse or domestic partner, or former spouse or domestic partner (for insurance purposes only);
 - g. Beneficiary designations for any of the City of Anacortes's insurance, disability plans; and for the State Department of Retirement Systems.
 - h. Persons to be notified in case of emergency.In addition, employees who have a change in the number of dependents or marital status should complete a new Form W-4 for income tax withholding purposes.
4. Employees may inspect their own personnel records and may copy, but not remove, documents in the file. Inspections by employees must be requested in writing to ~~the Human Resource Department~~Human Resources and will be scheduled at a mutually convenient time. All inspections must be conducted in the presence of a designated member of ~~the Human Resource Department~~Human Resources. A reasonable charge, not to exceed the actual cost to the City of Anacortes, will be made for any copies of records made by the employee.
5. Employees who believe that any file material is incomplete, inaccurate, or irrelevant may submit a written request for file revisions to ~~the Human Resource Department~~Human Resources. If the request is not granted, the employee may place a written statement of disagreement in the file and make a complaint using the regular grievance procedure (see Policy 902 Dispute Resolution Procedure).
6. Only supervisory and management employees who have an employment-related need-to-know for information about another employee may inspect the files of that employee. The inspection must be approved and witnessed by ~~the Human Resource Department~~Human Resources. Records containing medical information will be maintained in a secure and confidential file, separate from the personnel file.
7. Employees should refer all requests from outside the City of Anacortes for personnel information concerning applicants, employees, and past employees to ~~the Human Resource Department~~Human Resources. ~~The Human Resource Department~~Human Resources

normally will release personnel information only in writing and only after obtaining the written consent of the individual involved. Exceptions may be made to cooperate with legal, safety, and medical officials who need specific employee information. In addition, exceptions may be made to release limited general information, such as the following: employment dates, position held, and location of job site.

8. The City follows the general retention schedules defined by the Local Government Records Retention Schedules established by the Washington State Archives.
9. The City customarily retains certain documents in the regular course of business as a part of an employee's permanent record, even if no regulation requires retention. Examples of this type of document would include performance management memos, disciplinary or warning memos, and memos describing the outcome of an internal investigation.

~~Other working documents that the manager may need:~~ The manager should consider first whether a document in this category should be routed to ~~the~~ Human Resources Department. The manager should contact the Human Resources Director or Representative if unclear whether or not the contents should be placed in the employee's file. Other working documents that the manager may need:

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

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

- a. Application forms/ resumes/letters of offer
- b. Reviews/evaluation forms
- c. Performance Management memos
- d. Disciplinary memos
- e. Memos regarding the result of any internal complaint/investigation that resulted in disciplinary action being taken
- f. Termination/resignation notices
- g. Documents regarding the offer and/or acceptance of severance benefits
- h. Post-termination documents referencing a former employee's eligibility or ineligibility for rehire
- i. Applications for health, life, disability or other insurance or benefit program
- j. Workers' compensation claims
- k. Leave of absence
- l. Unemployment claims
- m. Medical records
- n. Physician's releases
- o. Documents pertaining to an ergonomic evaluation
- p. Request for accommodation of a physical or mental condition.

Policy 902 Dispute Resolution Procedure

The City of Anacortes believes that employees should have an opportunity to present their work-related complaints and to appeal management decisions through a dispute resolution procedure. The City of Anacortes will attempt to resolve promptly all disputes that are appropriate for handling under this policy.

1. Employees are encouraged to consult on a less formal basis with ~~the Human Resources~~ ~~department~~, their supervisors, or other members of management regarding work-related complaints or disputes.
2. An appropriate dispute is defined as an employee's expressed dissatisfaction concerning any interpretation or application of a work-related policy by management, supervisors, or other employees. Examples of matters that may be considered appropriate disputes under this policy include:
 - a. A belief that City of Anacortes policies, practices, rules, regulations, or procedures have been applied inconsistently to an employee;
 - b. Treatment considered unfair by an employee, such as coercion, reprisal, harassment (including sexual harassment), intimidation, or retaliation;
 - ~~c. Alleged discrimination because of race, color, sex, age, religion, national origin, marital status, gender identification, disability, or any other class protected by law; and~~
 - ~~d. c.~~ Improper or unfair administration of employee benefits or conditions of employment such as scheduling, vacations, fringe benefits, promotions, retirement, holidays, performance review, salary, or seniority.
3. If the employee seeks to complain about harassment, discrimination, or retaliation, this complaint should be directed to the Human Resources Director (**see** Policy 202 Productive Work Environment). If the employee believes that the Human Resources Director is involved, the employee should direct the complaint to the Mayor. ~~While employees are encouraged to have their concerns addressed internally, they may also direct these concerns to the Washington Human Rights Commission, the Equal Opportunity Commission, or any other government agency that receives and handles such complaints.~~ For internal complaints, the Human Resources Director or Mayor will apply this dispute resolution process beginning at Step 3. For all other types of complaints, the dispute resolution procedure is the exclusive remedy for employees with appropriate complaints. Employees should notify the City of Anacortes in a timely fashion of any dispute considered appropriate for handling under this policy. As used in this policy, the terms "timely fashion," "reasonable time," and "promptly" generally will mean ten working days. Certain employees may have more than one source of dispute resolution rights, i.e. a collective bargaining agreement the City's Civil Service Rules, and this complaint process. Employees represented by a bargaining unit or who are covered under civil service rules should follow grievance procedures set out in their respective labor contracts or civil service rules where applicable. In all other cases, the procedures described in this section are to be used. Under no circumstances shall an employee have the right to utilize both this process and any other complaint or appeal procedure that may be available to the employee.
4. The dispute resolution procedure has a maximum of three steps, but disputes may be resolved at any step in the process. Disputes will be processed until the employee is satisfied, does not file a timely appeal, or exhausts the right of appeal under the policy. A decision becomes binding on all parties whenever an employee does not file a timely appeal or when a decision is made in the final step and the right of appeal no longer exists.
5. Employees who feel they have an appropriate dispute should proceed as follows:
 - a. **Step One** - Promptly bring the complaint to the attention of the immediate supervisor. If the dispute involves the supervisor, then the employee may proceed directly to step two.

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

- b. **Step Two** - Appeal the decision to the department head, if dissatisfied with the supervisor's decision, or initiate the procedure with the department head if Step One has been bypassed. This appeal or initial dispute notification must be made in a timely fashion using a written form provided for this purpose. The supervisor's version of the dispute and decision will then be submitted using a similar written form. The department head will, in a timely fashion, confer with the employee, the supervisor, and any other members of management considered appropriate; investigate the issues; and communicate a decision in writing to all the parties involved.
 - c. **Step Three** - Appeal an unsatisfactory department head decision to the Mayor. The timeliness requirement and procedures to be followed are similar to those in Step Two. The Mayor will take the necessary steps to review and investigate the dispute and will then issue a written, final, and binding decision.
6. ~~The Human Resource Department~~Human Resources will provide training and support to supervisors and department heads in dealing with employee complaints. In addition, employees should be encouraged to consult with ~~the Human Resource Department~~Human Resources, their supervisors, or other members of management on a less formal basis regarding employee complaints or disputes.
 7. Final decisions on disputes will not be precedent-setting or binding on future disputes unless they are officially stated as City of Anacortes policy. When appropriate, the decisions will be retroactive to the date of the employee's original dispute notification.
 8. Information concerning an employee dispute should be confidential to the extent possible. Supervisors, department heads, and other members of management who investigate a complaint may discuss it only with those individuals who have a need to know about it or who are needed to supply necessary background information or advice.
 9. Time spent by employees in dispute discussions with management during their normal working hours will be considered hours worked for pay purposes.
 10. Employees will not be penalized for proper use of the dispute resolution procedure. However, it is not considered proper use if an employee raises complaints in bad faith or solely for the purposes of delay or harassment or repeatedly raises meritless disputes. Implementation of the dispute resolution procedure by an employee does not limit the right of the City of Anacortes to proceed with any disciplinary action that is not in retaliation for the use of the dispute resolution procedure. In addition, employees and supervisors are prohibited from retaliating against an employee who properly uses the dispute resolution procedure.
 11. The City of Anacortes may, at its discretion, refuse to proceed with any dispute it determines is improper under this policy.

Policy 903 Whistleblower Protection Act

The City of Anacortes, in compliance with the Local Government Employee Whistleblower Protection Act, RCW 42.41.050, encourages 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.

1. Improper ~~Governmental~~governmental action is any action by a city officer or employee that is:
 - a. Undertaken in the performance of the official's or employee's official duties, whether or not the action is within the scope of the employee's employment, and
 - b. 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.
 - c. Improper governmental action does not include personnel actions including employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, re-employments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of collective bargaining or civil service laws, alleged violation of labor agreements or reprimands. In addition, employees are not free to disclose matters that would affect a person's right to legally protected confidential communications.
2. Retaliatory ~~A~~action is any material adverse change in the terms and conditions of an employee's employment. Emergency means a circumstance that if not immediately changed may cause damage to persons or property.
3. Employees who become aware of improper governmental action should follow these procedures:
 - a. Bring the matter to the attention of the Director ~~managing the of~~ Human Resources ~~department~~, if non-involved, in writing that states in detail the basis for the employee's belief that an improper action has occurred. This should occur as soon as the employee becomes aware of the improper action. Where the employee believes the improper action involves the Human Resources Director, the employee may raise the issue directly with the Mayor.

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 report the improper governmental action directly to the appropriate government agency with the responsibility for investigating the improper action.

 - b. The Mayor or the ~~mayer's~~Mayor's designees shall promptly investigate the report of improper government action. After the investigation is completed (within thirty (30) days of the employee's report), the employee shall be advised of the results of the investigation. City of Anacortes officers and employees involved in the investigation shall keep the identity of reporting employees confidential to the extent possible under law, unless the employee authorizes the disclosure of their identity in writing. After an investigation has been completed, the employee reporting the improper governmental action shall be advised of a summary of the results of the investigation. To the extent allowed under the Public Record Act, personnel actions taken as a result of the investigation may be kept confidential.
4. An employee who makes a good faith effort to follow this policy is entitled to protection against retaliation pursuant to RCW 42.41.030.
5. In the case of an emergency, where the employee believes that damage to persons or

property may result if action is not taken immediately, the employee may bypass the above procedure and report the improper action directly to the appropriate government agency responsible for investigating the improper action. Outside agencies to which reports may be made include, but are not limited to, the following:

Skagit County Prosecuting Attorney's Office

~~Courthouse Annex~~

~~605 S. Third~~

~~Mt. Vernon, WA 98273~~

~~(360)336-9460~~

Washington Attorney General

Washington State Auditor

Department of Labor & Industries

Washington State Patrol

Washington Department of Natural Resources

6. Employees may report information about improper governmental action directly to an outside agency if the employee reasonably believes that an adequate investigation was not undertaken by the City to determine whether an improper governmental action occurred, or that insufficient action was taken by the City to address the improper action or that for other reasons the improper action is likely to recur.
7. It is unlawful for a local government to take retaliatory action because an employee, in good faith, provided information that improper government action occurred. Where an employee believes that retaliation has occurred for reporting an improper government action, the following procedures will apply:
 - a. Employees must provide a written complaint to the Human Resources Director within thirty days of the occurrence of the alleged retaliatory action. If the Human Resources Director is involved, the notice should go to the Mayor. The written charge must specify the alleged retaliatory action and the relief requested.
 - b. The Mayor shall investigate the complaint and ~~responding~~respond in writing within thirty days of receipt of the written charge.
 - c. After receiving the response of the City of Anacortes or thirty (30) days after the delivery of the charge to the City of Anacortes, the employee may request a hearing before a state administrative law judge to establish that a retaliatory action occurred and to obtain appropriate relief provided by law. An employee seeking a hearing should deliver the request for hearing to the City of Anacortes Mayor within the earlier of either fifteen (15) days of deliver of the City of Anacortes' response to the charge of retaliatory action, or forty-five (45) days of delivery of the charge of retaliation to the City of Anacortes for response.
 - d. 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. The ALJ will issue a final decision no later than forty-five days after the date of the request for hearing, unless an extension is granted.
 - e. Additional information can be obtained on the Internet: <https://sao.wa.gov/report-a-concern/how-to-report-a-concern/whistleblower-program/>

Policy 904 Emergency Operations

The City of Anacortes has a responsibility to protect the health and safety of the public during times of emergency. In order to carry out this responsibility, it is a requirement of the City of Anacortes that employees report to work after assessing the health and safety of their families. The City will make every effort to provide assistance to employees and their families to facilitate this reporting. The City realizes that employees will not be able to effectively work until family situations are taken care of first and foremost. This policy establishes guidelines for when employees will be required to report to work in the event of an emergency as declared. Further details can be found in the City's full Emergency Operation Plan and Emergency Guides maintained by the City's Emergency Manager.

1. Where and When to Report:

- a. Department Directors will establish a staffing plan for essential functions which will be needed during an emergency. Employees should be informed in advance of where and when to report.
- b. Employees are expected to make every effort possible to get to the assigned work site. If, due to road closures, the employee is unable to get to the assigned job site, the employees should report to the nearest City facility. It is also understood that some employees may be unable to get to work for a period after an event. At the same time, employees who are at work at the time of the event may be required to remain on the job to provide emergency services or may be unable to leave due to unsafe conditions. The City of Anacortes will assist them in contacting their families.
- c. Employees who are unable to report should contact the designated department representative as soon as possible.

Formatted: Underline

2. Family Needs: The initial reaction of most employees will be to try to determine the well-being of their own families. If at home at the time of the event, an employee's first responsibility is to care for themselves and their family's immediate needs, then report to work. If at work, employees can make every effort to establish contact with the family to determine status. The City will do all that is possible to assist you in contacting your family to ensure their safety. An updated "Emergency Contact Notification" form should be completed annually by you to ensure the proper contact person is notified. Contact the Human Resources department anytime you wish to update the form.

Formatted: Underline

3. Location of City Emergency Operations: Employees should report to their regular place of employment. Should it become necessary to establish an Emergency Operation Center (EOC). The City's EOC locations are as follows:

Formatted: Underline

- a. Primary: Police Station/Municipal Court, 1218 24th Street. If the Police Station is not available, employees should report to the secondary location.
- b. Secondary: Fire Station 1, 1016 13th Street.

Formatted: No underline

Formatted: Superscript

Formatted: No underline

Formatted: Superscript

Formatted

Formatted: Underline

4. Emergency Notification:

- a. Listen to your car or battery-operated radio for emergency updates and routine instruction. The dissemination of emergency warning information to the public is dependent upon the use of mobile sirens and public address systems located on police and fire vehicles. In addition to mobile sirens, City government will rely on the use of various media and the local Emergency Broadcast Systems (KLKI) and Community Alert Network (C.A.N) system to alert and inform the public.
- b. The Mayor is the only City official authorized to activate the local Emergency Broadcast System to assist in emergency warning and dissemination of information to the public. In the absence of the Mayor, the Mayor Pro Tempore is in charge followed by the city attorney. The Emergency Broadcast System must be activated through the Skagit County Department of Emergency Management.

5. Employee Role in an Emergency:

- a. Report to Work: After your crucial personal and family emergency responsibilities have been met, and you are physically able, you are expected to report to work according to your department's operational procedures following a major emergency.
- b. Contact the City: If the telephone system is out and radio information is not forthcoming, you should report as soon as possible. During a major emergency, the telephone network will probably be overwhelmed and in some cases completely shut down. Every effort should be made to report to work or a place of work if unable to get to your work location.
- c. Find out where you are needed: If phones are operative, you are to contact your respective department for information on when and where to report to duty. In a major emergency, the initial response to an emergency incident will be primarily provided by fire, police, and public works. The Incident Commander shall have the authority to request additional resources from other City departments.
- d. Help for your family: Coordination of emergency welfare services (including, but not limited to shelter, feeding, and daycare) will be provided to immediate family members of City employees who are on duty.
- e. Out-of-Town Reporting: If you live outside of Anacortes and cannot get into the City and cannot report via telephone, report to the nearest local Emergency Operation Center and request that governmental agency to contact Anacortes EOC for instruction. You may need to work in your town of residence.
- f. What to Expect:
 - i. In the event of an emergency, you may not be doing the regular functions of your job. Each department will be assigned specific tasks. This may mean you will be doing whatever is necessary to care for and protect the City of Anacortes citizens. You may be working under a different organizational structure, i.e., one designed for the incident at hand, and a different chain of command. People who you now report to may not be the people you are assigned to in an emergency. Likewise, if you are in charge of others, you may have different people assigned to you. Whether given a pre-designated assignment in the emergency plan or not, be prepared to respond as needed.
 - ii. The citizens of Anacortes depend on municipal employees to be organized and deliver support services in a timely manner. We will do everything possible to meet those expectations.
 - iii. Remaining at work is essential until released by your department or the City's Emergency Management Director. This makes it especially important for you to prepare your family.
 - iv. It is advised to establish an out-of-state telephone contact; someone that all family members can call should you be separated. Long distance service may be available even though local service is not.

Formatted: Underline

Formatted

Addendum A - Information Technology & Systems Policies

A-1 Purpose

It is the policy of the City of Anacortes ("the City") to maximize the cost-effective use of computer systems as a means of improving productivity. The City provides communication resources capable of offering computing resources, electronic mail (email), internet access, telephone and voicemail, cellular telephones, and other electronic communication devices (collectively referred to as the City's Technology Resources) to employees to assist in and facilitate City business and communications. The primary purpose of the City's network and systems is to provide service to the public as part of City business, in a manner that is consistent with the City's vision and values.

Formatted: Font: Arial

Formatted: Normal, Space After: 12 pt, No bullets or numbering

Formatted: Font: Arial

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

Formatted: Font: Arial

A-2 Scope

These IS Policies provide for the oversight, use and protection of the City's computing, networking, communications, and data storage systems that collectively comprise the City Network. This includes the acquisition, access, and use of software (including software as a service or SaaS), hardware and shared communication services, whether connected to the network, not connected to the network (standalone), or as a mobile device.

Formatted: Font: Arial

Formatted: Normal, Space After: 12 pt, No bullets or numbering

These IS Policies apply to all users who work on behalf of the City, including all personnel affiliated with third parties that access the City Network and its resources. Such users must be familiar with current policy regarding the acceptable use of these resources and must review these policy documents prior to accessing City information technology equipment and services.

Formatted: Font: Arial

A-3 Definition of Terms

Formatted: PP 2, No bullets or numbering

1. Accounts (other) - Any non-active directory account associated with City resources or communication. For example, department social media accounts, Spillman, service accounts, specialized software accounts, etc.
2. City Network - The City of Anacortes Network data and voice networks, equipment, software that provides computing, communications, audiovisual and data storage activities in support of County business activities, whether networked or standalone. City Network is administered by IS.
3. City Network User - A City employee, contractor, consultant, appointee of the City or member of the City Council or commission that also has an active City account.
4. Confidential - As provided in RCW 42.56.420(4) and for purposes of these IS Policies, confidential means information regarding the infrastructure and security of computer and telecommunications networks, consisting of security passwords, security access codes and programs, access codes for secure software applications, security and service recovery plans, security risk assessments, and security test results to the extent that they identify specific system vulnerabilities, and other such information the release of which may increase risk of the confidentiality, integrity, or availability of agency security, information technology infrastructure, or assets. Confidential also means public records, either in whole or in part, that contain confidential information, including but not limited to, social security numbers,

Formatted: Space After: 12 pt, Outline numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0" + Indent at: 0.25"

Formatted: Font: (Default) Arial

Formatted: Font: (Default) Arial

health and insurance information, and any combination of information that is exempt from public disclosure under chapter 42.56.250 RCW.

5. City Business - All communication, transactions, or services offered by the city
6. City Employee - Elected officials, full and part-time employees, temporary employees, volunteers, interns, or a person hired by the City through a temporary placement agency to perform work that otherwise would be performed by a City employee.
7. Data - Any information produced, transmitted, or stored in a digital format. Including data created during digital communication, web surfing, or usage of applications that generate log records.
8. Funding Source - Operational funds, general fund, capital equipment project funds, grant-funded project and program funds, research and development funds and donations of equipment, services, and cash.
9. Hardware - Hardware can refer to a complete physical digital device such as a computer or tablet or any number of its physical components or accessories, including a computers processor, RAM, graphics cards, hard drives, monitor, mouse, or keyboard.
10. IS Division - The City of Anacortes Information Systems & Technology Division.
11. Malware - Any form of malicious software including computer viruses, ransomware, trojan horses, keyloggers, worms, spyware, adware, or any other unwanted, unintended, or harmful programs running on the city network.
12. Mobile Device - Cellphone, tablet, or any multimedia-capable portable device that provides wireless Internet access or City Network connection. They allow for the communication of content that may include application, information and location-based services. The City may provide such mobile devices to selected employees for purposes of performing their job duties.
13. Public Disclosure - As a local government agency in the state of Washington, City of Anacortes Government is required by chapter 42.56 RCW, Public Records Act to follow specific guidelines in the management of its public records. These guidelines include adhering to retention schedules and the specific handling of public disclosure requests. They also include definitions of what is disclosable and what is not.
14. Public Record - Any record required to be made available during a public records request.
15. Removable Device - Any storage device or equipment that can be physically or wirelessly connected to a computer, laptop, or network device in order to expand its functionality and can be detached or removed with or without administrative privileges to the device. Examples include but are not limited to printers, scanners, smart phones, streaming devices, disk drives, hard drives, tape drives, microphones, speakers, cameras, thumb drives, or other devices with accessible flash memory, etc. For purposes of this policy, the word "device" also includes removable devices such as USB devices, cellular phones, etc.
16. Software - Any program, application, widget, running on a hardware device or in a cloud program such as a computer, cell phone, tablet, or web browser.
17. Technology - Implies any device containing or operated by a computer chip.
18. Text, Text Message, Texting - The act of composing and sending brief, electronic messages between two or more mobile devices over a cellular network, commonly using the Short Messaging Service (SMS) communications protocol.

A-4 Allowable Digital Equipment

Devices that qualify include, but are not limited to, City of Anacortes owned computers, laptops, tablet PCs, telephones, cellular devices, and combination devices such as smart phones. All use of digital equipment must be managed, including acquisition, maintenance, updates, and removal from service, by the IS Division and remain in compliance with all security policies of the City.

Formatted: PP 2, No bullets or numbering

Formatted: Font: Arial

Formatted: Normal, Space After: 12 pt, No bullets or numbering

Formatted: Font: Arial

Formatted: Font: (Default) Arial

Formatted: Font: (Default) Arial

A-5 No Expectation of Privacy

By using the City's Technology Resources employees acknowledge and agree that they have no expectation of privacy or confidentiality in their use of these systems or in any data that they create, store, or transmit over the systems, including data generated through, an employee's incidental personal use of the Technology Resources. Employees further agree that they are aware of, understand and will comply with the provisions of this policy, and that their use of the Technology Resources is monitored. Work related email messages, other electronic communications, and documents created on City or personal devices may be considered a public record subject to disclosure and/or subject to discovery in the event of litigation.

Formatted: PP 2, No bullets or numbering

Formatted: Font: Arial

Formatted: Normal, Space After: 12 pt, No bullets or numbering

A-6 Ownership & Confidentiality

All software, programs, applications, data, data files and web pages relating to City business regardless of device ownership are property of the City. The City retains the right to access, copy, modify, destroy or delete the property. Data files containing:

Formatted: PP 2, No bullets or numbering

Formatted: Font: Arial

Formatted: Normal, Space After: 12 pt, No bullets or numbering

1. Confidential or restricted data should be treated accordingly and should not be removed from the workplace without proper authorization. This includes, but is not limited to:
 - a. Certain records including those relating to or containing financial, medical or personal information.
 - b. Legal documents including but not limited to those relating to property transactions, litigation or claims against the City.
 - c. Banking and financial information including but not limited to transactions, credit cards, customer passwords, etc.

Formatted: Space After: 12 pt, Outline numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0" + Indent at: 0.25"

Formatted: Space After: 12 pt, Outline numbered + Level: 2 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

A-7 Use of Digital Equipment for Personal and City Business

For employees who are issued City devices, it is the City's policy that employees use City-issued devices for City business. Failure to follow this policy could result in discipline up to and including termination and liability for failing to properly maintain records per the Public Records Act. Text messages and other electronic correspondence sent using a personal cell phone or device that pertain to City business or otherwise fall within the definition of a "public record" as defined in the Public Records Act are public records. Users have no right to privacy in City-owned cell phones or devices.

Formatted: PP 2, No bullets or numbering

Formatted: Font: Arial

Formatted: Normal, Space After: 12 pt, No bullets or numbering

City of Anacortes employees are encouraged not to use personal devices for City business. An employee who uses their personal cell phone or device to send or receive text messages related to City business is required to follow this policy and shall be required to produce the device containing texts and other electronic data relating to City business in accordance with this policy.

Formatted: Font: Arial

A-8 Notice of Requirement for Public Records Act Compliance

All electronic data are the property of the City of Anacortes and are public records under the Public Records Act, chapter 42.56 RCW.

Formatted: PP 2, No bullets or numbering

Formatted: Font: Arial

Formatted: Normal, Space After: 12 pt, No bullets or numbering

Formatted: PP 2, No bullets or numbering

Formatted: Font: Arial

A-9 Acquisition Of Information Technology Resources

Acquisition of technology resources must conform to the provisions as defined in City of Anacortes Purchasing Policy, including but not limited to the following:

Formatted: Normal, Space After: 12 pt, No bullets or numbering

Formatted: Font: (Default) Arial

Formatted: Font: (Default) Arial

1. The City of Anacortes Purchasing Policy requires the concurrence of the IS Division at the discretion of the IS Manager, for purchases for the following:
 - a. Software or hardware (including copiers, scanners, and mobile devices) that interfaces with or will be used on the City's network or city-owned computer equipment.
2. Chapter 36.92 RCW requires that all data processing shall not be provided or acquired by a City department other than the IS Division.

Before acquisition, the IS Division must review and concur with all software, hardware, removable device (i.e., anything that connects via USB port, serial port, USB thumb drive, web cameras, etc.) and related maintenance and support contracts, whether the selected products or solution will be on the network or off, used by one or many people, and regardless of program and funding sources.

All software and hardware must be installed by the IS Division. Specialized software and hardware technologies exclusive to individual departments may be managed within the appropriate department, in coordination with and approval of the IS Division.

Most City hardware has a pre-determined lifecycle replacement period and must be surrendered for replacement on a 1:1 basis or retired, according to that schedule. Such technology may not be redeployed without the concurrence of the IS Division.

All hardware resources including computers, monitors, tablets, etc. purchased for in-office or field usage should reside at their assigned work location. Any changes made to hardware locations must be coordinated with the IS Division and the relevant Department Head.

A-10 City-Provided Cellular Telephones

The City of Anacortes recognizes that for certain job functions it is critical that an employee be accessible when away from the assigned work location, during times outside scheduled working hours, or during times of emergency. To accommodate these accessibility needs, the City will provide a mobile communications device to those certain employees, who will then be expected to be accessible as may be necessary. Use of such City-provided mobile communications devices are subject to the expectations described in this policy and no expectation of privacy. All cell phone use is subject to public disclosure, including calls made and received, text messages, photos, and data usage.

All City of Anacortes cellular phones are programmed with staff contacts to promote optimal use of the network. Employees should verify the contact list is up to date; the IS Division can assist with updating if necessary.

Employees are expected to monitor personal use of the internet, messaging, and other applications, to ensure that the City is being appropriately served. Employees must obtain authorization from their supervisor before incurring charges; for example, from downloading data, accessing a paid service, or installing an application.

The City reserves the right to audit and review usage of City-provided cell phones to ensure appropriate and reasonable use.

A-11 Downloads

Formatted: Space After: 12 pt, Outline numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0" + Indent at: 0.25"

Formatted: Space After: 12 pt, Outline numbered + Level: 2 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

Formatted: Space After: 12 pt, Outline numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0" + Indent at: 0.25"

Formatted: Font: Arial

Formatted: Normal, Space After: 12 pt, No bullets or numbering

Formatted: Font: Arial

Formatted: Font: Arial

Formatted: Font: Arial

Formatted: PP 2, No bullets or numbering

Formatted: Font: Arial

Formatted: Normal, Space After: 12 pt, No bullets or numbering

Formatted: Font: Arial

Formatted: Font: Arial

Formatted: Font: Arial

Formatted: Font: Arial

Formatted: PP 2, No bullets or numbering

Formatted: Font: (Default) Arial

Formatted: Font: (Default) Arial

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

Formatted: Font: Arial

Formatted: Normal, Space After: 12 pt, No bullets or numbering

Formatted: Font: Arial

Formatted: Font: Arial

If you are downloading a file and receive a message that a virus or spyware has been detected, you must contact the IS Division immediately for assistance. Similarly, if you receive an email with a suspicious attachment, or from an unusual source, you must notify the IS Division before opening it. If you notice that your computer is behaving strangely or suspect some type of malware, notify the IS Division immediately.

Formatted: Font: Arial

Formatted: Font: Arial

Formatted: Font: Arial

A-12 Reasonable Use/Permissible Incidental Usage

Formatted: PP 2, No bullets or numbering

The City provides software and hardware to employees for the primary purpose of supporting their job responsibilities. However, de minimus personal use may be permitted where such use does not interfere with employee or department productivity, nor distract from employees' assigned work. De minimus personal use means:

Formatted: Font: Arial

Formatted: Normal, Space After: 12 pt, No bullets or numbering

1. Use does not compromise the security or integrity of City data or to the City Network.
2. Use does not result in a cost to the City.
3. Use does not interfere with the responsibilities and fulfillment of job duties.
4. Use is brief in duration and frequency.
5. Use does not distract from the conduct of City business.
6. It does not constitute any prohibited use, as discussed below.

Formatted: Space After: 12 pt, Outline numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0" + Indent at: 0.25"

A-13 Unallowable Use of Resources

Formatted: PP 2, No bullets or numbering

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

Formatted: Font: Arial

Formatted: Normal, Space After: 12 pt, No bullets or numbering

1. Usage for any type of unlawful harassment or discrimination, including the transmission of obscene or harassing messages to any individual or group or other protected status.
2. Usage that precludes or hampers City network performance.
3. Unauthorized copying or downloading of copyrighted material.
4. Usage that violates software license agreements.
5. Downloading of software programs (unless specifically approved by applicable Department Head and coordinated with the IS Division).
6. Sending anonymous messages and/or misrepresenting an employee's name, position, or job description.
7. Deliberately propagating any virus, worm, malware, spyware, crypto-mining software, or other code or file designed to disrupt, disable, impair, or otherwise harm either the City's networks or systems, or those of any other individual or entity.
8. Releasing misleading, distorted, untrue or confidential materials regarding City business, views or actions.
9. Use of Technology Resources in an excessive manner to deprive others of system use or resources, including the sending of bulk email for other than official business or forwarding "chain letter" emails of any kind.
10. The unauthorized use of another user's login credentials, or the sharing of login credentials

Formatted: Space After: 12 pt, Outline numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0" + Indent at: 0.25"

Formatted: Font: (Default) Arial

Formatted: Font: (Default) Arial

is prohibited.

11. Visiting Internet sites that are inappropriate for a work environment, or referencing, downloading and/or storing materials that are inappropriate in a work environment is prohibited unless such activity is specifically related to the City Network User's job responsibilities and has been authorized by the IS & IT Manager. Examples of such prohibited content includes but is not limited to content from sexually explicit sites, and those associated with violence, hate crimes or illegal activities.

12. Conducting of outside business or commercial enterprise.

13. Supporting, promoting, or soliciting monetary or material contributions for any non-City sponsored organization or group, including religious activity, campaigning, or political activity.

14. Any use that results in the City being placed on blacklisted electronic mailing lists.

The preceding list does not address all prohibited uses, but merely covers common examples.

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

A-14 Electronic Document Management

Users must manage their electronic documents in accordance with record retention policies and procedures as defined and identified by Chapters 40.14 and 42.56 of the Revised Code of Washington.

A-15 General & Remote Access

The IS Division must authorize all access to central computer systems.

Employees may access the City's Intranet, by pointing a web browser to: <https://www.cityofanacortes.org/945/Staff-Intranet> and City email at: <https://portal.office.com> and other cloud applications including Laserfiche, RGIS, Cartegraph, Civic Clerk, etc.

There are a limited number of laptops available for employees to check out for business-related travel or projects. These must be returned to the IS Division immediately upon returning, and before being connected to the City's network.

1. VPN

Access to the City's network via VPN (virtual private network) requires approval from the department head and mayor via a Laserfiche form. VPN accounts will be audited, and inactive accounts will be deactivated. Reactivation of intermittently used VPN accounts for vendor support purposes will be accommodated upon request.

2. Password Policy

The IS Division must authorize all access to City computer systems. Each user is responsible for establishing and maintaining a password that meets City requirements. The use of another person's account or attempt to capture other users' passwords is prohibited. Passwords must:

- Have a minimum length of 12 characters.
- Be complex. Passwords should have at least three of the following four types of characters:
- Lowercase

Formatted: Font: Arial

Formatted: Normal, Space After: 12 pt, No bullets or numbering

Formatted: Font: Arial

Formatted: PP 2, No bullets or numbering

Formatted: Font: Arial

Formatted: Normal, Space After: 12 pt, No bullets or numbering

Formatted: PP 2, No bullets or numbering

Formatted: Font: Arial

Formatted: Normal, Space After: 12 pt, No bullets or numbering

Formatted: Font: Arial

Formatted: Font: Arial

Formatted: Font: Arial

Formatted: Space After: 12 pt, Outline numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0" + Indent at: 0.25"

Formatted: Indent: Left: 0.25", Space After: 12 pt, No bullets or numbering

Formatted: Default Paragraph Font

Formatted: Space After: 12 pt, Outline numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0" + Indent at: 0.25"

Formatted: Indent: Left: 0.25", Space After: 12 pt, No bullets or numbering

Formatted: Space After: 12 pt, Outline numbered + Level: 2 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

Formatted: Font: (Default) Arial

Formatted: Font: (Default) Arial

- d. Uppercase
- e. Numbers
- f. Special characters such as .!@#\$\$%^&*(){}[]
- g. Passwords should not be easy to guess.
- h. Should not be shared under any circumstance.
- i. IS should be notified in the event of an accidental disclosure or breach of any City business related password.
- j. Passwords should not be similar to the last 10 passwords used or reused across multiple systems.
- k. Passwords should not be documented in a manner that is easily accessed by others, i.e., on a post-it note next to your computer.
- l. The use of another person's account or attempt to capture other users' passwords is strictly prohibited.

A-16 Network Access and Usage

The IS Division must approve of any devices connecting to the City's network. This includes PCs, network hubs and switches, printers, handhelds, scanners, remote connections, and wireless or wired devices.

Non-employee third parties (e.g., vendors, contractors) are required to have their PCs, laptops, etc. scanned by the IS Division for malware virus detection prior to connecting to the City's network. Representatives of the contracting departments are responsible for assisting their contractors to engage the IS Division to perform these services. If third parties are required to access our enterprise network for the purposes of performing their duties, all individuals should sign a Remote Access form, Non-Disclosure agreement and may be required to complete a Network Security Training.

A-17 Public Network Access & Usage

City staff may use their own personal technology devices to access the public side (COA Guest network) of the City wireless network and connect to the internet for personal use. It should also be noted that the public network is NOT secure, and users connect to public Wi-Fi at their own risk thus there is an associated risk.

A-18 Social Media

Social media presents both an opportunity and risk to individual City departments, employees, and the City as a whole. New social media sites associated with the City must be created with prior Department Head approval. Site links and passwords must be shared with IS for archival purposes. As a general matter, social media posts should not be considered the best source of information on City business. Official City publications located on the website or through official press releases are the best location for accurate information.

A-19 Cyber Security Training

City employees are required to complete cyber security training within one month of hire. Employees may be subject to additional cyber security training if deemed necessary by the IS Division, HR Department, or the employee's manager.

A-20 IS Help Desk

Formatted: PP 2, No bullets or numbering

Formatted: Font: Arial

Formatted: Normal, Space After: 12 pt, No bullets or numbering

Formatted: Font: Arial

Formatted: PP 2, No bullets or numbering

Formatted: Font: Arial

Formatted: Normal, Space After: 12 pt, No bullets or numbering

Formatted: Font: Arial

Formatted: PP 2, No bullets or numbering

Formatted: Font: Arial

Formatted: Normal, Space After: 12 pt, No bullets or numbering

Formatted: Font: Arial

Formatted: PP 2, No bullets or numbering

Formatted: Font: Arial

Formatted: Normal, Space After: 12 pt, No bullets or numbering

Formatted: PP 2, No bullets or numbering

Formatted: Font: (Default) Arial

Formatted: Font: (Default) Arial

It is the preference of the IS Help Desk to receive requests via email to generate a Help Desk ticket at helpdesk@cityofanacortes.org. Urgent requests can be made via phone at 360-588-8230 or x5555 but should also be followed up with an email to generate a ticket.

Formatted: Font: Arial

Formatted: Font: Arial

116

Formatted: Font: (Default) Arial

Formatted: Font: (Default) Arial

Addendum B - Continuation coverage rights under COBRA

To: **City of Anacortes Employees**
From: **City of Anacortes**
Subject: COBRA health care continuation coverage

This notification is being sent for your information only as a reminder of your COBRA rights and obligations. There has been no COBRA qualifying event to trigger this notice.

You and your covered family members may continue coverage under your health plan provided through the AWC Trust (AWC Trust) in certain instances when coverage would otherwise be lost. **When you first become covered by your health plan, this “Initial COBRA Notification” explains your rights and obligations should your employment end or certain other events occur which cause you to lose your medical coverage.** This notice is also sent to employees and retirees on an annual basis in order to remind you of your COBRA rights.

COBRA coverage will be the same as that provided to employees (or if you are on a retiree plan, retirees) and their covered family members, including domestic partners. This includes open enrollment changes and adding dependents due to birth or marriage.

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

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

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

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

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

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

You must give notice of some qualifying events. You or a family member is responsible for notifying the AWC Trust of a qualifying event which is your legal separation, divorce, termination

Formatted: Font: (Default) Arial

Formatted: Font: (Default) Arial

of domestic partnership, or your Dependent child ceasing to be eligible for coverage. Such notice must be provided in writing within 60 days of the qualifying event to the AWC Trust either through your employer, or as provided in the "Notice Procedures" below.

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

How to apply and pay for COBRA

You must follow the steps below to apply and pay for COBRA continuation coverage.

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

To elect continuation coverage, complete the enclosed COBRA election notice and return it to the AWC Trust. You and your dependents have **60 days** from the later of the date you lost coverage or the date of the enclosed COBRA election notice. Each qualified beneficiary (family member) who was covered under the plan at the time of loss of coverage has a separate right to elect COBRA continuation coverage. For example, the employee's spouse may elect COBRA coverage even if the employee does not. COBRA coverage may be elected for only one, several, or for all dependent children who are qualified beneficiaries. A parent may elect to continue coverage on behalf of any dependent children. The employee or the employee's spouse can elect COBRA coverage on behalf of all of the qualified beneficiaries.

You must make your first payment for continuation coverage no later than 45 days after the date of your election. The 45 days is measured from the date your Election Notice is post-marked. Note that your COBRA benefits will not begin until payment is received. **Your first payment must be made in full, including all payments due back to the effective date of your COBRA coverage.** Failure to make timely payment within the 45-day period will result in termination of your continuation coverage and loss of all COBRA rights.

After you make your first payment for continuation coverage, you are required to make monthly payments for each subsequent coverage period. Although monthly payments are due on the first day of the month of coverage, the AWC Trust allows a grace period of 60 days after the first day of the coverage period. Your continuation coverage will be provided for each coverage period as long as payment for that coverage period is made before the end of the grace period. Failure to make payment in full before the end of the 60-day grace period will result in termination of your coverage and loss of all COBRA rights. COBRA coverage will not be reinstated. In the event that you do not receive a monthly billing, it is still your responsibility to make your payment no later than the end of 60-day grace period.

Cost of COBRA coverage

You pay the full premium cost of COBRA coverage, plus a 2% administrative fee, as permitted by law.

Duration of COBRA coverage

Your COBRA continuation coverage is effective the first of the month following the date of your loss of coverage. In the case of a loss of coverage due to the end of employment or reduction in hours of employment, COBRA coverage generally may be continued for up to a total of 18 months. In the case of losses of coverage due to an employee's death, divorce or legal separation, or a dependent child ceasing to be a dependent under the terms of the plan, coverage may be continued for up to a total of 36 months.

When the qualifying event is the end of employment or a reduction of hours, and the employee became entitled to Medicare benefits less than 18 months **before** the qualifying event, COBRA coverage for qualified beneficiaries (other than the employee) who lose coverage as a result of the qualifying event can last for a period of no less than 36 months from the date the employee became entitled to Medicare.

Disability extension

An 11-month extension of coverage may be available if any one of the qualified beneficiaries is determined by the Social Security Administration (SSA) to be disabled. The qualified beneficiary must receive a Social Security Determination and provide a copy of the SSA Disability Award letter to AWC within the first 18 months of the COBRA continuation coverage. **Failure to provide the SSA Disability Award letter timely will result in the loss of your right to extend COBRA coverage.**

Each qualified beneficiary who is enrolled in COBRA coverage at the time of the disability determination will be entitled to the 11-month disability extension. If SSA determines the qualified beneficiary is no longer disabled, you must notify AWC of that fact within 30 days after that determination.

Second qualifying event extension

An 18-month extension of coverage is available to spouses and dependent children who are qualified beneficiaries enrolled in COBRA coverage if a second qualifying event occurs during the first 18 months of COBRA coverage. The maximum amount of COBRA coverage available when a second qualifying event occurs is 36 months. Second qualifying events include the death of a covered employee, divorce or separation from the covered employee, or a dependent child reaching the limiting age for coverage under the plan. These events can be a second qualifying event only if they would have caused the qualified beneficiary to lose coverage under the plan if the first qualifying event had not occurred. **You must notify the AWC Trust within 60 days after a second qualifying event occurs if you want to extend your continuation coverage. Failure to provide notice within 60 days will result in the denial of any COBRA coverage extension.**

Termination

COBRA coverage will be terminated before the end of the maximum period if:

- any required premium is not paid in full on time,
- a qualified beneficiary becomes covered under another group health plan **after** electing COBRA,
- a qualified beneficiary becomes entitled to Medicare benefits (Part A, Part B, or both) **after** electing COBRA,
- the employer ceases to provide any group health plan for its employees.

Special considerations in deciding whether to elect COBRA

In considering whether to elect COBRA, you should take into account that you have special enrollment rights under federal law. You have the right to request special enrollment in another group health plan for which you are otherwise eligible (such as a plan sponsored by your spouse's employer) within 30 days after your group health coverage under the plan ends because of one of the qualifying events listed above. You will also have the same special

Formatted: Font: (Default) Arial

Formatted: Font: (Default) Arial

enrollment right at the end of the COBRA coverage if you get COBRA coverage for the maximum time available to you.

In addition to COBRA coverage, you should consider health coverage alternatives that may be available to you through the Health Insurance Marketplaces. In the Marketplace, you could be eligible, depending upon your household income and other factors, for a new kind of tax credit that lowers your monthly premiums right away. At the Marketplace, you can see what your premium, deductibles, and out-of-pocket costs will be before you make a decision to enroll in any available insurance. Being eligible for COBRA does not limit your eligibility for a tax credit through the Marketplace. For more information about health insurance options available through the Health Insurance Marketplace in Washington, visit www.wahealthplanfinder.org. For information about health insurance options in other states, visit www.healthcare.gov.

Address changes

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

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

COBRA notice procedures

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

Mail or hand-deliver to:
AWC Trust
1076 Franklin Street SE
Olympia, WA 98501

Fax to:
AWC Trust
360-753-0149

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

- The name of the plan,
- The name and address of the employee or former employee,
- The name(s) and address(es) of the qualified beneficiary(ies), and
- The qualifying event and the date it happened.

e.
f.

Formatted: Outline numbered + Level: 2 + Numbering
Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at:
0.25" + Indent at: 0.5"

Formatted: Font: (Default) Arial
Formatted: Font: (Default) Arial

RESOLUTION NO. 3120

A RESOLUTION REGARDING PERSONNEL POLICIES AND BENEFITS FOR THE CITY OF ANACORTES EMPLOYEES AND SUPERSEDING IN ITS ENTIRETY RESOLUTION NO. 3049 PASSED AND APPROVED ON THE 16TH DAY OF AUGUST 2021.

WHEREAS, the City of Anacortes believes that it is in the best interest of the City and its employees to have written personnel policies to help the City of Anacortes meet its mission statement, to prevent misunderstandings and problems, and to ensure all employees understand expectations, and

WHEREAS, these policies have been prepared as a guide and reference for employees. Nothing in these policies create an express or implied contract or promise concerning the City of Anacortes' s policies or practices, including policies or practices it will implement in the future. The City of Anacortes retains the right to establish, change, and abolish these policies, practices, rules, and regulations at will and as it sees fit.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Anacortes, Washington, as follows:

The Mayor and City Clerk are hereby authorized and directed to execute said personnel policies, a copy of which is attached hereto and by this reference made part hereof, as the official act and deed of the City of Anacortes.

PASSED AND APPROVED this 12th day of June 2023.

CITY OF ANACORTES:

By: _____
Matt Miller, Mayor

ATTEST:

Steven D. Hoglund, City Clerk Treasurer

APPROVED AS TO FORM:

Darcy Swetnam, City Attorney



Personnel Policies

RESOLUTION No. 3120

Updated June 12, 2023

PERSONNEL RESPONSIBILITIES	7
POLICY 100 RECEIPT OF PERSONNEL POLICIES	7
POLICY 101 MAYOR'S LETTER	8
POLICY 102 FUNCTION OF PERSONNEL POLICIES	9
POLICY 103 CODE OF CONDUCT	11
POLICY 104 ETHICS	13
EMPLOYMENT	14
POLICY 201 EQUAL EMPLOYMENT OPPORTUNITY	14
POLICY 202 PRODUCTIVE WORK ENVIRONMENT (COMPLAINTS OF UNLAWFUL DISCRIMINATION, HARASSMENT, OR RETALIATION)	15
POLICY 203 WORKPLACE VIOLENCE	17
POLICY 204 HIRING	19
POLICY 205 MEDICAL EXAMINATIONS	20
POLICY 206 PROBATIONARY PERIOD	21
POLICY 207 TRANSFER	22
POLICY 208 PROMOTION	24
POLICY 209 HOURS OF WORK	25
POLICY 210 OUTSIDE EMPLOYMENT	27
POLICY 211 EMPLOYEE CLASSIFICATIONS	28
POLICY 212 LAYOFF AND RECALL	29
POLICY 213 TERMINATION OF EMPLOYMENT	30
POLICY 214 RETIREMENT	31
PAY PRACTICES	32
POLICY 301 SALARY ADMINISTRATION	32
POLICY 302 PERFORMANCE REVIEWS	33
POLICY 303 SEVERANCE PAY	34
POLICY 304 PAY PROCEDURES	35
POLICY 305 INTERIM ASSIGNMENTS	36
REIMBURSEMENT OF EMPLOYEE EXPENSES	37
POLICY 401 TRAVEL	37
POLICY 402 VEHICLE USAGE	38
POLICY 403 MEAL REIMBURSEMENT	40
POLICY 404 MEMBERSHIP IN CLUBS AND CIVIC ORGANIZATIONS	41
POLICY 405 PARTICIPATION IN TRADE AND PROFESSIONAL ASSOCIATIONS	42
EMPLOYEE BENEFITS	43
POLICY 501 HEALTH AND WELFARE BENEFIT DISCLOSURE	43
POLICY 502 VACATIONS	50
POLICY 503A HOLIDAYS	51
POLICY 503B UNPAID HOLIDAYS FOR REASONS OF FAITH OR CONSCIENCE	53
POLICY 504 CONTINUING EDUCATION	54
POLICY 505 EMPLOYEE COUNSELING	55
POLICY 506 EMPLOYEE RECOGNITION AND SERVICE AWARDS	56
POLICY 507 EXERCISE AND WELLNESS PROGRAMS	57
POLICY 508 DUAL INSURANCE INCENTIVE	58
CITY OF ANACORTES PREMISES AND WORK AREAS	59
POLICY 601 EMPLOYEE SAFETY AND THE SAFETY COMMITTEE	59
POLICY 602 PERSONAL PROPERTY	60

POLICY 603 SOLICITATION	61
POLICY 604 PARKING	62
POLICY 605 SECURITY	63
POLICY 606 TOBACCO USE	64
ABSENCES FROM WORK	65
POLICY 701 ATTENDANCE AND PUNCTUALITY	65
POLICY 702 ABSENCES	67
POLICY 702A LEAVE TABLE	80
POLICY 703 REST BREAKS	83
POLICY 704 MEAL BREAKS	84
PERSONAL CONDUCT	85
POLICY 801 BEHAVIOR OF EMPLOYEES	85
POLICY 802 PERSONAL APPEARANCE OF EMPLOYEES	87
POLICY 803 PERSONAL FINANCES OF EMPLOYEES	88
POLICY 804 USE OF COMMUNICATION SYSTEMS	89
POLICY 805 CONFLICTS OF INTEREST	91
POLICY 806 MEDIA INQUIRIES	92
POLICY 807 DISCIPLINARY PROCEDURE	93
POLICY 808 DRUGS, NARCOTICS, AND ALCOHOL	95
MISCELLANEOUS	100
POLICY 901 PERSONNEL RECORDS	100
POLICY 902 DISPUTE RESOLUTION PROCEDURE	102
POLICY 903 WHISTLEBLOWER PROTECTION ACT	104
POLICY 904 EMERGENCY OPERATIONS	106
ADDENDUM A - INFORMATION TECHNOLOGY & SYSTEMS POLICIES	108
A-1 PURPOSE	108
A-2 SCOPE	108
A-3 DEFINITION OF TERMS	108
A-4 ALLOWABLE DIGITAL EQUIPMENT	109
A-5 NO EXPECTATION OF PRIVACY	110
A-6 OWNERSHIP & CONFIDENTIALITY	110
A-7 USE OF DIGITAL EQUIPMENT FOR PERSONAL AND CITY BUSINESS	110
A-8 NOTICE OF REQUIREMENT FOR PUBLIC RECORDS ACT COMPLIANCE	110
A-9 ACQUISITION OF INFORMATION TECHNOLOGY RESOURCES	110
A-10 CITY-PROVIDED CELLULAR TELEPHONES	111
A-11 DOWNLOADS	111
A-12 REASONABLE USE/PERMISSIBLE INCIDENTAL USAGE	112
A-13 UNALLOWABLE USE OF RESOURCES	112
A-14 ELECTRONIC DOCUMENT MANAGEMENT	113
A-15 GENERAL & REMOTE ACCESS	113
A-16 NETWORK ACCESS AND USAGE	114
A-17 PUBLIC NETWORK ACCESS & USAGE	114
A-18 SOCIAL MEDIA	114
A-19 CYBER SECURITY TRAINING	114
A-20 IS HELP DESK	114
ADDENDUM B - CONTINUATION COVERAGE RIGHTS UNDER COBRA	116

RESOLUTION NO. 3120

A RESOLUTION REGARDING PERSONNEL POLICIES AND BENEFITS FOR THE CITY OF ANACORTES EMPLOYEES AND SUPERSEDING IN ITS ENTIRETY RESOLUTION NO. 3049 PASSED AND APPROVED ON THE 16TH DAY OF AUGUST 2021.

WHEREAS, the City of Anacortes believes that it is in the best interest of the City and its employees to have written personnel policies to help the City of Anacortes meet its mission statement, to prevent misunderstandings and problems, and to ensure all employees understand expectations.

WHEREAS, these policies have been prepared as a guide and reference for employees. Nothing in these policies create an express or implied contract or promise concerning the City of Anacortes' s policies or practices, including policies or practices it will implement in the future. The City of Anacortes retains the right to establish, change, and abolish these policies, practices, rules, and regulations at will and as it sees fit.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Anacortes, Washington, as follows:

The Mayor and City Clerk are hereby authorized and directed to execute said personnel policies, a copy of which is attached hereto and by this reference made part hereof, as the official act and deed of the City of Anacortes.

PASSED AND APPROVED this 12th day of June 2023.

CITY OF ANACORTES:

By: _____
Matt Miller, Mayor

ATTEST:

Steve Hoglund, City Clerk Treasurer

APPROVED AS TO FORM:

Darcy Swetham, City Attorney

PERSONNEL RESPONSIBILITIES

Policy 100 Receipt Of Personnel Policies

All employees should read the following, and then sign, date and return the form to Human Resource. The form will be placed in the employee's personnel file.

Enclosed are the City of Anacortes's Personnel Policies. It is your responsibility to read these policies, as they will acquaint you with your employee benefits, our personnel practices and rules, and organizational philosophy. The most current personnel policies are always available on the City website for your review. Please pay special attention to our Addendums that contain additional policies and information.

It is important to understand that these policies do not create an employment contract or a guarantee of employment of any specific duration between the City and its employees. These policies are general guidelines and do not constitute promises of specific treatment in specific circumstances. Although we hope that your employment relationship with us will be long term, we recognize that at times things do not always work out as hoped, and either of us may decide to terminate the employment relationship.

As the City grows and changes, the Personnel Policies may change. The City, therefore, reserves the right to revise, supplement, clarify or rescind any policy or portion of a policy when deemed appropriate by the Mayor. You will be notified of any such changes.

If you have any questions about these policies or any other policies of the City, please feel free to ask your supervisor, department head, Human Resources, or the Mayor.

I have read and understand the statement above.

Employee Signature

Employee Printed Name

Date

Policy 101 Mayor's Letter

To: All Supervisors & Managers
Re: Personnel Policies

The Personnel Policies have been prepared as a guide and reference for members of management at all levels of supervisory responsibility. This information is to be used to help guide employer/employee relations. The Personnel Policies have the approval of the City Council, Mayor, and department heads.

We believe that it is in the best interest of the organization and our employees to have written personnel policies to help the City of Anacortes meet our mission, to prevent misunderstandings and problems, and to ensure that all employees know what is expected of them. It is essential that all members of management understand the role of these policies in meeting the organization's objectives and in limiting our legal exposure.

Any policy, however, is only as good as its implementation. Supervisors and managers who are in direct contact with, and responsible for, a group of employees are essential to effective policy implementation. You are the individuals who must translate these ideas and principles into action.

Please understand that no supervisor, manager, or representative of the City has the authority to make any written or verbal statements or representations which are inconsistent with these policies without prior written approval from the Mayor. We depend upon you for the successful development of a productive, legal, and harmonious working environment for our employees.

Accordingly, I request that you thoroughly familiarize yourself with the contents of these Personnel Policies so that all policies and procedures of the organization may be administered appropriately.



Mayor Matt Miller

Policy 102 Function of Personnel Policies

These personnel policies (“policies”) should be used as an outline of the basic personnel policies, practices, and procedures for the organization.

1. The Personnel Policies contain general statements of City of Anacortes and should not be read as including the details of each policy. However, in many cases details are provided and appropriate cross-references are made. These policies should not be interpreted as forming an express or implied contract or promise that the policies discussed in it will be applied in all cases. The City of Anacortes may add to the policies, revoke, or modify them from time to time. The City will make efforts to keep the policies current, but there may be times when policy will change before this material can be revised.
2. These policies shall apply to all City employees. They shall not apply to independent contractors or elected officials, provided that the policy sections on Reimbursement of Employee Expenses (**see** Policies 401-405) and Employee Benefits (**see** Policies 501 and 507) shall apply to the Mayor, who shall be eligible to participate in City employee benefit programs and subject to applicable policies regarding those benefit programs. In the event of conflict between any provision of these policies and any provision of a valid and effective collective bargaining agreement, employee contract, or applicable Civil Service Rules and regulations, the provisions of the contract and/or the Civil Service Rules shall govern. In all other cases, these policies shall govern.
3. Except as specified below, non-represented employees can be terminated only “for cause.” Simply defined, “for cause” generally means that the employer has a valid performance, conduct, or attitude-related reason for disciplining or terminating the employee, or that there is a valid budgetary, operational, or other legitimate reason for termination. Probationary employees are “at-will” employees and can be terminated without cause. Employees who have an individual contract designating their employment as “at will” can also be terminated without cause.
4. Human Resources is responsible for distribution of the Personnel Policies to employees.
5. Human Resources will continue to review and recommend changes to the Mayor in the City of Anacortes’s personnel policies. Department heads and supervisors are encouraged to recommend changes or new policies. Human Resources is responsible for disseminating new policy information.
6. Department heads and supervisors should refer to the policies whenever questions of policy interpretation or implementation arise. Issues needing clarification should be referred to Human Resources. From time to time, the City may adopt temporary or emergency policies and practices to address a public health emergency or other unusual circumstances. Such policies and procedures will be communicated to affected employees as appropriate to the situation. Employees are responsible for reviewing and complying with any policies or addendums that supplement these policies.
7. Terms as used in the policies:
 - a. “Supervisor” means an individual with the authority to assign, direct, and review the work of one or more subordinates; and
 - b. “Domestic Partner” means a person whom an employee identifies as their domestic partner and who together are registered as a domestic partnership with the Washington State Secretary’s State Registry.
 - c. “Protected Class” means groups protected from discrimination by law on the basis of race, religion, creed, color, genetic information, sex/gender, sexual orientation, gender expression, gender identity, pregnancy, age, national origin, citizenship or immigration status, disability or use of a trained guide dog or service animal by a person with a disability, status as a victim of domestic violence, sexual assault, or stalking, marital

status, honorably discharged veteran or military status, and any other status protected by local, state, or federal law.

Policy 103 Code of Conduct

The City of Anacortes implements fair and effective personnel policies and requires all employees to support the City's best interests.

1. The City of Anacortes is committed to a mutually rewarding and direct relationship with its employees. Thus, the City of Anacortes:
 - a. Provides equal employment opportunity and treatment regardless of protected class (**see** Policy 202 Productive Work Environment);
 - b. Provides compensation and benefits commensurate with the work performed (**see** Policies 300-305 Pay Practices);
 - c. Establishes reasonable hours of work based on the City of Anacortes' needs (**see** Policy 209 Hours of Work);
 - d. Monitors and complies with applicable federal, state, and local laws and regulations concerning employee safety (**see** Policy 601 Employee Safety and the Safety Committee);
 - e. Offers training opportunities for those whose talents or needs justify the training;
 - f. Enforces workplace policies in such a manner that does not interfere with, restrain, or prevent employees from engaging in protected activities regarding wages, hours, or other terms and conditions of employment protected under the Public Employees Collective Bargaining Act;
 - g. Is receptive to constructive suggestions about job duties, working conditions, or personnel policies; and
 - h. Establishes appropriate means for employees to discuss matters of concern with their immediate supervisor or department head. (**see** Policy 902 Dispute Resolution Procedure).
2. The City of Anacortes, as part of its commitment to providing the public with excellent products and services and to creating a productive work environment, expects all employees to:
 - a. Deal with the public and vendors in a professional manner;
 - b. Represent the City of Anacortes in a positive and ethical manner;
 - c. Perform assigned tasks in an efficient manner;
 - d. Be punctual (**see** Policy 701 Attendance and Punctuality);
 - e. Demonstrate a considerate, friendly, and constructive attitude toward fellow employees; and
 - f. Follow the policies adopted by the City of Anacortes.
3. The City of Anacortes retains the discretion to exercise all managerial functions, consistent with the provisions of any governing collective bargaining agreement, employment contract, or Civil Service Rules to:
 - a. Dismiss, assign, supervise, and discipline employees;
 - b. Determine and change starting times, quitting times, and shifts;
 - c. Transfer employees within departments or into other departments and other classifications;
 - d. Determine and change the size and qualifications of the workforce;
 - e. Determine and change methods by which its operations are to be carried out including contracting out services;
 - f. Determine and change the nature, location, goods produced, services rendered, quantity, and continued operation of the municipality; and
 - g. Assign duties to employees in accordance with the City of Anacortes' needs and requirements and to carry out all ordinary administrative and management functions.
4. Diversity, Equity, & Inclusion: The City of Anacortes is committed to fostering, cultivating,

and preserving a culture of diversity, equity, and inclusion that reflects our community and values.

- a. We embrace and encourage our employees' differences in age, color, disability, ethnicity, family or marital status, gender identity or expression, language, national origin, physical and mental ability, political affiliation, race, religion, sexual orientation, socio-economic status, veteran status, and other characteristics that make our employees unique.
- b. We recognize that those unique qualities bring value to the organization.
- c. To that end, expectations of both the employer and employees include:
 - i. Respectful collaboration amongst all employees.
 - ii. Workplace participation that allows representation of all groups and perspectives.
 - iii. Consistent attention and updates to policies and practices that obstruct the promotion of diversity, equity, and inclusion.
 - iv. Contributions to the community that promote a greater understanding and respect for diversity.
- d. Employees who believe they have been discriminated against or have been treated in a manner inconsistent with this policy are encouraged to reach out to Human Resources.

Policy 104 Ethics

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

1. The City of Anacortes is committed to conducting its business with integrity underlying all relationships, including those with citizens, customers, suppliers, and communities, and among employees. The highest standards of ethical business conduct are required of City of Anacortes employees in the performance of their responsibilities. Employees will not engage in conduct or activity that may raise questions as to the City's honesty, impartiality, or reputation, or otherwise cause embarrassment to the City. Employees will avoid any action, whether specifically prohibited in the personnel policies, which might result in or reasonably be expected to create an appearance of:
 - a. Using public office or public position for private gain;
 - b. Giving preferential treatment to any person or entity;
 - c. Losing impartiality; or
 - d. Adversely affecting the confidence of the public in the integrity of the City of Anacortes.
2. Every employee has the responsibility to ask questions, seek guidance, report suspected violations, and express concerns regarding compliance with this policy. The City of Anacortes will maintain a program to communicate to employees its commitment to integrity and uncompromising values. The program will inform employees of City policies and procedures regarding ethical business conduct and assist them in resolving questions and in reporting suspected violations. Retaliation against employees who use City reporting mechanisms to raise concerns in good faith will not be tolerated.
3. Human Resources is responsible for providing policy guidance and issuing procedures to assist employees in complying with the City of Anacortes' expectations of ethical business conduct and uncompromising values. This policy constitutes the standards of ethical business conduct required of all employees. Managers are responsible for supporting their implementation and monitoring compliance.

Employment

Policy 201 Equal Employment Opportunity

The City of Anacortes is an equal opportunity employer. The City of Anacortes does not discriminate in employment decisions or policies in violation of law on the basis of protected class. This policy applies to all terms and conditions of employment, including hiring, placement, promotion, termination, reduction in force, recall, transfer, leaves of absence, compensation, and training.

1. Reasonable Accommodation of Disabilities
 - a. The City of Anacortes complies fully with its duty to provide reasonable accommodation to allow an employee with physical or mental disabilities to perform the essential functions of the employee's job. Employees who have a disability that limits their ability to perform their job should contact Human Resources to inform the City of their disability and request for accommodation.
 - b. In order to provide a reasonable accommodation, the City of Anacortes may seek to communicate with the employee's medical provider to gain a better understanding of any limitations they possess, and given those limitations, the means by which an accommodation would allow the employee to perform the essential functions of a position. Employees may be asked to submit to a medical examination by an independent medical provider to confirm their medical condition and resulting limitations. After returning from disability-related leave, the City of Anacortes may request that an employee undergo a fitness for duty examination to ensure that they are capable of performing the essential functions of the job.
 - c. If an employee qualifies, the City of Anacortes will work with the employee and their medical providers to provide the employee with reasonable accommodation so that the employee can continue to perform the job. This may include making changes to the employee's work schedule, changing some of the job duties or transferring the employee to another position that the employee is able to perform.
2. Reasonable Accommodation of Religious Beliefs:
 - a. The City of Anacortes complies fully with its duty to provide a reasonable accommodation of any employee's sincerely held religious beliefs, unless the City of Anacortes believes such an accommodation would create an undue hardship or is contrary to the City's commitment to equal opportunity. For example, if an employee requires a certain work schedule or a particular day off for religious observance, or to dress or attire oneself in a way that varies from any dress code adopted by the City, the employee must contact Human Resources to request accommodation.
3. Reasonable Accommodation of Pregnancy:
 - a. An employee who needs accommodation due to pregnancy may be afforded the following accommodations with or without medical certification: frequent, longer, or flexible restroom breaks; seating or allowing the employee to sit more frequently; and limiting lifting to 17 pounds or less. In addition, a pregnant employee may be entitled to other workplace accommodation(s), as long as there is no significant difficulty or expense and subject to written certification from a health care professional regarding the need for the requested accommodation.

Policy 202 Productive Work Environment (Complaints of Unlawful Discrimination, Harassment, or Retaliation)

The City of Anacortes promotes a productive work environment and does not tolerate unlawful discrimination, harassment, or retaliation.

1. The City of Anacortes is committed to providing a workplace that is free from unlawful discrimination. Unlawful discrimination occurs when an employee is disciplined, terminated, demoted, or suffers some other adverse consequence in their employment on the basis of protected class (referred to in this policy as “protected classes” or “protected class status”).
2. The City of Anacortes is committed to providing a work environment which is free from unlawful harassment. The City expressly prohibits any form of unlawful harassment by or against its employees on the basis of any protected class status.
3. Sexual harassment is conduct that is directed at an employee because of their sex, is unwelcome, and is offensive. Each supervisor and manager have a responsibility to keep the workplace free of any form of harassment, and in particular, sexual harassment. No supervisor or manager is to threaten or insinuate, either explicitly or implicitly, that an employee’s refusal or willingness to submit to sexual advances will affect the employee’s terms or conditions of employment. Romantic or sexual relationships between co-workers where one individual has influence or control over the other’s conditions of employment can create a range of potential issues, including actual or perceived favoritism, bias, conflicts of interest and even harassment. As a result, supervisors and employees are required to disclose such a relationship to Human Resources so that the City may evaluate the need for changes in reporting relationships or other modifications to avoid actual or potential problems.
4. Other sexually harassing or offensive and discriminatory conduct in the workplace, whether committed by supervisors, managers, non-supervisory employees, or non-employees, is also prohibited. Prohibited conduct includes, but is not limited to:
 - a. Unwanted physical contact or conduct of any kind, including sexual flirtations, touching, advances, or propositions;
 - b. Verbal harassment of a sexual nature, such as lewd comments, sexual jokes or references, and offensive personal references;
 - c. Demeaning, insulting, intimidating, or sexually suggestive comments about an individual;
 - d. The display in the workplace of demeaning, insulting, intimidating, or sexually suggestive objects, pictures, or photographs;
 - e. Demeaning, insulting, intimidating, or sexually suggestive written, recorded, or electronically transmitted messages.Any of the above conduct, or other offensive conduct directed at individuals on the basis of protected class status is strictly prohibited.
5. The City of Anacortes is committed to providing a workplace that is free from unlawful retaliation. The City of Anacortes prohibits any form of retaliation against any employee for good faith actions in filing a complaint under the City’s discrimination and harassment policies, and for participating in the investigation of any complaint of discrimination or harassment. Improper retaliation may include, but is not limited to, discipline, termination, transfers, assignment of unfavorable duties, or treating the employee who made the complaint in a hostile manner when such action or behavior is motivated in substantial part by the employee’s participation in protected activity. Employees who bring complaints may be subject to discipline if the investigation reveals that the complaint was made in bad faith.
6. Complaint Process. An employee who feels harassed should immediately tell the offending individual how they feel and ask them to stop. If that does not work or if the employee is uncomfortable confronting the offending individual, the employee should report the incident

promptly. A complaint can be made verbally or in writing to Human Resources. In the alternative, as the employee may wish, the complaint may be brought to the attention of the Mayor. If an employee brings the complaint to the attention of another manager, the manager is obligated to report the complaint to Human Resources and/or the Mayor within one day.

A harassment complaint generally will be handled as follows:

- a. Every complaint is to be reported promptly, whether by the complainant or by the person receiving the complaint. If reported verbally, the person taking the complaint should produce a written statement for the complainant to review and sign.
 - b. The complaint will be investigated as soon as reasonably practicable. Choice of investigator, level of formality, and the procedures used in the investigation may vary, depending upon the nature of the allegations and full circumstances of the situation, including the context in which the alleged incidents occurred.
 - c. Confidentiality will be maintained throughout the investigatory process to the extent practical and consistent with the need to undertake a full investigation.
 - d. There shall be no retaliation by the City, its officers, managers, or other employees toward any employee bringing a complaint in good faith or cooperating with the investigation of a harassment complaint. Any person who feels they have been retaliated against, should immediately report their concern to Human Resources. The City strictly prohibits retaliation under this policy, and any sustained allegations of retaliation will lead to discipline, up to and including termination.
 - e. Where the investigation confirms the allegation of unlawful harassment or retaliation, the City will take prompt corrective action, and, where appropriate, discipline the offending individual. Discipline may include verbal and written reprimands, professional counseling, reassignment, demotion, or other appropriate action, up to and including termination. The affected individuals will be informed of the outcome of the investigation.
7. All officers and managers are assigned responsibility for implementing this policy, ensuring compliance with and knowledge of its terms, and for taking immediate and appropriate corrective action if they witness inappropriate behavior or receive a complaint. Managers must open and maintain channels of communication to permit employees to raise concerns of sexual or other workplace harassment without fear of retaliation, stop any observed harassment, and treat harassment matters with sensitivity, confidentiality, and objectivity. A manager's failure to carry out these responsibilities may result in disciplinary action up to and including termination.

Policy 203 Workplace Violence

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

1. Workplace Violence Prohibition. The City of Anacortes strictly prohibits threatened or actual workplace violence. This includes, but is not limited to, any of the following conduct associated in or around the workplace, or otherwise related to employment:
 - a. Threatening injury or damage against a person or property
 - b. Fighting or threatening to fight with another person
 - c. Threatening to use a weapon on City of Anacortes premises (unless such threat is a lawful use of force by an employee required to carry a firearm or weapon as a condition of employment)
 - d. Abusing or injuring another person
 - e. Abusing or damaging property
 - f. Using obscene or abusive language or gestures in a threatening manner
 - g. Raising voices in a threatening manner
 - h. Because of the potential for misunderstanding, joking about any of the above misconduct is also prohibited.
2. "City of Anacortes Premises" Definition: The term "premises" means all areas within the ownership and/or control of the City of Anacortes, including, but not limited to, buildings, offices, work areas, lounges, parking lots, desks, cabinets, lockers, storage areas, and any other property on which employees may work. The City of Anacortes reserves the right to search all facility premises when the facility management determines that such a search is a reasonable and necessary precaution for workplace safety.
3. Reporting Violent Conduct. Any workplace violence incidents or incidents indicating a potential for violence are to be reported by an employee to the Human Resources Director as soon as possible. Incident reports are to be completed, as appropriate. If the City of Anacortes determines that an employee has violated this policy, the employee will be subject to immediate discipline up to and including termination. Human Resources and department head shall handle concerns with members of the public or other parties as it determines under its policies and procedures.
4. Imminent Danger/Violence Incident Procedure. Any employee who believes that a situation with an aggressive employee, resident, guest, contractor, vendor, or other party (e.g., any person who uses obscene or abusive language or gestures, makes threats or acts in a violent or threatening manner) may immediately become violent putting the employee or others in imminent danger, the employee should promptly leave the work area and immediately call 911 to request officer contact. No disciplinary action shall be taken against any employee who leaves a work area when the employee has a reasonable belief that an emerging situation with an aggressive person is likely to turn violent at that time. The employee should coordinate the timing and circumstances of possible return by the employee to the area with police and their immediate manager.
5. Security Precautions. All City of Anacortes security policies and rules must be adhered to at all times. To prevent inappropriate outsider access, facility solicitation and access rules must be strictly followed. It is especially important that building security rules and procedures are specifically enforced at all times (e.g., doors locked after hours). Failure to comply with these requirements may lead to disciplinary action, up to and including involuntary termination. The following expectations also apply to all employees:
 - a. Being familiar with all safety and health procedures relevant to the operations under their

- supervision;
- b. Inspecting their work areas periodically;
 - c. Identifying conditions that are recognized as being unsafe; and
 - d. Reporting accidents and injuries to the immediate manager, department head and Human Resources immediately and ensuring that any injured employee is referred to appropriate medical care (**see** Policy 205 Medical Examinations).

Policy 204 Hiring

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

1. The City of Anacortes will normally try to fill job openings above entry level positions by promoting from within if qualified internal applicants are available (**see** Policies 207 Transfer and 208 Promotion). In addition, the City of Anacortes will normally give consideration to any known qualified individuals who are on layoff status before recruiting applicants from outside the organization (**see** Policy 212 Layoff and Recall).
2. The City of Anacortes will consider a member of an employee's immediate family for employment if the applicant possesses all the qualifications for employment. An immediate family member may not be hired, however, if the employment would:
 - a. Create either a direct or indirect supervisor/subordinate relationship with a family member; or
 - b. Create an actual conflict of interest or the appearance of a conflict of interest.
3. These criteria will also be considered when assigning, transferring, or promoting an employee. For purposes of this policy, "immediate family" includes: the employee's spouse, domestic partner, brother, sister, mother, father, stepmother, stepfather, children, stepchildren, father-in-law, mother-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, and any other member of the employee's household.
4. Former employees who left the City of Anacortes in good standing may be considered for re-employment. Former employees who resigned without advance notice or who were dismissed for disciplinary reasons may not be considered for re-employment (**see** Policy 213 Termination of Employment).
5. A former employee who is re-employed will be considered a new employee from the date of re-employment unless the break in service is less than 6 months, in which case the employee will retain accumulated seniority. Length of service for the purposes of benefits is governed by the terms of each benefit plan (**see** Policy 501 Health and Welfare Benefit Disclosure).
6. Employees who retire may be eligible, in certain circumstances, to be considered for rehire (**see** Policy 214 Retirement).

Policy 205 Medical Examinations

The City of Anacortes may require applicants to whom a conditional offer of employment has been extended, and current employees, to undergo medical tests, procedures, or examinations whenever management determines that these are necessary for the safe or efficient operation of the organization and are job-related and consistent with business necessity.

1. Successful applicants for employment may be required as a condition of employment to submit to a medical examination to establish their fitness to perform the jobs for which they have applied without endangering the health and safety of themselves or others. If management determines that an examination is appropriate to a particular position, all applicants for the job to whom a conditional offer of employment has been made shall be examined.
2. Employees may be required to have a medical examination on other occasions when the examination is job-related and consistent with business necessity. For example, a medical examination may be required when an employee is exposed to toxic or unhealthful conditions, requests an accommodation for a particular disability, returns from a leave due to a medical condition, or has a questionable ability to perform essential job functions due to a medical condition.
3. Employees are encouraged, but not required unless it is determined to be a condition of employment, to have physical examinations periodically during their employment. Employees are encouraged, but not required, to participate in wellness programs.
4. Medical examinations required by the City of Anacortes will be paid for by the City and will be performed by a physician or licensed medical facility designated or approved by it. Medical examinations paid for by the City of Anacortes are the property of the City of Anacortes, and the examination records will be treated as confidential and kept in separate medical files. However, records of specific examinations, if required by law or regulation, will be made available to the employee, persons designated and authorized by the employee, public agencies, relevant insurance companies, or the employee's doctor.
5. Employees who need to use prescription or nonprescription legal drugs while at work must report this requirement to their supervisor if the use might impair their ability to perform their job safely and effectively. Depending on the circumstances, employees may be reassigned, prohibited from performing certain tasks, or prohibited from working if they are determined to be unable to perform their jobs safely and properly while taking prescription or nonprescription legal drugs (**see** Policy 808 Drugs, Narcotics, & Alcohol).
6. The City reserves the right, to the extent permitted by law, to require acceptable confirmation of the nature and extent of any illness or injury that requires an employee to be absent from scheduled work. The City also may require a second and, if appropriate, third medical opinion regarding an employee's absence because of illness or injury. The City will pay for any additional opinions it requires.
7. Employees returning from a disability leave or an absence caused by health problems may be required to provide a doctor's certification of their ability to perform their regular work satisfactorily without endangering themselves or their fellow employees.
8. Employees who become ill on the job or suffer any work-connected injury, no matter how minor, must report immediately to their supervisors. The supervisor will arrange referral for examination, treatment, and recording of the incident as necessary. Time an employee spends waiting for and receiving this medical attention will be considered hours worked for pay purposes.
9. The City also may require job applicants and current employees to take a test to determine the presence of drugs, narcotics, or alcohol, unless prohibited by law. For policies and procedures on this type of testing **see** Policy 808 Drugs, Narcotics, & Alcohol.

Policy 206 Probationary Period

The City of Anacortes carefully monitors and evaluates all new employees and all present employees transferred or promoted to a new job during an initial probationary period. After satisfactory completion of the probationary period, those employees will be evaluated as provided for in the Performance Review policy (**see** Policy 302 Performance Reviews).

1. Normally, the probationary period should last twelve months or as designated in the appropriate collective bargaining agreements and/or Civil Service Rules. Supervisors should carefully observe the performance of each employee in a new job position. Where appropriate, weaknesses in performance, behavior, or development should be brought to the employee's attention for correction.
2. Supervisors should prepare a written evaluation of the employee's job performance before the end of the probationary period in the new job (**see** Policy 302 Performance Reviews). The evaluation should include a recommendation as to whether the employee should continue in the position. Copies of the evaluation should be forwarded to the department head and Human Resources for inclusion in the employee's personnel file (**see** Policy 901 Personnel Records).
3. Employees generally will be allowed to continue in their new positions if they are given both a satisfactory evaluation by the end of their probationary period and their supervisor's endorsement to continue in the job. Employees who do not receive a satisfactory evaluation and endorsement may be given additional time in 30-day increments to demonstrate their ability to do the job, if the supervisor feels additional time is warranted in order to achieve acceptable job performance; during any such extension, the employee will remain in probationary status. Supervisors may recommend the termination of a probationary employee at any time. Probationary employees are at-will employees. A recommendation for termination should be submitted in writing to Human Resources for review and should include an evaluation and a list of actions taken to assist the employee (**see** Policy 213 Termination of Employment). Action to terminate should have the prior approval of Human Resources.
4. At the discretion of management, transferred or promoted employees who are unable to perform satisfactorily in their new jobs may be returned to their original jobs, if a vacancy exists, or may be terminated (**see** Policies 207 Transfer and 208 Promotion).

Policy 207 Transfer

The City of Anacortes may at its discretion initiate or approve employee job transfers from one job to another or from one location to another.

1. The City of Anacortes may require employees to make either a temporary or long-term job transfer in order to accommodate the City's business needs. The City of Anacortes will try to limit the number and duration of temporary transfers that it requests from individual employees in a twelve-month period.
2. Employees may request a voluntary job transfer. To be eligible for a voluntary transfer, employees normally must meet the requirements of the new position, have held their current position for at least 12 months, have a satisfactory performance record, and have no disciplinary actions during the same period.
3. Job openings for which management solicits candidates from within the City of Anacortes are sent electronically to all staff through City-provided email. However, as it considers appropriate, management will fill job openings or make transfers without posting notices.
4. Internal Job Openings: Eligible employees who request a transfer generally will be considered in the following order, unless specified in a collective bargaining agreement:
 - a. Employees in the same department as the job opening;
 - b. Employees who are being considered for layoff because of a reduction in force or because of the elimination of their job (**see** Layoff and Recall, Policy 212); and
 - c. All other employees.
5. Application Process for Internal Job Openings: Requests for transfer normally should be handled as follows:
 - a. The employee should submit an internal job application form to Human Resources. Requests based on posted job openings must comply with the procedures described in Policy 208 Promotion, and should be initiated prior to the cut-off date specified in the posting. It is recommended that employees inform their immediate supervisor of their intent to apply for another position.
 - b. Human Resources and the hiring manager should determine if the requested job or a suitable job opening exists and whether the employee is eligible.
 - c. If the employee is eligible for a job opening, the hiring manager should arrange an interview with the candidate. The candidate will be allowed time off with pay for job interviews related to the transfer.
 - d. The department head with the job opening will make the final transfer decision, subject to prior approval of Human Resources and Mayor (**see** Policy 208 Promotion).
6. Transferred employees will be subject in their new positions to a six-month trial period. Regular step increases on January 1 will be maintained. Transferred employees may be required to have a medical examination if the examination is job-related and consistent with business necessity (**see** Policy 205 Medical Examinations).
7. Transferred employees will retain their existing City seniority.
8. Pay for transferred employees generally will be handled as follows:
 - a. Employees transferred to a job within the same salary range will continue to receive their existing rate of pay;
 - b. Employees transferred to a job in a higher salary range will be paid at a rate within the higher range to be determined at the time of transfer;
 - c. Employees transferred, for management's convenience, to a job in a lower salary range will usually be paid at their former rate. At management's discretion, however, employees may be paid at the rate of the new job; and
 - d. Employees who are transferred for disciplinary reasons, lack of work, budgetary reasons, municipal reorganization, or at their own request to a job in a lower salary

range will be paid at the lower rate beginning with the start of the new job.

Policy 208 Promotion

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

1. All employees are encouraged to seek advancement opportunities and to obtain promotion and career guidance from their supervisor, department head, and Human Resources.
2. Employee eligibility for promotion will be determined by the requirements of the new job. In addition, to be considered, employees must have held their current position for at least twelve months, have a satisfactory performance record, and have no disciplinary actions during the same period. Management retains the discretion to make exceptions to the policy.
3. Job openings and promotions for which management solicits candidates from within the City of Anacortes normally will be distributed via email to all city staff. However, as it considers appropriate, management may fill job openings or make promotions without posting notices. When job openings or promotion opportunities are posted:
 - a. Interested employees must complete an internal application form and cover letter and forward it to Human Resources prior to the cut-off date specified in the posting;
 - b. Human Resources may, at its discretion, solicit outside candidates during or after the posting period.
4. Employees who are candidates for job openings and promotions will be considered for the position (**see** Policy 207 Transfer).
5. Employee candidates for promotion will normally be screened and selected based on attendance and work records, performance reviews, and job-related qualifications including, in some instances, aptitude or achievement tests. Seniority will be considered if required by a labor contract. In addition, employees seeking promotion may be required to have a medical examination if the examination is job-related and consistent with business necessity (**see** Policy 205 Medical Examinations).
6. Promoted employees will be subject to six-month trial period as outlined in the Transfer policy (See Policy 207(6) Transfer).

Policy 209 Hours of Work

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

1. The normal workweek is Sunday through Saturday, beginning and ending at midnight on Saturday, and consisting of forty hours. The normal workday will consist of eight hours of work with an unpaid meal period. Different work schedules, such as in the case of police, fire, water, and wastewater employees, may be established by the City to meet job assignments and provide necessary City services. Rest breaks are considered time worked.
2. Each employee's scheduled work hours will be determined by their department head. The department head, or the department head's designee, will inform employees of their daily schedule of hours of work, including meal periods and rest breaks, and of any changes that are considered necessary or desirable by the City of Anacortes (**see** Policies 703 Rest Breaks and 704 Meal Breaks).
3. Department heads may schedule overtime or extra shifts. Supervisors will assign overtime to nonexempt employees (those employees who are subject to the minimum wage and overtime provisions of the Fair Labor Standards Act) as needed. Employees are not permitted to work overtime without the prior approval of their supervisor or department head. For the purposes of overtime compensation, only hours worked in excess of forty during a workweek will be counted.
4. Employee attendance at lectures, meetings, and training programs will be considered hours of work, and therefore will be compensated time, if management requires and authorizes attendance.
5. Nonexempt employees normally will be granted a minimum of two hours of "reporting pay" and "call-back pay." Reporting pay will be granted when an employee reports for work and no work is available. However, reporting pay will not be granted if the lack of work is the result of conditions beyond the City of Anacortes's control or if employees refuse to accept other work that they are qualified to perform. When work is not available, the City of Anacortes will make a reasonable effort before starting time to notify employees not to report to work. Callback pay will be granted when employees are asked to come to work outside of their normal working hours.
6. Department heads, at their discretion, may allow nonexempt employees to make-up lost time during a given workweek. However, make-up will not be allowed if the lost time is the result of conditions the employee could control, if there is no work the employee is qualified to do, or if adequate supervision is not available.
7. Nonexempt Timesheets: All nonexempt employees are required to complete an individual time record showing the daily hours worked. Time records cover half of one month (1-15th and 16th-end of month) and must be completed by dates determined by the Finance Department. The following points should be considered in filling out time records:
 - a. Employees should record their total hours worked for each workday;
 - b. Employees are not permitted to sign in or begin work before their normal starting time or to sign out or stop work after their normal quitting time without the prior approval of their supervisor;
 - c. Employees are required to take scheduled lunch or meal breaks;
 - d. Employee time records should be reviewed and approved by the supervisor. Special attention should be given to unworked time for which an employee is entitled to be paid (paid absences, paid holidays, or paid vacation time) and authorized overtime;
 - e. Unapproved absences should not be considered as hours worked for pay purposes. (**see** Policies 701 Attendance and Punctuality and 702 Absences). Supervisors should

- inform employees if they will not be paid for certain hours of absence and;
- f. Timesheet estimation is permitted following established guidelines; however, falsifying any time record is prohibited and may be grounds for disciplinary action, up to and including termination (**see** Policies 801 Behavior of Employees and 807 Disciplinary Procedure).
8. Compensatory Time Off: Nonexempt employees can earn overtime for hours worked beyond the normal workweek. Nonexempt employees (those not exempt from the provisions of the Fair Labor Standards Act) will be paid overtime compensation, either in cash or compensatory time off, at the rate of one and one-half times (1.5x) their regular hourly rate for work in excess of forty hours during their normal workweek. If an employee elects to accrue compensatory time off in lieu of overtime pay, one and one half-hours (1.5) of compensatory time-off is earned for one hour of work beyond the normal workweek.
 - a. Maximum accruals of compensatory time shall be limited to two hundred-forty (240) hours or per bargaining agreement. After maximum accrual, overtime compensation will be paid to nonexempt employees.
 - b. Employees may use compensatory time after making a request to their department head, unless doing so would unduly disrupt City operations. Compensatory time should be used for short-term absences from work during times mutually agreed to by the employee and the department head.
 - c. Upon termination of any type, including retirement, employees receive compensation for their accrued compensatory time balance.
 9. Exempt Timesheets and Exchange Time Off: Personnel employed in executive, administrative, professional, or certain computer-related capacities generally are exempt from the provisions of the Fair Labor Standards Act.
 - a. Exempt employees are not required to complete hourly time records but must account for daily attendance and attendance exceptions.
 - b. Exempt employees do not receive overtime compensation. Exempt employees are eligible to receive exchange time off on a one-for-one basis for work in excess of forty hours during their normal workweek.
 - c. Maximum accruals of exchange time shall be limited to two hundred and forty (240) hours. Exempt employees will not continue to accrue exchange time after reaching the maximum.
 - d. Upon voluntary or involuntary termination of any kind, accrued exchange time hours are not eligible for payout.
 10. For policies and procedures regarding pay practices, **see** Policies 300-305 Pay Practices.

Policy 210 Outside Employment

The City of Anacortes allows its employees to engage in outside work or hold other jobs, subject to certain restrictions as outlined below.

1. Employees are required to disclose outside work or other jobs to their department heads and obtain pre-approval to perform outside work or hold another job.
2. The City of Anacortes requires that employees' activities and conduct away from the job must not compete, conflict with, or compromise its interests, or adversely affect job performance and the ability to fulfill all responsibilities to the City of Anacortes (**see** Policy 805 Conflicts of Interest). This requirement, for example, prohibits employees from performing any services for customers on non-working time that are normally performed by City of Anacortes personnel. This prohibition also extends to the unauthorized use of any City of Anacortes resources, including its communication systems, and the unauthorized use or application of any confidential information. In addition, employees are not to solicit or conduct any outside business during paid working time.
3. Employees are cautioned to carefully consider the demands that additional work activity will create before accepting outside employment. Outside employment will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel, or refusal to work overtime or different hours. If outside work activity causes or contributes to job-related problems, it must be discontinued. If necessary, normal disciplinary procedures will be followed to deal with the specific problems (**see** Policy 807 Disciplinary Procedure).
4. In evaluating whether to grant approval for outside work, department heads and Human Resources will consider whether the proposed employment:
 - a. May reduce the employee's efficiency in working for the City of Anacortes;
 - b. Involves working for an organization that does a significant amount of business with the City of Anacortes, such as major contractors, suppliers, and customers; or
 - c. May adversely affect the City of Anacortes's image.
5. If employees outside employment job duties are similar or related to their City of Anacortes service, or if they cause the employee to deal with people or entities whom the employee deals with for the City of Anacortes duties, the employee must be prepared to explain why no potential conflict exists between the outside employment and the official duties of the City of Anacortes.
6. Employees who have accepted outside employment may not use paid sick leave to work on the outside job. Fraudulent use of sick leave will result in disciplinary action up to and including termination (**see** Policy 807 Disciplinary Procedure).

Policy 211 Employee Classifications

The City of Anacortes classifies employees as full-time, part-time, or temporary and as exempt or nonexempt for the purposes of compensation administration. In addition, the City of Anacortes may supplement the regular workforce, as needed, with other forms of flexible staffing.

1. Human Resources is responsible for classifying employees. Employees generally may be categorized as follows:
 - a. A **full-time employee** is an individual who works a normal forty-hour workweek and is hired for an indefinite period (**see** Policy 209 Hours of Work). A full-time employee may be classified as either exempt or nonexempt.
 - b. A **part-time employee** is an individual who works less than a normal workweek and is hired for an indefinite period. A part-time employee may be classified as either exempt or nonexempt. Note that a modified definition of part-time employee is used under Policy 501 Health and Welfare Benefit Disclosure, to align the City's health insurance coverage with the Affordable Care Act.
 - c. A **temporary employee** generally is an individual who is hired either part-time or full-time for a specified, limited period. A temporary employee may be classified as either exempt or nonexempt. A temporary employee who works more than one thousand, forty regular hours (1,040) in a work year may be required to join the applicable bargaining unit.
 - d. A **nonexempt employee** generally is subject to the minimum wage and overtime provisions of the Fair Labor Standards Act ("FLSA") and is typically paid either on an hourly or salary basis.
 - e. An **exempt employee** is exempt from the provisions of the FLSA and is not entitled to overtime payments. Exempt employees typically are paid on a salary basis and include administrative, executive, professional employees, outside sales representatives, and certain highly skilled computer professionals (**see** Policy 209 Hours of Work).Other flexible staffing classifications or arrangements may be added as needed.
2. For information regarding eligibility for paid absences, vacations, and holidays **see** Policy 702 Absences, Policy 502 Vacations, Policy 503a Holidays, and Policy 503b Unpaid Holidays for Reasons of Faith or Conscience. An employee whose status changes from full-time to part-time may use any days of paid absence or vacation earned as a full-time employee. An employee whose status changes from temporary or part-time to full-time will be considered hired on the date of the change of status for purposes of eligibility for paid absences and vacation. Information concerning eligibility for other City of Anacortes benefits, such as the pension plan, is available from Human Resources.

Policy 212 Layoff And Recall

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

1. In the event that a layoff is expected, the City of Anacortes will attempt to communicate information about an impending layoff as soon as possible, subject to operational needs and considerations.
2. Layoffs that are expected to be temporary generally will be handled according to the provisions of this policy. Selections for layoffs that are known to be permanent will be made according to this policy and then handled according to policies outlined in Policy 213 Termination of Employment and Policy 303 Severance Pay.
3. Evaluation of layoff criteria shall be within the sole discretion of the City. Employees will be selected for layoff, based on the following criteria:
 - a. Promotion potential and transferability of skills to other positions within the City;
 - b. Demonstrated current and past performance;
 - c. The needs of the City of Anacortes; and
 - d. Length of service with the City of Anacortes.
4. An employee's length of service is measured from the original date of employment with the City of Anacortes, as long as there has not been a break in service greater than 30 days. During a layoff, employees with breaks in service greater than 30 days, but less than one year per break, are credited only for their time actually worked, i.e., the break time does not get counted unless required by law. Employees with a break in service greater than one year receive credit for service only from their most recent date of hire with the City of Anacortes.
5. Employees selected for layoffs will be given as much notice as is required by law or as much as is reasonable under the circumstances.
6. Employees who are laid off will be maintained on a recall list for six months or until management determines the layoff is permanent, whichever occurs first. Removal from the recall list terminates all job rights the employee may have. While on the recall list, employees should report to Human Resources if they become unavailable for recall. Employees who do not keep a current home address on record with Human Resources will lose their recall rights.
7. Employees will be recalled according to the needs of the City of Anacortes, their classification, and their ability to perform the job. Notice of recall will be sent by registered mail, return receipt requested, to the current home address on record with Human Resources. Unless an employee responds to the recall notice within seven days following receipt of the notice, or its attempted delivery, the employee's name will be removed from the recall list and the employee will no longer have any job rights with the City of Anacortes.
8. Credit for seniority will continue to accumulate during any layoff of 30 days or less. Employees laid off for more than 30 days and subsequently recalled within one year from the date of layoff will be credited with the years of service accumulated at the time of layoff.
9. If the layoff is expected to exceed 30 days, vacation pay equal to the number of unused vacation days accrued will be paid at the time of layoff. Employees who are laid off will not accrue vacation or sick leave during the layoff.

Policy 213 Termination Of Employment

The City of Anacortes may terminate employment due to voluntary or involuntary reasons including an employee's resignation, termination, or retirement, the expiration of an employment contract, or a permanent reduction in the workforce. Involuntary termination can be for any reason not prohibited by law. In the absence of a specific written agreement, employees are free to resign at any time and for any reason, and the City of Anacortes reserves the right to involuntarily terminate employment with cause. The exception to this is with "at will" employees, such as probationary employees and department heads (who have individual contracts with the City of Anacortes) who may be terminated at any time, with or without notice and with or without cause. At will employees, however, cannot be terminated for any reason that would violate anti-discrimination laws or public policy.

1. Employees are requested to give advance written notice of their intent to resign including the anticipated date of termination. Failure to give advance written notice may result in ineligibility for re-employment (**see** Policy 204 Hiring and Policy 502 Vacations). The following guidelines are suggested:
 - a. Department heads and managerial employees should give at least four weeks' notice; and
 - b. All other employees should give at least two weeks' notice.
2. Employees who are absent from work for three consecutive days without being excused or giving proper notice will be considered as having voluntarily terminate (**see** Policy 701 Attendance and Punctuality).
3. Human Resources is responsible for notifying terminating employees who are covered by the City of Anacortes's group health plan of their right to continue coverage under that plan. (For a special summary of the Consolidated Omnibus Budget Reconciliation Act "COBRA" continuation coverage requirements, **see** Addendum B).
4. Supervisors should send notices of resignation and recommendations for termination to Human Resources for review. This information should be accompanied by any needed supporting documents, such as performance reviews or disciplinary reports (**see** Policy 302 Performance Reviews and Policy 807 Disciplinary Procedure).
5. Requests for employment references should be made in writing to Human Resources and should include an authorization by the employee for the release of the requested information. Generally, Human Resources will not release reference information without the employee's authorization or will limit the information to verification of the employee's position, job location, and dates of employment with the City of Anacortes. Employees may request that their supervisor provide a letter of recommendation. A copy of the letter of recommendation is to be placed in the employee's personnel file. Supervisors are not authorized to provide references on behalf of the City without the approval and involvement of the Human Resources Director (**see** Policy 901 Personnel Records).

Policy 214 Retirement

The City of Anacortes determines employees who are eligible for normal retirement per the guidelines described in the Washington State Department of Retirement Systems Handbook that is applicable to the employee's job classification. Regular uniformed employees in the police and fire departments are covered by the Law Enforcement Officers' and Firefighters' Retirement System (LEOFF). Regular full-time and eligible part-time non-uniformed employees are covered under the Public Employees Retirement System (PERS). The State of Washington determines eligibility, benefit levels, and contribution rates.

1. Employees who choose to take normal retirement are requested to give Human Resources as much advance notice of their intent as possible, or at least 90 days. Employees who have given notice of either normal or early retirement may be called upon to assist in the training of their replacements.
2. Employees who qualify for retirement under this policy may be eligible to receive limited health and various other benefits in accordance with the provisions of the City of Anacortes's employee benefit plans (**see** Policy 501 Health and Welfare Benefit Disclosure). Retiring employees are eligible to receive pay for accrued but unused vacation (**see** Policy 502 Vacations). All employee benefit plans and programs are subject to amendment or termination, even after retirement, at the City of Anacortes's and the Washington State Retirement System's discretion.
3. The Washington State Department of Retirement Systems (DRS) administers the retirement benefits. DRS is the best resource for staff members with questions about retirement benefits. Information on DRS can be found here: <http://www.drs.wa.gov/>
4. Retiring employees may be eligible to reapply for employment, and those who are interested in future temporary or part-time employment with the City of Anacortes should make that interest known at their exit interview (**see** Policies 204 Hiring and 213 Termination of Employment). Hiring an applicant who is receiving Washington State retirement benefits must comply with State of Washington regulations. These include a prohibition of any written agreement for re-employment and an absence of at least one month prior to starting a new job with the City of Anacortes.

Pay Practices

Policy 301 Salary Administration

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

1. New employees generally will be hired at the starting rate assigned to their job grade. Supervisors may recommend higher or lower starting rates depending on an applicant's experience or skill level or other competitive considerations. These recommendations will be reviewed and approved before implementation by the appropriate department head, Human Resources, and the Mayor.
2. Human Resources is responsible for coordinating with the Mayor the continuing review of compensation and for making sure that each job is evaluated and assigned a job grade and salary range. This review should determine whether compensation accurately and fairly reflects each position's responsibilities and performance.

Policy 302 Performance Reviews

The City of Anacortes will evaluate the job performance of each employee periodically.

1. Supervisors should complete performance reviews upon the following occasions (or per the applicable collective bargaining agreement):
 - a. At least once before the end of the first twelve months of employment (**see** Policy 206 Probationary Period); evaluation conversations are encouraged once per quarter;
 - b. Then on an annual basis (based on anniversary date or before the end of each calendar year, depending on the department).Between scheduled appraisals, supervisors should discuss with employees on an informal basis any performance issues that require attention and should keep records of any significant incidents. Supervisors may be authorized to retain information to aid in the development on an employees' performance review. These notes are to be destroyed following the performance review.
2. In evaluating employees, supervisors should consider factors such as the experience and training of the employee, the job description, and the employee's attainment of previously set objectives and goals. Other factors that normally should be considered include knowledge of the job, quantity and quality of work, promptness in completing assignments, cooperation, initiative, reliability, attendance, judgment, conduct, and acceptance of responsibility.
3. Supervisors should prepare a written performance review of each employee's job performance. The review should include the supervisor's comments and recommendations, an action plan for both the employee and supervisor, and performance goals for the next evaluation period.
4. Department heads and the Human Resources Director should review each supervisor's written evaluation to help assure that the evaluation function has been properly completed in as uniform, fair, and objective a manner as possible.
5. The supervisor and employee should meet and discuss the evaluation, assess the employee's strengths and weaknesses in a constructive manner, and set objectives and goals for the period ahead. The employee should be given the opportunity to examine the evaluation and make written comments about any aspect of it. The employee and supervisor should then sign and date the evaluation and forward it to Human Resources for review and inclusion in the employee's personnel file (**see** Policy 901 Personnel Records, Policy 901). Employees may have a copy of their completed performance review for their records.
6. Information derived from the performance review may be considered when making decisions affecting training, pay, promotion, transfer, or continued employment.

Policy 303 Severance Pay

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

1. Severance pay is intended to provide extra economic help to certain terminated employees while they adjust to their job loss. Severance pay is not available for temporary employees.
2. Human Resources is responsible for administering this policy and will handle any employee claims or complaints.
3. Eligible employees will be required to sign a release agreement in order to receive severance pay.

Policy 304 Pay Procedures

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

1. Employees normally will be paid on the fifth (5th) day and the twentieth (20th) of the month. If the regular payday occurs on a Saturday, Sunday, or a holiday, employees will be paid on the last working day before the regular payday.
2. Employees may elect to receive payment by direct deposit by providing written authorization and filling out the necessary forms with Human Resources. Direct deposit will remain in effect until revoked in writing by the employee.
3. Employees on each payday will receive, in addition to their pay, a statement showing gross pay, deductions, health and welfare benefits (if applicable), and net pay. Local, state, federal, Social Security taxes, and retirement contributions shall deduct automatically. No other deductions will be made unless required or allowed by law, contract, or employee obligation. Employees may elect to have additional deductions taken from their pay only if they authorize the deductions in writing.
4. Employees who discover a mistake in their paycheck, lose their paycheck, or have it stolen should notify their supervisor immediately. In the case of a mistake made by the City the error will be remedied promptly. In the case of loss or theft, the Finance Department will attempt to stop payment on the check and reissue a new one to the employee. However, the employee is solely responsible for the monetary loss, and the City of Anacortes will not be responsible for the loss or theft of a check if it cannot stop payment on the check.
5. Employees who wish to authorize another person to pick up their paycheck must complete a "Payroll Warrant Pick Up Authorization Form." A copy of the completed form must be provided to the employee's manager and the Finance Department. Paychecks will not be distributed without authorization in place.
6. Employees are encouraged to discuss any questions or concerns regarding their rate of pay and other compensation issues, including any improper deductions from pay, with their immediate supervisor. If the employee and immediate supervisor are not able to resolve the question, the employee should contact the department head or Human Resources. The City will promptly investigate all reported complaints and, if appropriate, take corrective action. The City prohibits and will not tolerate retaliation against any employee because that employee filed a good faith complaint under this policy. Specifically, no one will be disciplined, intimidated, or otherwise retaliated against because that person exercised rights under this policy or applicable law.

Policy 305 Interim Assignments

The City of Anacortes may authorize interim assignments during the absence of supervisory employees in specific situations.

1. Interim assignments provide valuable on-the-job training and allow continuation of a critical workload during an extended absence. Employees may be assigned the responsibilities as an “interim” or “acting” supervisor or department head during times of vacation, sick leave, or other absences that require more than 10 consecutive business days away from work. Interim assignments require pre-approval from the Mayor. Interim assignees will receive a wage premium of 9% beginning on the 11th consecutive day of the assignment. Interim assignments are limited to 90 business days. Extensions require approval by the Mayor. The interim assignee must be able to assume the majority of the duties of the higher classification. If an employee covered by a bargaining unit is assigned to a non-union interim assignment, this policy will govern conditions of the assignment unless in conflict with the applicable bargaining agreement. If an employee covered by a bargaining agreement is assigned to a position within the same bargaining unit, the bargaining agreement procedures take precedence.

Reimbursement of Employee Expenses

Policy 401 Travel

Business travel must be approved in advance and should be engaged in and reimbursed according to the guidelines described in the supplementary Travel Policy Manual. The Finance Department maintains the Travel Policy Manual. The City of Anacortes retains the right to amend or terminate the Travel Policy at any time.

1. Employees holding jobs that require extensive travel are expected to travel as a condition of employment. For all other jobs, travel is considered only an incidental function of the position but may be required.
2. Supervisors, department heads, and the Mayor must approve any employee travel in advance.
3. The City of Anacortes may issue guidelines specifying or restricting travel booking requirements. Under normal circumstances, employees should use the most appropriate form of transportation available, book the least expensive fares, and stay in and eat at moderately priced establishments.
4. Employees should provide their supervisor with a copy of their itinerary before leaving on business travel.
5. Employee expenses for approved travel will be paid or reimbursed when properly documented by the employee and approved by the supervisor, the Mayor, and the Finance Department. Examples of expenses normally paid or reimbursed include transportation, meals, lodging, and limited incidental expenses. The Travel Policy Manual describes the per diem method of allowable reimbursement. Employees who know or anticipate that they will have a special request for travel expense reimbursement should ask for approval from their supervisor before incurring the expense. Any travel expenses considered unreasonable under the circumstances will not be paid or reimbursed and are the employee's personal responsibility. Employees will not be reimbursed for the travel (including lodging and meal) expenses of their spouses, domestic partner, or other non-employees who may accompany the employee.
6. Time spent by nonexempt employees in traveling away from home on City of Anacortes business will generally be considered hours worked for pay purposes (**see** Policy 209 Hours of Work).
7. Employees traveling on City of Anacortes business are representatives of the City of Anacortes and are expected to maintain a high level of professionalism and to follow all of the City of Anacortes's policies and rules (**see** Policy 801 Behavior of Employees).

Policy 402 Vehicle Usage

The City of Anacortes provides vehicles for business use, to allow employees to drive on City of Anacortes business, and to reimburse employees for business use of personal vehicles according to the guidelines below. For further clarification, refer to the Travel Policy Manual. The City of Anacortes retains the right to amend or terminate travel policy at any time. The term "vehicle" as used in these guidelines includes, but is not limited to, cars, trucks, backhoes, front-end loaders, graders, and any motorized watercraft.

1. Employees may not drive any vehicles for City of Anacortes business without prior approval of their supervisor. Employees issued fuel pins are required to acknowledge the City's fuel card policy and procedures. Employees approved to drive for City of Anacortes business are required to inform their supervisor of any changes that may affect either their legal or physical ability to drive or their continued insurability.
2. Employees holding jobs requiring regular driving for business as a condition of employment must be able to meet the driver approval standards of this policy at all times. Employees holding jobs where driving is a condition of employment must inform their supervisors of any changes that may affect their ability to meet the standards of this policy. For example, employees who lose their licenses must report this to their supervisors. For all other jobs, driving is considered only an incidental function of the position.
3. If possible, City of Anacortes vehicles will be permanently assigned to departments that have demonstrated a continued need for them. Additional vehicles are maintained in a motor pool for use by individual employees, as needed.
4. Employees who need transportation in the course of their normal work may be assigned a City of Anacortes vehicle for their use. All other employees needing transportation for City of Anacortes business may use vehicles assigned to their department or those drawn from the motor pool. When no City of Anacortes vehicles are available, employees may use their own vehicles for business purposes with prior approval of their supervisor.
5. Employees who drive a vehicle on City of Anacortes business must, in addition to meeting the approval requirements above, exercise due diligence to drive safely follow all traffic laws, avoid distractions while driving (such as using mobile phones), and maintain the security of the vehicle and its contents. In addition, because texting while driving is particularly dangerous and illegal, employees specifically are prohibited from texting while driving. Drivers also must make sure the vehicle meets all City or legal standards for insurance, maintenance, and safety. Employees are personally responsible for any driving infractions or fines as a result of their driving a City vehicle and must report them to their supervisors. Employees who drive a City vehicle should also ensure that the vehicle is kept clean and free of litter.
6. Non-business passengers are prohibited from riding in City of Anacortes vehicles, i.e., family, friends, or other employees without a business need.
7. Employees who use their personal vehicle for approved business purposes will receive a mileage allowance equal to the Internal Revenue Service optional mileage allowance for such usage. A reduced mileage allowance will be utilized when an employee chooses to take a personal vehicle when a City vehicle is available. The allowance is to compensate for the cost of gasoline, oil, depreciation, and insurance. Employees who operate personal vehicles for City of Anacortes business should obtain auto liability coverage for bodily injury and property damage with a special endorsement for business use, when necessary, as determined by their personal insurance agent.
8. Employees must report any accident, theft, or malicious damage involving a City of Anacortes vehicle to their supervisor and Human Resources, regardless of the extent of damage or lack of injuries. Such reports must be made as soon as possible but no later than

twelve hours after the incident. Employees are expected to cooperate fully with authorities in the event of an accident. However, employees should make no voluntary statement other than in reply to questions of investigating officers.

9. Employees who are on call on a 24-hour basis may be allowed to take a City of Anacortes vehicle home so they can respond as soon as possible need to provide written acknowledgment that they fully understand that the vehicle is used only as part of emergency response and not for personal use.
10. Employees are not permitted, under any circumstances, to operate a City of Anacortes vehicle, or a personal vehicle for City of Anacortes business, when any physical or mental impairment causes the employee to be unable to drive safely. Additionally, employees shall not operate any City of Anacortes vehicle at any time or operate any personal vehicle while on City of Anacortes business, while using or consuming alcohol, illegal drugs, or prescription medications that may affect their ability to drive. These prohibitions include circumstances in which the employee is temporarily unable to operate a vehicle safely or legally because of impairment, illness, medication, or intoxication.
11. In most circumstances, time spent by nonexempt employees in driving a City or personal vehicle on City business is considered hours worked for pay purposes. However, under most circumstances, commuting time before the start and after the end of the workday is not treated as work time for pay purposes.

Policy 403 Meal Reimbursement

The City of Anacortes provides, pays, or reimburses employees for business-related meals according to the guidelines below. For further clarification, the Travel Policy Manual should be referred to and followed. The City of Anacortes retains the right to amend or terminate this policy at any time.

1. Employees required to travel on City of Anacortes business may charge to the City of Anacortes, or be reimbursed for, the cost of all meals during their travel pursuant to the Travel Policy Manual per diem method of allowable reimbursement (**see** Policy 401 Travel). Meal reimbursements that do not include an authorized overnight stay are taxable and reimbursement will be included in the employee's paycheck following submittal to the Finance Department.
2. Meal expenses should follow the guidelines set by the Travel Policy Manual.

Policy 404 Membership in Clubs and Civic Organizations

The City of Anacortes encourages employees to participate in the activities of community clubs and civic organizations.

1. Employees are encouraged to seek membership in community clubs and civic organizations where membership will promote the City of Anacortes's business interests and enhance its image in the community. However, employees who participate in clubs or community organizations may not allow their activities to interfere with job performance or harm or conflict with the City of Anacortes's interests (**see** Policy 805 Conflicts of Interest).
2. The Mayor may identify certain community organizations in which the City wants to be represented and then designate the employees that it will sponsor for membership in them. Employees who are designated for membership act as City of Anacortes representatives in the organization and are expected to promote its interests.
3. Employee participation in club and civic organization activities is not considered as hours worked for pay purposes unless it is at the City of Anacortes's request or under its direction and control.
4. The Mayor will normally consider the following factors when selecting organizations for representation and designating employees to sponsor for membership:
 - a. The nature and purpose of the club or organization;
 - b. The potential benefit to the City of Anacortes, including the enhancement of the employee's leadership and organizational skills;
 - c. The cost to the City of Anacortes;
 - d. The extent to which the City of Anacortes is already represented in the club or organization; and
 - e. The employee's job responsibilities, length of service, and overall qualifications for membership.

The Mayor will review periodically the City's representation in community organizations and its sponsorship of employees for membership and will make changes as appropriate.
5. Employees whose membership is sponsored by the City of Anacortes are encouraged to use the clubs or civic organizations for business purposes.
6. Employees who are sponsored for membership in community clubs and civic organizations are eligible for reimbursement for dues only. An expenditure voucher must be completed to claim reimbursement.
7. Employees who are not designated and sponsored for membership in community organizations are responsible for their own expenses.

Policy 405 Participation in Trade And Professional Associations

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

1. Employees are encouraged to participate in trade and professional associations that promote City of Anacortes goals, individual skills development, and professional recognition. However, employee participation in those associations must not conflict with the City of Anacortes's interests and must fit within budgetary constraints (**see** Policy 805 Conflicts of Interest).
2. The City of Anacortes may identify certain trade and professional associations in which representation is desirable and then designate the employees that it will sponsor for membership. Employees who are designated for membership act as City of Anacortes representatives in the association and are expected to promote its interests and to participate accordingly.
3. Employee participation in trade and professional association activities will not be considered as hours worked for pay purposes for employees classified as nonexempt under the Fair Labor Standards Act unless participation is at the City of Anacortes's request or under its direction and control (**see** Policy 209 Hours of Work).
4. Department heads are responsible for coordinating representation in trade and professional associations and must receive prior approval from the Mayor. The following factors normally will be considered in selecting associations for representation and in designating employees to be sponsored for membership:
 - a. The nature and purpose of the association;
 - b. The potential benefit to the City of Anacortes, including enhancement of the City of Anacortes's reputation and the development of the employee's leadership and organizational skills;
 - c. The cost to the City of Anacortes;
 - d. The extent to which the City of Anacortes is already represented in the association; and
 - e. The employee's job responsibilities, length of service, and overall qualifications for membership.
5. Department heads are responsible for planning, budgeting, and approving the expenses of their employees' participation in association activities within their budgetary authority. The City of Anacortes will pay or reimburse the approved and reasonable expenses of employees sponsored for membership in trade and professional associations. Employees not sponsored for association membership may be eligible for reimbursement for the expenses of special association events, if the Mayor approves participation in the activity in advance.
6. Employees must have their supervisor's advance approval before soliciting or accepting any official position in a trade or professional association that will occur during regularly scheduled working hours.
7. Employees are encouraged to contribute articles, present papers, and give talks to trade and professional associations. However, employees must obtain prior approval for any communication that might represent the City of Anacortes's position or involve any information that is sensitive (**see** Policy 806 Media Inquiries).

Employee Benefits

Policy 501 Health and Welfare Benefit Disclosure

The City of Anacortes provides its employees with various health and welfare benefits. Information and summaries intended to explain these benefit plans will be furnished to all plan participants and beneficiaries on a timely and continuing basis. The City reserves the right to modify, amend, or terminate its health and welfare benefits as they apply to all current, former, and retired employees. Additionally, the Administrator of each benefit plan has the discretionary authority to determine eligibility for benefits and to interpret the plan's terms.

1. Health Coverage

The City of Anacortes Health Coverage policy is administered in accordance with the Employer Shared Responsibility provisions of the Patient Protection and Affordable Care Act, as amended (PPACA). Under the terms and conditions of this policy and City's health benefits plan, The City provides health coverage to full-time employees and their dependents up to age 26. The benefits, terms, and conditions of City's health benefits plan, including costs owed by eligible employees, are explained in a separate plan document (the "Plan") and/or in applicable collective bargaining agreements. If there are conflicts between this policy, the Plan, and any collective bargaining agreements, the collective bargaining agreement shall control. If the agreement does not satisfy the minimum protections of the PPACA the parties shall negotiate a modification that at least meets the minimum.

2. Definitions and Classifications

- a. **Full-time.** At time of hire or change in job classification, employee is reasonably expected to work, on average, 30 or more hours per week. Full-time employees are eligible for health coverage and will be enrolled in health coverage as specified in the Plan. In no event shall the date of enrollment be later than 90 days following the date of hire or the date of change in job classification.
- b. **Part-time.** At time of hire or change in job classification, employee is reasonably expected to work, on average, less than 30 hours per week. Part-time employees are subject to monthly and annual hours limitations and are generally not eligible for health coverage, unless they satisfy the criteria below or are otherwise entitled to coverage under the terms of the Plan or applicable collective bargaining agreement.

Regular part-time employees classified as 50% - 74% FTE (but in all cases below an average of 30 hours per week) are eligible for ½ of the employee-only medical insurance premiums of the lowest cost plan offered by the City. Employees may choose between the benefit plans offerings, but the City's contribution is limited to half of the lowest cost plan offered. Employees fitting this criterion have the option of enrolling dependents in the City's health benefits plan during open enrollment or for a qualifying event; however, employees are responsible for all premium expenses. Coverage offered to eligible regular part-time employees is provided by the City on a voluntary basis and is not required under the PPACA.

If, based on City prior approval, a part-time employee averages 30 or more hours per week during a measurement period (discussed below), the employee will be deemed a full-time employee, eligible for health coverage during a subsequent stability period (discussed below).

- c. **Variable-hour.** At time of hire or change in job classification, the City cannot reasonably determine whether employee will or will not average 30 or more hours per week.

Variable-hour employees are subject to monthly and annual hours limitations and are generally not eligible for health coverage, unless otherwise specified under the terms of the Plan or applicable collective bargaining agreement. If, based on the City's prior approval, a variable-hour employee averages 30 or more hours per week during a measurement period (discussed below), the employee will be deemed a full-time employee, eligible for health coverage during a subsequent stability period (discussed below).

- d. **Seasonal.** At time of hire or change in job classification, employee is hired or re-hired into a position for which the customary annual employment is approximately six months or less, beginning in approximately the same season of each calendar year. Seasonal employees are subject to a mandatory annual break in service of approximately six continuous months and are not eligible for health coverage, unless otherwise specified under the terms of the Plan or applicable collective bargaining agreement.
- e. **Dependents.** Children of full-time employees up to age 26 (including the entire calendar month in which a child turns age 26). Includes biological and adopted children, stepchildren, and foster children. Also includes spouses and domestic partners. Dependents of full-time employees are eligible for health coverage.
- f. **Volunteers.** Individuals who provide services to the City on a voluntary basis and whose compensation is limited to: (1) reimbursement for reasonable expenses incurred in the performance of services as a volunteer; (2) reasonable fringe benefits, excluding health coverage; and/or (3) nominal fees or honorarium provided in connection with services as a volunteer. Volunteers are not employees and are not eligible for health coverage.

3. Work Hours Limitations

For certain employee classifications, the City restricts the maximum annual and/or monthly hours of work.

- a. **Full-time employees** are not subject to an annual or monthly hours limitation and may work 30 or more hours per week, without limit, unless otherwise limited by City's overtime policy, job description, the terms of any applicable collective bargaining agreement, or the terms of any other City policy or agreement. Full-time employees are not subject to initial or standard measurement, administrative, or stability periods (discussed below).
- b. **Part-time employees** are subject to an annual hours limitation and may not exceed 1500 hours annually without the City's prior approval. In addition to an annual hours limitation, part-time employees may not exceed 125 hours in any single calendar month without the City's prior approval. Part-time employees are subject to initial and standard measurement, administrative, and stability periods (discussed below).
- c. **Variable-hour employees** are subject to an annual hours limitation and may not exceed 1500 hours annually without the City's prior approval. In addition to an annual hours limitation, variable-hour employees may not exceed 125 hours in any single calendar month without the City's prior approval. Variable-hour employees are subject to both initial and standard measurement, administrative, and stability periods (discussed below).
- d. **Seasonal employees** are not subject to an annual or monthly hours limitation and may work 30 or more hours per week, without limit, unless otherwise limited by City's overtime policy, job description, the terms of any applicable collective bargaining agreement, or the terms of any other Employer policy or agreement. Seasonal employees are limited to an annual employment duration of approximately six months and must have an annual break in service of approximately six continuous months before being eligible for re-hire. Seasonal employees may work longer than six months with the City's prior approval. Seasonal employees are subject to initial and standard measurement, administrative, and stability periods (discussed below).

4. Measurement and Administrative Periods – Initial Periods

The City uses a 12-month initial measurement period to measure the hours of new part-time, variable-hour, and seasonal employees.

The City uses an initial administrative period of not longer than two months, divided in two phases. The first phase begins on the date of hire of a new part-time, variable-hour, or seasonal employee and continues until the last day of that calendar month. The second phase begins at the end of the 12-month initial measurement period and lasts for one full calendar month. The purpose of the first phase of the initial administrative period is to reduce administrative complexity by consolidating all new part-time, variable-hour, and seasonal employees hired during a month into the same initial measurement and stability periods. The purpose of the second phase of the initial administrative period is to allow the City to calculate the hours worked by employees during the initial measurement period and to enroll eligible employees in health coverage.

The City uses a 12-month initial stability period for purposes of providing or excluding health coverage to new part-time, variable-hour, and seasonal employees. If an employee works an average of 30 hours or more per week during an initial measurement period, the employee will be deemed a full-time employee and will be eligible for health coverage during the initial stability period, regardless of the hours worked during the initial stability period, so long as the employee remains employed by the City. If an employee works an average of less than 30 hours per week during the initial measurement period, the employee will not be deemed a full-time employee and will not be eligible for health coverage during the initial stability period, regardless of the hours worked during the initial stability period.

Initial Administrative Period (Phase 1)	Begins on date of hire, continues until end of month.
Initial Measurement Period	Begins on the first day of first full calendar month following date of hire and continues for 12 months.
Initial Administrative Period (Phase 2)	Begins on first day of first full calendar month following Initial Measurement Period and lasts for the entire month.
Initial Stability Period	Begins on first day of first full calendar month following Phase 2 of Initial Administrative Period and continues for 12 months.

To determine the average hours worked by each employee during the 12-month initial measurement period, the City will divide the employee's total hours worked during the period by 52.

Example:

- Employee A is hired as a new variable-hour employee on April 2, 2015. Employee B is hired as a new part-time employee on April 15, 2015.
- Under the first phase of the initial administrative period, Employee A is placed into an initial administrative period from April 2, 2015 through April 30, 2015. Employee B is

placed into an initial administrative period from April 15, 2015 through April 30, 2105. [The purpose of the first phase of the initial administrative period is to reduce administrative complexity by consolidating all new part-time, variable-hour, and seasonal employees hired in the same calendar month into the same initial measurement and stability periods.]

- Employee A and Employee B both have initial measurement periods beginning May 1, 2015 and ending April 30, 2016 (12 months).
- Employee A and Employee B are both subject to the second phase of the initial administrative period, beginning May 1, 2016 and ending May 31, 2016 (one month). During this period, the City calculates Employee A's and Employee B's hours worked during the initial measurement period.
- Employee A and Employee B are both subject to an initial stability period beginning June 1, 2016 and ending May 31, 2017 (12 months). If either employee averaged 30 or more hours per week during the initial measurement period, he/she will be offered and enrolled in health coverage during the initial stability period. If either employee averaged fewer than 30 hours per week during the initial measurement period, he/she will be excluded from health coverage during the initial stability period.

5. Measurement and Administrative Periods – Standard Periods

The City uses a 12-month standard measurement period to measure the hours of all ongoing part-time, variable-hour, and seasonal employees hired on or before the start of a standard measurement period.

The City uses a standard administrative period of 31 days. The purpose of the standard administrative period is to calculate the hours worked by employees during the preceding standard measurement period and to enroll eligible employees in health coverage during the resulting standard stability period.

The City uses a 12-month standard stability period for purposes of providing or excluding health coverage to ongoing part-time, variable hour, and seasonal employees. If an employee works an average of 30 hours or more per week during a standard measurement period, the employee will be deemed a full-time employee and will be eligible for health coverage during the resulting standard stability period, regardless of the hours worked during the standard stability period, so long as the employee remains employed by the City. If an employee works an average of less than 30 hours per week during the standard measurement period, the employee will not be deemed a full-time employee and will not be eligible for health coverage during the resulting standard stability period, regardless of the hours worked during the stability period.

Standard Measurement Period	December 1 of each year through November 30 of the following year
Standard Administrative Period	December 1 through December 31 of each year
Standard Stability Period	January 1 through December 31 of each year

To determine the average hours worked by each employee during the 12-month standard measurement period, the City will divide the employees' total hours worked during the period by 52.

Example:

- Employee C is an ongoing variable-hour employee who was hired on or before

- December 1, 2017 (the start of Employer's standard measurement period).
- Starting in 2017, Employee C's standard measurement period begins December 1, 2017 and ends November 30, 2018 (12 months).
- Employee C's standard administrative period begins December 1, 2018 and ends December 31, 2018. During this period, Employer calculates Employee C's hours worked during the preceding standard measurement period. If Employee C averaged 30 or more hours per week during the preceding standard measurement period, Employee C will be eligible for health coverage during the resulting standard stability period. If Employee C averaged below 30 hours per week during the preceding standard measurement period, Employee C will be excluded from health coverage during the resulting standard stability period.
- Employee C's standard stability period begins January 1, 2019 and ends December 31, 2019 (12 months).
- Employee C's next standard measurement period begins December 1, 2018 and ends November 30, 2019 (12 months).

6. Measurement and Administrative Periods – Overlapping Initial and Standard Periods

The City's standard measurement periods apply to all ongoing part-time, variable-hour, and seasonal employees hired by the City on or before the start date of a standard measurement period. New part-time, variable-hour, and seasonal employees will be measured by both the City's initial measurement period and the first standard measurement period beginning on or after each employee's date of hire.

Example:

- Employee D is a new variable-hour employee. Employee D is hired September 29, 2015.
- Employee D is subject to the first phase of the initial administrative period, beginning September 29, 2015 and ending one day later, September 30, 2015.
- Employee D is subject to an initial measurement period beginning October 1, 2015 and ending September 30, 2016.
- Employee D is subject to the second phase of the initial administrative period, beginning October 1, 2016 and ending on October 31, 2016.
- Employee D is subject to an initial stability period beginning November 1, 2016 and ending October 31, 2017.
- Because Employee D was hired on or before Employer's 2015 standard measurement period, Employee D is concurrently subject to the standard measurement period beginning December 1, 2015 and ending November 30, 2016.
- Employee D is subject to a standard administrative period beginning December 1, 2016 and ending December 31, 2016.
- Employee D is subject to a standard stability period beginning January 1, 2017 and ending December 31, 2017.

Based on the overlapping nature of initial and standard measurement and stability periods, situations will arise where part-time, variable-hour, and seasonal employees will be subject to simultaneous initial and standard measurement, administrative, and stability periods.

If the City determines an employee is eligible for health coverage during an initial measurement period or standard measurement period, the employee must be enrolled in health coverage for the entire associated stability period. This is the case even if the employee is determined to be eligible for health coverage during the initial measurement period but determined not to be eligible for coverage during the overlapping or immediately following standard measurement period. In such a case, the City may exclude the employee

from health coverage only after the end of the initial stability period. Thereafter, the employee's eligibility for health coverage would be determined in the same manner as that of other ongoing part-time, variable-hour, or seasonal employees.

In contrast, if City determines an employee is not eligible for coverage during the initial measurement period but is eligible for coverage based on the overlapping or immediately following standard measurement period, employee will be eligible for health coverage for the entire standard stability period (even if the standard stability period begins before the end of the initial stability period). Thereafter, the employee's eligibility for health coverage would be determined in the same manner as other part-time, variable-hour, or seasonal employees.

7. Rules Concerning Eligibility and Enrollment

To be enrolled in health coverage under the Plan, eligible employees must comply with all applicable application requirements and deadlines. Failure to do so may result in delayed or no enrollment until the next annual enrollment period or upon a qualified change in status.

If an eligible employee's payment for the cost of health coverage is untimely, the terms of the Plan provides when coverage terminates and whether there is a grace period for payment. The City is not required to provide health coverage for the period for which the cost of health coverage is not timely paid and may terminate coverage.

Eligible employees have the right to waive enrollment in the City's health coverage. The City will provide a written waiver that must be timely completed, signed, and submitted by an eligible employee desiring to waive enrollment. Unless the Plan specifies otherwise, a new waiver must be completed annually. The City will provide otherwise eligible employees who previously waived enrollment in health coverage the opportunity to enroll at least once annually.

8. Hours for Paid and Unpaid Leave during Measurement Periods

Hours of service for employees during measurement periods include both actual hours of service worked in addition to paid hours for vacation leave, sick leave, holiday leave, or other paid leave.

Periods of unpaid leave, including unpaid FMLA or military leave, are excluded from the hours calculation during any measurement period. Example: Employee E is a variable-hour employee subject to a 12-month (52-week) standard measurement period. During the standard measurement period, Employee E takes four weeks of unpaid FMLA leave. The four weeks of unpaid FMLA leave are excluded from the hours calculation. The average is calculated by the total hours worked by Employee E during the standard measurement period (12 months), divided by 48 weeks (instead of 52 weeks).

Administrative periods overlap with measurement and stability periods. Employees offered health coverage during a stability period must remain enrolled in coverage during a subsequent administrative period. Employees excluded from health coverage during a stability period remain excluded from coverage during a subsequent administrative period.

9. Breaks in Service

Employees, regardless of classification, who separate their employment with the City, voluntarily or involuntarily, must have a break in service of at least 13 continuous weeks before being eligible for re-hire. Employees re-hired after a break in service of at least 13 continuous weeks will be treated as a "new" employee, without any consideration given to previous hours worked or previous measurement or stability periods that may have applied prior to separation.

Employees who are re-hired into full-time positions must be enrolled in health coverage no later than the first day of the fourth calendar month following their date of re-hire. Employees who are re-hired into part-time, variable-hour, or seasonal positions are subject to the City's initial measurement, initial administrative, and initial stability periods.

The City reserves the right to suspend this rule on a case-by-case basis.

Policy 502 Vacations

The City of Anacortes grants annual vacations with pay to regular full-time and regular part-time employees in accordance with the guidelines established below.

1. Vacations are accrued or earned based on the employee's length of service and on the time actually worked. Vacation does not accrue when an employee is on an unpaid leave of absence.
2. Full-time employees will accrue paid vacation according to the following schedule:

Service Period	Vacation Accrual (per month)	Vacation Accrual (per year)	Maximum Accrual
First month through 48 months (years 0-4.00)	8 hours	96 hours	176 hours
Months 49 through 108 (years 4.01-9.00)	10 hours	120 hours	200 hours
Months 109 through 168 (years 9.01-14.00)	14 hours	168 hours	240 hours
169 months and beyond (years 14.01+)	17 hours	204 hours	240 hours

Vacation cannot be taken until hours are accrued. Employees whose vacation balance meets the maximum accrual will no longer accrue vacation benefits until the vacation balance falls below the maximum accrual. Employees are responsible for monitoring their accrual balance. If an employee requests vacation that has not accrued and has personal holiday hours available, the personal holiday hours will be utilized.

3. Regular part-time employees whose full-time equivalency is 50% or more are entitled to vacation on a prorated basis. Regular part-time employees shall earn vacation leave proportionate to the number of hours that they work in a pay period divided by the number of hours a full-time employee works in the same pay period. Maximum accrual of hours is prorated for part-time employees based on their full-time equivalency. Part-time employees working less than 20 hours per week and temporary employees do not receive paid vacation (**see** Policy 211 Employee Classifications).
4. Employees who feel that there is a discrepancy in the calculation of their vacation pay or eligibility may request a review of that calculation from the Human Resource and Finance Departments (**see** Policy 902 Dispute Resolution Procedure).
5. Vacation pay for full-time and part-time employees will consist of the employee's regular rate of pay for the vacation period.
6. Generally, employees should submit vacation plans to their supervisor at least four weeks in advance of the requested vacation date. Management reserves the right to approve when vacations are taken. Supervisors are responsible for ensuring adequate staffing levels and should attempt, when feasible, to resolve vacation scheduling conflicts based on length of service. However, employees who want to change their plans after the vacation schedule has been approved lose their seniority consideration.
7. Once per year, employees may elect to have their accrued vacation balance that exceeds 160 hours cashed out and deposited into a deferred compensation account set up through the City of Anacortes. The employee must notify payroll in writing by November 20 of each year for distribution on the December 5 payday. This benefit is prorated for part-time employees based on their full-time equivalency.
8. Upon termination, including retirement, voluntary or involuntary termination, layoff, or other the employee will have their vacation balance paid out at their exiting rate of pay.

Policy 503a Holidays

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

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

1	New Year's Day	January 1st
2	Martin Luther King Day	3rd Monday in January
3	President's Day	3rd Monday in February
4	Memorial Day	Last Monday in May
5	Juneteenth	June 19th
6	Independence Day	July 4th
7	Labor Day	1st Monday in September
8	Veteran's Day	November 11th
9	Thanksgiving Day	4th Thursday in November
10	Native American Heritage Day	Day after Thanksgiving
11	Christmas Day	December 25th
12-14	3 Personal Holidays	See below

Employees may select three (3) personal holidays each year. On January 1st each year, 24 hours of personal holiday are added to an employee's record. Personal holidays are prorated for employees who work less than 12 months of the year or a part-time schedule. Personal holidays are prorated according to the employee's full-time equivalency (FTE) in the payroll accounting system. Personal holiday hours are not carried over from one year to the next. At the end of the year, unused personal holiday hours are forfeited.

In the event of conflict between this provision of the policies and any provision of a valid and effective collective bargaining agreement, employee contract, or applicable Civil Service rules, the provisions of the contract and/or the Civil Service rules shall govern.

2. Full-time employees are eligible to receive their regular rate of pay (up to 8 hours) for each observed holiday. Part-time employees who are scheduled to work at least 20 hours per week (1,040 per year) are entitled to holiday pay. The amount of holiday pay is determined on the same basis as for full-time employees, but is based on the employees' FTE budget allocation. For example, an employee allocated at 65% FTE will receive 5.2 hours of holiday pay on each City approved holiday. Temporary employees and employees on unpaid leaves of absence or on layoff are not eligible to receive holiday pay.
3. To receive holiday pay, an eligible employee must be at work or taking an approved absence on the workdays immediately preceding and immediately following the day on which the holiday is observed. An approved absence is a day of paid vacation or paid short-term absence (**see** Policies 502 Vacations and 702 Absences). If an employee is absent on one or both of these days because of an illness or injury, the City of Anacortes may require verification of the reason for the absence before approving holiday pay (**see** Policy 205 Medical Procedures).
4. A holiday that occurs on a Saturday will be observed on the preceding Friday. A holiday that occurs on a Sunday will be observed the following Monday. Shift workers observe holidays on the actual holiday.
5. If a holiday occurs during an employee's vacation period, the employee records the day as holiday pay on their timesheet.
6. The City of Anacortes recognizes that some employees may wish to observe, as periods of worship or commemoration, certain days that are not included in the City of Anacortes's

regular holiday schedule. Employees may use personal holidays or accrued vacation for these occasions.

7. The City of Anacortes may schedule work on observed holidays as it considers necessary. Normally, work on an observed holiday will be paid as if the day were a regularly scheduled day. Employees will be given the option of receiving additional pay for the day or a “floating” holiday that may be taken, with the prior approval of their supervisor, at another time during the year.

Policy 503b Unpaid Holidays For Reasons Of Faith Or Conscience

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.

1. Employees may select the days on which the employee desires to take the two unpaid holidays after consultation with their supervisor. If an employee prefers to take the two unpaid holidays on specific days, then the employee will be allowed to take the unpaid holidays on the days they selected unless the absence would unduly disrupt operations, impose an undue hardship, or the employee is necessary to maintain public safety. The term "undue hardship" has the meaning contained in the rule established by the Office of Financial Management.
2. If possible, an employee should submit a written request for an unpaid holiday provided for by this section to the employee's supervisor a minimum of 14 days prior to the requested day. Approval of the unpaid holiday shall not be deemed approved unless it has been authorized in writing by the employee's supervisor. The employee's supervisor shall evaluate requests by considering the desires of the employee, scheduled work, anticipated peak workloads, response to unexpected emergencies, the availability, if any, of a qualified substitute, and consideration of the meaning of "undue hardship" developed by rule of the Office of Financial Management.
3. The two unpaid holidays allowed by this section must be taken during the calendar year, if at all; they do not carry over from one year to the next.

Policy 504 Continuing Education

The City of Anacortes attempts to provide employees with flexible work schedules when taking Mayor-approved educational courses.

1. Flexible work schedules will be considered if the City of Anacortes determines the courses of study are directly related to the employee's present job or that will enhance the employee's potential for advancement to a position within the City of Anacortes and to which the individual in the view of management has a reasonable expectation of advancing.

Policy 505 Employee Counseling

The City of Anacortes assists employees with referral services that will help in solving financial, legal, and emotional wellbeing concerns.

1. The City of Anacortes recognizes that personal difficulties can adversely affect job performance. Accordingly, employees experiencing financial, legal, or emotional wellbeing concerns are encouraged to seek assistance from the Employee Assistance Program (EAP). The Employee Assistant Counselors are available 24 hours a day, seven days a week to arrange an appointment with a qualified counselor. The telephone number for EAP is 1-800-570-9315 or www.guidanceresources.com.
2. Supervisors should be alert to signs of the existence of personal problems among their employees. Indications of personal problems include excessive absenteeism, changes in both behavior and employee attitudes, and substandard job performance.
3. Supervisors, where appropriate, should try to communicate with employees who seem to be experiencing problems. Depending on the circumstances, the supervisor should proceed as follows:
 - a. If an employee's problem seems to require professional counseling, or does not lend itself to an easy solution, the supervisor should refer the employee to the City's Employee Assistance Program.
 - b. If the employee's problem is an unresolved complaint or grievance, the supervisor should advise the employee of the appropriate steps to be taken in compliance with the Grievance Procedure (**see** Policy 902 Dispute Resolution Procedure).
4. Employees needing extended treatment may request a leave of absence in accordance with the City of Anacortes's leave policy (**see** Policy 702 Absences).
5. Human Resources will also, to the degree that its resources permit, provide counseling and reference information for employees seeking guidance on education and career planning, relocation, outplacement, and retirement planning (**see** Policies 213 Termination of Employment, 214 Retirement, and 504 Continuing Education).
6. Employees are required to meet satisfactory standards of job performance. Performance reviews are to be based on factors related to job performance, regardless of whether an employee seeks counseling (**see** Policy 302 Performance Reviews). In certain circumstances, however, the City of Anacortes may require an employee to participate in counseling as a condition of continued employment (**see** Policy 808 Drugs, Narcotics, and Alcohol).
7. Communications between employees, supervisors, Human Resources, the Employee Assistance Program, and professional counselors or agencies as a result of this policy are to be confidential, except to the degree necessary to protect the safety of the employee or others or to protect the security of City of Anacortes property.

Policy 506 Employee Recognition and Service Awards

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

1. The City of Anacortes may reward outstanding performance and productivity by presenting recognition awards to eligible employees. Generally, the Mayor will be responsible for setting eligibility requirements and implementing the different programs. Department heads and supervisors may assist in determining award recipients for the Mayor's Award of Merit. In most cases, the Mayor's Award of Merit awards will be presented at a City Council meeting following the determination of an award recipient. The Mayor is responsible for identifying the employees who will be honored, notifying the presenter, ordering the awards, and arranging for appropriate announcements and publication of awards, both internally and externally.
2. All regular full-time and regular part-time employees are eligible to receive a Pride in Service award upon completion of 1, 5, 10, 15, 20, 25, and 30 years of service. Human Resources is responsible for identifying when employees should be honored, notifying the employees, ordering the awards, and helping management to arrange appropriate announcements and publications of awards, both internally and externally.
3. Regular full-time and regular part-time employees hired prior to January 1, 2022 are eligible to accrue longevity benefits as described in their applicable bargaining agreement. Non-union employees receive \$5.00 per month for each year of service following completion of 5 years of service. The maximum longevity benefit per month is \$100.00.
4. The IRS classifies cash and gift certificate awards as taxable income. Payroll withholds taxes accordingly.

Policy 507 Exercise and Wellness Programs

The City of Anacortes encourages employees to participate in exercise and wellness programs. In support of the City of Anacortes Wellness Program, the City established a Fitness Reimbursement Program to encourage regular exercise.

1. Participation in City of Anacortes fitness reimbursement program is open to regular full-time or regular part-time employees who are regularly scheduled to work 20 or more hours per week. Spouses, domestic partners, and other employee dependents who are eligible for the City's medical insurance coverage may participate. Volunteer firefighters are eligible to participate. Temporary, seasonal, terminated, or retired employees are not eligible to participate.
2. These programs are voluntary and should take place outside normal working time.
3. To be eligible for reimbursement of a portion of the membership dues, the employee, spouse, domestic partner, or eligible dependent must provide proof of participation and dues to Human Resources showing at least 10 workouts per month at a fitness facility or through a paid exercise subscription. Swim lessons with 8 sessions per month are the only exception to the 10-visit rule. Proof of visits must be provided each month and will not be retroactively paid. For example, if you have visits for the month of March, you must turn in your proof no later than the last day of April. Free programs are not eligible for reimbursement.
4. Employees, spouses, domestic partners, and eligible dependents are limited to one health club reimbursement per month, per person. Eligible family members are not required to work out at the same facility.
5. Employees are responsible for the full payment of the fitness program/dues including initiation fees, annual charges, or other associated fees. The extent of City of Anacortes financial support for each program will be determined on an annual basis. This benefit is considered taxable income.
6. The reimbursement will appear as "Fitness/Pool Reimburs" on the employee's paystub. There may be up to a two-month lag time before reimbursements may be processed through payroll.
7. Participation in the City of Anacortes fitness reimbursement program is limited in some situations to employees who have medical benefits through the City of Anacortes.
8. The City of Anacortes retains the right to change all aspects of its exercise and wellness programs and to discontinue their existence.

Policy 508 Dual Insurance Incentive

The City of Anacortes encourages all employees and their spouses and/or dependents to participate in health insurance coverage to maintain health and wellness. Employees who have spouses and/or dependents who obtain full medical insurance coverage elsewhere and opt out of dual coverage under a City health insurance plan may be eligible to receive a monthly incentive.

1. Human Resources is responsible for benefit plans for all employees.
2. The Dual Insurance Incentive plan is a voluntary program limited to employees who have medical insurance coverage through the City of Anacortes and this coverage must be maintained to participate in the plan.
3. Employees' spouses and/or dependents must be removed from the City of Anacortes medical insurance coverage. This does not extend to dental, vision, or life insurance, which remain in effect.
4. Employees must certify through a Dual Insurance Incentive Enrollment form that their spouses and/or dependents have obtained medical insurance that meets "minimum essential coverage." Minimum essential coverage cannot be obtained from an individual market or an insurance exchange. Coverage from Medicare does not qualify spouses and/or dependents for the dual insurance incentive. Coverage from TRICARE does qualify spouses and/or for the dual insurance incentive.
5. Incentive amounts are based on the lowest cost PPO plan based on the full family premium and updated annually on the Dual Insurance Incentive Enrollment form.
6. Employees must provide proof of the spouse's and/or dependent's continuous, comprehensive medical coverage. Enrollment is effective for one year only. Employees must resubmit a Dual Insurance Incentive Enrollment form each year during open enrollment to receive the incentive payment. If employees do not re-enroll, dual insurance incentive will be automatically dropped. Retroactive dual insurance incentives will not be provided for late proof.
7. Employees are responsible for informing Human Resources of any changes in insurance statuses when receiving the dual insurance incentive. If an employee fails to inform Human Resources that they are no longer eligible for the incentive and receives funds the employee is not entitled to, the City of Anacortes will withhold amounts overpaid from the employee's paycheck as permitted by and consistent with RCW 49.48.200-.210.
8. The City retains the right to revoke, modify, or cancel this policy at any time and as it deems appropriate.

City of Anacortes Premises and Work Areas

Policy 601 Employee Safety and the Safety Committee

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

1. The City of Anacortes appoints a Safety Committee to oversee the City of Anacortes's safety policies and procedures.
2. All employees are responsible for ensuring that they understand and comply with all City of Anacortes safety rules, regulations, and procedures. All employees are responsible for:
 - a. Being familiar with all safety and health procedures relevant to the operations under their supervision;
 - b. Inspecting their work areas periodically;
 - c. Identifying conditions that are recognized as being unsafe; and
 - d. Reporting accidents and injuries to the immediate manager, department head and Human Resources immediately and ensuring that any injured employee is referred to appropriate medical care (**see** Policy 205 Medical Examinations).

Supervisors should complete a Safety Orientation Checklist upon hiring a new employee and before the new employee begins work. This is to ensure that the employee understands and complies with the safety rules, regulations, and procedures within their department. The completed and signed form should be included in the employee's personnel folder.

3. Employees should report to their supervisor or the Safety Committee all observed safety and health violations, potentially unsafe conditions, and any accidents resulting in injuries to employees or the public. Employees are encouraged to submit suggestions to the Safety Committee concerning safety and health matters.
4. Violations of City of Anacortes safety rules, regulations, or procedures will result in disciplinary action, up to and including termination (**see** Policies 801 Behavior of Employees and 807 Disciplinary Procedure).
5. Employees are offered CPR and First Aid training. Depending on the employee's job assignment the training may be mandatory.
 - a. Employees whose job descriptions warrant them to take Blood Borne Pathogen training should, if possible, be scheduled to attend training as soon as possible. The Blood Borne Pathogen Site Specific Plan identifies job titles in which exposure to pathogens may exist and require training. Supervisors are responsible to ensure that their employees' Blood Borne Pathogen certification remains current.

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

- a. Employees who do not have health insurance will be reimbursed for reasonable expenses to obtain their Hepatitis B vaccination when their role may have exposures.
- b. Employees who have health insurance are expected to utilize their insurance to cover the costs of the vaccination.

Policy 602 Personal Property

The City of Anacortes asks employees to refrain from bringing unnecessary or inappropriate personal property to work.

1. The City of Anacortes recognizes that employees may bring certain personal items to work such as family photographs, houseplants, or other small decorative items for their workspaces. However, personal property that is not related to the employee's job performance may disrupt work or pose a safety risk to other employees.
2. Employees are expected to exercise reasonable care to safeguard unauthorized personal items brought to work. The City of Anacortes is not responsible for the loss, damage, or theft of personal belongings, and employees are advised not to carry unnecessary amounts of cash or other valuables with them when they come to work.
3. The City of Anacortes may assign each employee a locker or storage area for safekeeping small personal effects during working hours. In addition, the City of Anacortes will provide and retain keys for file cabinets, desks, and other workstations. Employees may not place their own locks on any storage facility.
4. To maintain security and protect against theft, the City of Anacortes reserves the right to inspect when presented with reasonable suspicion all personal property brought onto the City of Anacortes's premises, including vehicles, packages, briefcases, backpacks, purses, bags, and wallets. In addition, whether locked or not, the City of Anacortes may inspect the contents of lockers, storage areas, file cabinets, desks, and workstations at any time and remove all City of Anacortes property and other items that violate City of Anacortes rules and policies (**see** Policy 605 Security).
5. Articles of personal property found on the premises should be returned to the owner, if known, or turned in to the Facilities Manager. Inquiries regarding lost property should be directed to the Facilities Manager.

Policy 603 Solicitation

The City of Anacortes prohibits solicitation and distribution on its premises by non-employees and permits solicitation and distribution by employees only as outlined below.

1. The City of Anacortes limits solicitation and distribution on its premises because those activities can interfere with its normal operations, reduce employee efficiency, annoy customers or employees, and pose a threat to security.
2. Human Resources is responsible for administering this policy and enforcing its provisions. Employees will be subject to disciplinary action for violating this policy (**see** Policies 801 Behavior of Employees and 807 Disciplinary Procedure).
3. Individuals not employed by the City of Anacortes are prohibited from soliciting funds or signatures, conducting membership drives, distributing literature or gifts, offering to sell merchandise or services (except with the Mayor's prior approval) or engaging in any other solicitation, distribution, or similar activity on City of Anacortes premises.
4. The City of Anacortes may authorize a limited number of fund drives by employees on behalf of charitable organizations or for employee gifts. Employees are encouraged to volunteer to assist in these drives, but participation is entirely voluntary.
5. The following restrictions apply when employees engage in permitted solicitation or distribution of literature for any group or organization, including charitable organizations:
 - a. Soliciting and distributing literature, or selling merchandise or services, during the working time of either the employee making the solicitation or distribution, or the targeted employee, is prohibited. The term "working time" does not include an employee's authorized lunch or rest periods or other times when the employee is not required to be working.
 - b. Distribution of literature is prohibited in work areas at all times.
 - c. Distributing literature in a way that causes litter on City of Anacortes property is prohibited.
 - d. Employees may not use City facilities, resources, or supplies to promote or solicit participation in gambling activities, including but not limited to wagers, bets, or pools.
6. The City of Anacortes maintains various communication systems to communicate City of Anacortes information to employees and to disseminate or post notices required by law. These communication systems (including bulletin boards, text messages, cell phones, electronic mail, voice mail, facsimile machines, and personal computers) are for business use only and may not be used for employee solicitation or distribution of literature. The unauthorized use of the communication systems or the distribution or posting of notices, photographs, or other materials on any City of Anacortes property is prohibited (**see** Policy 804 Use of Communication Systems).

Policy 604 Parking

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

1. The City of Anacortes will provide parking for as many employees as practical. Special spaces will be designated for certain employees, customers, and visitors.
2. The City owned parking lots are considered part of the City of Anacortes premises; therefore, all City of Anacortes policies and rules apply to employees and their vehicles while on the lots (**see** Policy 801 Behavior of Employees).
3. Employees who use the City of Anacortes parking lots do so at their own risk. The City of Anacortes assumes no responsibility for any damage to, or theft of, any vehicle or personal property left in the vehicle while on the parking lots (**see** Policies 602 Personal Property and 605 Security).

Policy 605 Security

The City of Anacortes makes reasonable efforts to provide for the security of its property, its employees, and visitors to its premises.

1. Employees (unless required to carry a firearm or weapon as a condition of employment), are prohibited from possessing firearms or other weapons on City of Anacortes property and at events sponsored by the City of Anacortes. Employees (unless required to carry a firearm or weapon as a condition of employment) are further prohibited from carrying weapons in employer-provided vehicles or in personal vehicles while on City business. **Note:** While Washington State allows individuals the right to carry a concealed weapon, employers are able to prohibit weapons in the workplace, including in personal vehicles parked on the premises, at worksites, in employer-provided vehicles, or at employer sponsored events. (Cherry v. Metro Seattle, 116 Wn. 2d 794, 808 P.2d 746 (1991)). This cited reference indicates that since 1991, municipalities have had the right to prohibit employees from carrying weapons or possessing weapons in the workplace.
2. All personal property brought onto the City of Anacortes's premises, such as vehicles, packages, briefcases, backpacks, purses, bags, and wallets, are subject to inspection with reasonable suspicion. In addition, the City of Anacortes may inspect the contents of lockers, storage areas, file cabinets, desks, and workstations at any time and may remove all City of Anacortes property and other items that are in violation of City of Anacortes rules and policies (**see** Policy 602 Personal Property).
3. Employees working in sensitive or high security jobs must meet any applicable special security clearance requirement specified for those jobs (for example, police and fire employees). These requirements may include more extensive background checks, fingerprinting, bonding, or other special security measures. Failure or inability to meet or comply with any special security requirements is grounds for termination of employment or rejection of an applicant.
4. Employees may remain at their workplace outside their normal working hours only when authorized to do so by their supervisor.
5. Employees are expected to exercise reasonable care for their own protection and for that of their personal property while on the City of Anacortes premises and while away from the premises on business. The City of Anacortes assumes no responsibility for loss, damage, or theft of personal property (**see** Policy 602 Personal Property).
6. Employees are expected to know and comply with the City of Anacortes' security procedures and should report any violations or potential problems to the Police Department. Violations of City of Anacortes security rules or procedures will result in disciplinary action, up to and including termination (**see** Policies 801 Behavior of Employees and 807 Disciplinary Procedure).

Policy 606 Tobacco Use

The City of Anacortes complies with all applicable federal, state, and local regulations regarding tobacco in the workplace and provides a work environment that promotes productivity and the wellbeing of its employees.

1. The use of tobacco products of any kind (including cigarettes, cigars, pipes, e-cigarettes, vapes, or chewing tobacco) in the workplace is prohibited. This prohibition applies to time spent at work sites or stations in any City building, facility, vehicle, or location.
2. The no tobacco use policy applies to employees during working time and to customers and visitors while on the City of Anacortes's premises.
3. Tobacco use is only allowed in designated outside areas that are at least 25 feet from building entrances and exits, windows that open, and ventilation intakes during designated breaks or off-work time. There shall be absolutely no tobacco use during work time. Employees are expected to exercise common courtesy and to respect the needs and sensitivities of coworkers with regard to the smoking policy. Smokers have a special obligation to not abuse break and work rules and to keep smoking areas litter-free. Complaints about smoking issues should be resolved at the lowest level possible but may be processed through the City of Anacortes's grievance procedure (**see** Policy 902 Dispute Resolution Procedure). Employees who violate the policy will be subject to disciplinary action (**see** Policy 807 Disciplinary Procedure).
4. Employees may contact Human Resources for information regarding the effects of smoking and the availability of smoking cessation programs.

Absences from Work

Policy 701 Attendance and Punctuality

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

1. Supervisors should notify employees of their starting, ending, and break times. Employees are expected to be engaged in carrying out their duties during all scheduled work time and should be ready to begin working at their scheduled starting time (**see** Policy 209 Hours of Work). Supervisors should record all absences and, for nonexempt employees (those subject to the minimum wage and overtime requirements of the Fair Labor Standards Act), any tardiness or early departure exceeding ten minutes.
2. Employees should notify their supervisor in as far advance as possible whenever they are unable to report for work, know they will be late, or must leave early. The notice should include a reason for the absence and an indication of when the employee can be expected to report for work. If the supervisor is unavailable, notification should be made to the next level of management.
3. Employees will be compensated during authorized absences in accordance with Policy 702 Absences. Nonexempt employees will not receive compensation for time missed because of tardiness or early departure if the time missed exceeds 10 minutes after starting time or before quitting time. Failure to notify the City of Anacortes properly of any absence may result in loss of compensation during the absence and may be grounds for disciplinary action.
4. Nonexempt employees who are delayed in reporting for work more than 30 minutes and who have not notified their supervisor of their expected tardiness may lose their right to work the balance of the workday. In addition, employees who report for work without proper equipment or in improper attire may not be permitted to work (**see** Policies 601 Employee Safety and the Safety Committee and 802 Personal Appearance of Employees). Employees, who report for work in a condition considered not fit for work, whether due to illness, alcohol or drug use, or any other reason, will not be allowed to work (**see** Policies 205 Medical Examinations and 809 Drugs, Narcotics, and Alcohol).
5. Employees generally are expected to report for work during inclement weather conditions unless the Mayor or the Mayor's designee declares an emergency closing. During times of inclement weather or natural disaster, it is essential that the City continue to provide vital public services. Therefore, employees are expected to make every reasonable effort to report to work, so long as doing so does not endanger their personal safety. An employee who is unable to get to work or leaves work early because of unusual weather conditions may charge the time missed to vacation, personal holiday, compensatory time off, exchange time off, or leave without pay.
6. Nonexempt employees will not be required or permitted to work any period of time before or after scheduled starting or quitting times for the purpose of making up time lost because of tardiness, unauthorized absence, authorized absence, or any other reason if the result will be that the employee works more than forty hours during the workweek.
7. Employees must report to their supervisor after being late or absent, give an explanation of the circumstances surrounding their tardiness or absence, and, when applicable, certify that they are fit to return to work (**see** Policy 205 Medical Examinations). The supervisor should record the information in the employee's file and forward a copy to Human Resources. When appropriate, the supervisor should counsel the employee on the importance of good

attendance and warn that excessive tardiness or absences will lead to discipline, up to and including termination (**see** Policies 702 Absences and 807 Disciplinary Procedure).

8. Employees who are frequently away from the premises for business reasons should inform their supervisors of their whereabouts during working hours.
9. Unauthorized or excessive absences or tardiness will result in disciplinary action, up to and including termination (**see** Policy 807 Disciplinary Procedure). An absence is considered to be unauthorized if the employee has not followed proper notification procedures or the absence has not been properly approved. Generally, absences in excess of those allowed in Policy 702 Absences, and tardiness or early departure (i.e., beyond ten minutes of starting or quitting time) more than three times in a three-month period are grounds for discipline.
10. Employees who are absent from work for three consecutive days without giving proper notice to the City of Anacortes will be considered as having abandoned their job. At that time, the City of Anacortes will formally note the termination and advise the employee of the action by certified mail to the employee's last known address (**see** Policy 213 Termination of Employment).

Policy 702 Absences

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

1. Washington Paid Sick Leave (WPSL)

- a. All City employees are eligible to accrue WPSL, whether regular, full-time, part-time, temporary or seasonal. Employees accrue WPSL at the rate of 1 hour for every 40 hours worked. For accrual purposes, hours worked encompasses actual working time, and not paid or unpaid leave. Accrual of WPSL begins on an employee's first day of work, although WPSL may not be used until the individual has been employed for 90 calendar days.
- b. Employees may carry up to a maximum of 40 hours of unused WPSL over from one calendar year to the next. Any accrued WPSL in excess of 40 hours will be transferred over to the employee's City Paid Sick Leave bank (subject to the maximum accrual limit of 1440 hours, as described below); if an employee is not eligible for City Paid Sick Leave, WPSL hours in excess of 40 at year end will be forfeited. Accrued but unused WPSL will not be cashed out upon separation from the City unless an employee qualifies for retirement buyback under section 3e below. If an employee separates from the City and is rehired within 12 months any WPSL balance that existed at the time of separation will be reinstated, provided that if the rehire occurs in the following calendar year, reinstatement of the balance will be limited to 40 hours.
- c. Accrued WPSL may be used for:
 - i. The employee's own illness, injury or health condition; to accommodate the need for medical diagnosis, care or treatment of a health condition; or preventive medical care.
 - ii. The employee's care for a family member with illness, injury, or health condition; care for family member who needs medical diagnosis, care or treatment; care for family member who needs preventive medical care. Family members include an employee's child (whether biological, adoptive, foster, step-child, or child for whom employee stands in loco parentis, is a legal guardian for, or is a de facto parent and regardless of age or dependency status); parent (whether biological, adoptive, in-law, de facto, step-parent, legal guardian or person who stood in loco parentis to employee when employee was a child); spouse or registered domestic partner; grandparent; grandchild; or sibling.
 - iii. An absence due to closure of the City's offices by order of public official for any health-related reason, or where the employee's child's school or day care is closed for such a reason.
 - iv. Absences covered by the Domestic Violence/Sexual Assault/Stalking leave policy below.
- d. Where the need to use WPSL is foreseeable, employees should submit written notice of the need for leave to their supervisor at least 10 days in advance of the leave date(s). For unforeseeable leave, employees must contact their supervisor as soon as the need for leave becomes known. The City may require documentation regarding the use of leave, provided that for non-exempt employees:
 - i. Documentation may only be required when an employee uses more than three consecutive workdays of WPSL;
 - ii. An employee will have up to 10 calendar days to provide the required documentation;
 - iii. If requested, documentation need not disclose the nature of the medical condition

- causing the need for leave; and
- iv. If a requirement to provide documentation will result in unreasonable burden or expense to the employee, an employee may advise the City of this concern and the City will evaluate its request in light of the circumstances.
- e. When an employee needs to be absent for a WPSL-covered reason (including any FMLA-eligible absence), any accrued WPSL may be applied. Any available City paid sick leave will be applied after the employee's WPSL accrual is exhausted (if City paid sick leave is qualifying), subject to the provisions of the Family Care policy below.

2. City Paid Sick Leave

- a. Regular, full-time and regular part-time employees whose full-time equivalency is 50% or more are eligible to accrue City paid sick leave in addition to WPSL. Full-time employees will accrue City paid sick leave at the rate that ensures their total monthly sick leave accrual (including both WPSL and City leave) equals 8 hours per calendar month of continuous employment or the monthly accrual rate established in the applicable labor agreement. Eligible part-time employees will accrue City paid sick leave on a pro-rata basis.
Example: A full-time employee who is eligible for a total of 8 hours of paid sick leave per month works 160 hours during the month. They would receive 4 hours of WPSL (1 hour per 40 hours worked). The remaining 4 hours of their monthly entitlement of 8 hours would go into the employee's City sick leave bank.
Example: A part-time employee works 80% of a full-time schedule and is therefore entitled to a total monthly sick leave accrual of 6.4 hours (80% of 8 hours). During a month, the employee works 120 hours and would therefore accrue 3 hours of WPSL. The remaining 3.4 of their monthly sick leave accrual would be placed into the employee's City sick leave bank.
- b. Employees do not accrue City sick leave benefits during an absence without pay. Temporary, seasonal and part-time employees who work less than a 50% equivalency are not eligible for City paid sick leave benefits.
- c. The maximum number of hours of City paid sick leave that an employee can accumulate is one thousand four hundred and forty (1440) hours.
- d. City paid sick leave is available to employees after their leave accrual under WSPL has been exhausted, subject to the provisions of the Family Care Act, described below.
- e. Sick leave may be used for the reasons outlined for Washington State Paid Sick Leave Policy 702(1)(c). City paid sick leave may be coordinated with certain other leaves (see Family and Medical Leave policy below). Employees may be required to provide medical or other documentation to verify the appropriate use of sick leave. A doctor's note will typically be required when an employee is absent for more than three consecutive days, or in other situations as deemed appropriate by the City of Anacortes (e.g., pattern absences on Fridays and/or Mondays.) Excessive tardiness or absences (other than approved FMLA, WPSL or disability-related leave) may lead to disciplinary action up to and including termination.
- f. An employee who is eligible for retirement under the applicable DRS retirement plan is eligible for cash out of a portion of their unused WPSL and City paid sick leave proportionate to their sick leave balance. Employees do not need to draw from retirement to be considered eligible for retirement under DRS and eligible for a sick leave buyout. City sick leave cash out is prorated for part-time employees based on full time equivalency at retirement.

Total Sick Leave Balance at Retirement	Percent Cash out
0-800 hours	0%

801-1251 hours	18% of unused sick leave hours
1251-1440 hours	25% of unused sick leave hours

Unused sick leave is not cashed out upon separation other than retirement.

3. Family Care/Use of Accrued Leave to Care for Sick Family Member

- a. Consistent with the Washington Family Care Act, employees may use their choice of any accrued leave that they have available for their own use in order to care for their child, spouse, domestic partner, parent, parent-in-law, or grandparent as described below.
- b. An employee may use available paid time off to care for their child where the child has a health condition requiring treatment or supervision, or where the child needs preventative care (such as medical, dental, optical, or immunization services).
- c. An employee may use available paid time off when a spouse, domestic partner, parent, parent-in-law, or grandparent has a "serious or emergency health condition" which are conditions:
 - i. Requiring an overnight stay in a hospital or other medical-care facility
 - ii. Resulting in any period of incapacity or treatment or recovery following inpatient care
 - iii. Involving continuing treatment under the care of a health services provider that includes any period of incapacity to work or attend to regular daily activities; or
 - iv. Involving an emergency (i.e., demanding immediate action)
- d. Where the need for family care leave is unexpected, the City of Anacortes understands that advance approval of the use of leave (as is required for certain kinds of accrued leave) may not be possible. Employees are required, however, to notify their supervisor of the need to take time off to care for a family member as soon as the need for leave becomes known. Subject to WPSL verification limits where WPSL is used, the City of Anacortes reserves the right to require verification or documentation confirming that a family member has or has had a "serious or emergency" health condition when available leave is used to care for that family member.

4. Family and Medical Leave ("FMLA")

Recognizing the importance of family and out of concern for the wellbeing of our employees, the City of Anacortes family and medical leave program enables employees to take time off, under certain conditions, for health reasons or to care for family members. This policy will be administered in accordance with the federal Family and Medical Leave Act (FMLA). A notice entitled "Employee Rights and Responsibilities Under the Family and Medical Leave Act" is posted in break rooms and is provided to employees upon hire. Nothing in this policy affects or supersedes any federal or state law or collective bargaining agreement that may provide greater entitlement to medical or family leave than those set forth in this policy. Employees may also be entitled to seek partial wage replacement benefits during FMLA leave through the Washington Paid Family and Medical Leave (PFML) program (see Section 6 below).

- a. Eligibility for Federal Family and Medical Leave (FMLA): To be eligible for leave under this family and medical leave policy, an employee must have been employed by the City of Anacortes for at least 12 months, must have worked at least 1,250 hours in the preceding 12 months, and must work at a location where at least 50 employees are employed by the City of Anacortes within 75 miles.
- b. Leave Entitlement: An eligible employee may request up to 12 workweeks of FMLA leave per "leave year" for one or more of the following reasons:
 - i. To care for the employee's child upon birth, or to care for a child upon the child's placement with the employee for adoption or foster care;
 - ii. To care for a spouse, son, daughter, or parent who has a serious health condition;
 - iii. To care for self, if the employee has a serious health condition that makes the employee unable to perform the essential functions of the position (including

- incapacity due to pregnancy, prenatal medical care, or childbirth); or
- iv. For a “qualifying exigency” arising out of the fact that the employee’s spouse, son, daughter, or parent is a covered military member who is on active duty or has been notified of an impending call to active duty in support of a contingency operation. Covered military members are active-duty service members deployed to a foreign country, who have been called to active duty or notified of an impending call to active duty. Qualifying exigencies are generally activities related to the active duty or call to duty, including attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post- deployment reintegration briefings.
- c. The City of Anacortes defines a leave year as the rolling twelve-month period measured backward from the date an employee uses any FMLA leave. FMLA leave for birth or placement for adoption or foster care must conclude within 12 months of the birth or placement. In addition, spouses employed by the City of Anacortes are jointly entitled to a combined FMLA leave of 12 workweeks of family leave for the birth or placement of a child for adoption or foster care, or to care for a parent with a serious health condition. Each spouse is, however, eligible for the full 12 weeks of leave in the 12-month leave period to care for a child, spouse with a serious health condition, or for the employee’s own serious health condition.
- d. An eligible employee may also take up to 26 weeks of leave during a single 12-month period to care for an injured service member who is the employee’s spouse, parent, child, or next of kin. A covered service member is a current member or veteran of the Armed Forces, including National Guard or Reserves members, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform their duties for which the service member is undergoing medical treatment, recuperation or therapy; or in outpatient status; or is on the temporary disability retired list. This benefit applies to current service members or veterans who are undergoing medical treatment, recuperation, or therapy for a serious injury or illness that occurred any time during the five years preceding the date of treatment. For purposes of this kind of leave, the 12-month period begins the first day the employee takes leave. The combined total of leave for all purposes described in this policy may not exceed 26 weeks in the applicable leave year.
- e. Serious Health Condition: A serious health condition is an illness, injury, impairment or physical or mental condition that involves:
 - i. Any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility;
 - ii. A period of incapacity of more than three consecutive, full calendar days from work, school, or other regular daily activities that also involves:
 - 1. two visits to a health care provider, OR
 - 2. a single visit to a health care provider plus continuing treatment by (or under the supervision of) a health care provider;
 - iii. A period of incapacity due to pregnancy or for prenatal care;
 - iv. A period of incapacity or treatment due to a chronic serious health condition, for which a permanent or long-term condition for which treatment may not be effective, or to receive multiple treatments for restorative surgery after an accident or injury or for a condition that would likely result in an incapacity of more than three full, consecutive calendar days in the absence of medical treatment (e.g., chemotherapy for cancer or dialysis for kidney disease.)
- f. Intermittent or Reduced Work Schedule Leave
 - i. In certain circumstances, eligible employees may take FMLA intermittently (for example, in smaller blocks of time) or by reducing their work schedule. If the FMLA

leave is because of the employee's own serious health condition or to care for a family member, the employee may take the leave intermittently on a reduced work schedule if it is medically necessary. Eligible employees may also take FMLA leave on an intermittent or reduced schedule basis when necessary, because of a qualifying exigency arising from a family member's military service. If FMLA leave is to care for a child after the birth or placement for adoption or foster care, employees may take their FMLA leave intermittently or on a reduced work schedule only with the City of Anacortes's permission.

- ii. Where intermittent leave or reduced-schedule leave is needed for planned medical treatment, an employee must make a reasonable effort to schedule the treatment so as not to disrupt unduly the City of Anacortes's operations. Where an employee needs intermittent or reduced-schedule leave based on planned medical treatment, the City of Anacortes may transfer the employee to an alternative position with equivalent pay and benefits that can better accommodate such recurring leave.
- g. Notice and Certification
 - i. Employees who want to take FMLA ordinarily must provide the City of Anacortes with at least 30 days' notice of the need for leave if the need for leave is foreseeable. If 30 days' advance notice is not possible, notice must be provided as soon as practical (which is generally the same day or next business day after the need for leave becomes known.) Absent unusual circumstances, employees are required to follow the City of Anacortes's regular procedural requirements when requesting FMLA leave. (**see** attendance and punctuality, Policy 701.) When requesting leave, employees must provide sufficient information for the City of Anacortes to determine whether the leave may be FMLA qualifying, and the anticipated timing and duration of requested leave. Employees must also inform the City of Anacortes if the requested leave is for a reason for which FMLA leave was previously taken or certified.
 - ii. When leave is requested in connection with planned medical treatment, the employee must make a reasonable effort to schedule treatment in order to prevent disruptions to the City of Anacortes operation.
 - iii. In addition, employees who need leave for their own or a family member's serious health condition must provide medical certification from the health care provider of the serious health condition. The City of Anacortes may require a second or third opinion (at the City of Anacortes's expense,) periodic recertification of the serious health condition, and when the leave is for an employee's own serious health condition, a certification that the employee is fit to return to work.
 - iv. Employees who need leave for a qualifying exigency arising from a family member's military leave must provide a certification confirming the need for leave.
 - v. The City of Anacortes may delay leave to employees who do not provide proper advance notice of the foreseeable need for leave. The City of Anacortes also may delay or deny approval of leave for lack of proper certification establishing the need for leave.
 - vi. Please contact Human Resources to obtain further information and forms relating to FMLA leave requests.
- h. Continuation of Pay and Benefits
 - i. FMLA leave is unpaid leave; however, employees are required to use accrued City paid sick leave for FMLA-qualifying events as part of their 12 weeks of FMLA leave. Employees may elect to use accrued WPSL. Use of vacation leave is optional.
 - ii. During all leave designated as FMLA leave, the City of Anacortes will continue to pay the employer's portion of health insurance premiums, provided that the

employee continues to pay their share of the insurance premiums, if any. Failure of the employee to pay their portion of the premium may result in cancellation of health insurance. Under certain circumstances, if an employee fails to return to work at the end of the leave, the employee may be responsible to pay back the City of Anacortes for the employer portion of the health insurance premiums. Leave such as vacation and sick leave will continue to accrue during paid leave (e.g., while an employee is using accrued sick leave or vacation), but not during unpaid leave.

i. Job Restoration Upon Return from Leave

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

j. Leave for Pregnancy Disability and to Care for a Newborn

Note: The pregnancy disability leave does not apply when the qualifying event is the placement of a newborn by adoption or foster care.

- i. Under Washington State Law, regardless of whether the employee meets the FMLA eligibility requirements above, pregnant employees are entitled to an unpaid leave for the period of time that the female employee is physically disabled due to the pregnancy and/or childbirth. The period of temporary disability normally lasts six to eight weeks if the pregnancy and childbirth are without complications. With complications, such as required bed rest before childbirth, the period of temporary disability can last longer.
- ii. The pregnancy disability leave runs concurrently (at the same time) with FMLA and does not extend the 12 weeks of leave allowed under federal law.
- iii. Pregnancy disability leave is unpaid leave unless the employee has accrued vacation and/or sick leave available (and the reason for the leave is sick leave qualifying). An employee may also be eligible for state PFML benefits during the period of disability (**see** Section 5 below).

5. Washington Paid Family and Medical Leave ("PFML")

Eligible employees may apply for PFML, a program administered by the Washington State Employment Security Department ("ESD"). The PFML program allows eligible individuals to receive partial wage replacement and time off for qualifying family or medical events, including welcoming a new child into their family, a serious health condition or injury, or the need to care for an ill relative, and for certain military-connected events. Leave benefits are funded by employer contributions and employee payroll deductions as described in RCW 50A.10.030. Eligibility is determined by the ESD, and employees must apply directly to the state to participate (<https://www.paidleave.wa.gov/login>).

If an employee's PFML application is approved by ESD, the employee must file weekly claims for benefits, and will receive benefit payments from the State. These benefits are distinct from paid leave accruals offered by the City. An employee cannot receive PFML benefits and use paid leave accruals for the same absence.

a. Eligibility Under PFML

Employees may be eligible for monetary benefits and job protection when taking leave for covered reasons. Eligibility requirements are as follows:

- i. Monetary Benefits: In order to be eligible for monetary benefits from ESD, an employee must have worked 820 hours in Washington State (for any employer or combination of employers) during the year preceding the claim.

- ii. Job Protection: In order to be eligible for job protection with the City under PFML, an employee must meet the Federal Family Medical Leave Act ("FMLA") eligibility requirements (must have worked for the City for at least 12 months and have worked 1250 hours in the last year).

An employee is ineligible for PFML benefits during any period of suspension from employment or during which the employee works for compensation or profit (i.e. outside employment or contracting).

b. Leave Entitlement

Within your "claim year" you can take:

- Up to 12 weeks of medical leave to recover from or get treatment for a "serious health condition," or family leave to take care of a qualifying family member who is ill or injured with a "serious health condition" or to bond with a new child or for certain military events.
- Up to 16 weeks of combined medical and family leave if you have events covered by both in the same claim year.
- Up to 18 weeks of combined medical and family leave if you experience a condition in pregnancy that results in incapacity, like being put on bedrest, and then take bonding leave.

c. PFML leave may be taken for the following qualifying events:

- Family leave
 - Bonding with a new child coming into your family through birth, adoption, or foster placement.
 - Caring for a covered family member with a serious health condition or injury.
 - Bereavement leave for seven days following the loss of a child for whom an employee could have taken medical or bonding leave.
 - Certain events for military families.
- Medical leave (for yourself)
 - Recovery or treatment for your own serious health condition or injury, including recovery from childbirth.

PFML leave runs concurrently with FMLA leave year where an absence is covered by both laws and an employee is receiving PFML benefits.

d. Notification Requirements

An employee must provide written notice to Human Resources of the intent to take PFML leave. If the need for leave is foreseeable, notice must be given at least 30 days in advance of the leave. For unforeseeable leave, notice must be given as soon as possible.

If an employee fails to provide this required notice to the City, ESD will temporarily deny PFML benefits. After receiving the employee's written notice of the need for leave, the City will advise the employee whether the employee is eligible for job protection under PFML or FMLA or both.

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

For any week during which an employee submits a claim to ESD for PFML benefits, the employee must notify the City of how many PFML hours were claimed, so that the City may properly track leave use. If taking leave intermittently, an employee must notify

Human Resources in writing each time PFML leave is taken so that the City may properly track leave use.

e. PFML Monetary Benefits

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

Existing Leave Benefits Paid leave accruals (vacation, Washington paid sick leave [WPSL], City sick leave, personal holidays, compensatory time, exchange time, or any other accrued leave) are not supplemental to PFML benefits. If an employee elects to use such accrued leave during a PFML-covered absence, the receipt of accrued leave must be reported to ESD as part of the PFML claims process, and will result in a pro-rated weekly PFML benefit.

Note: failure to report the receipt of accrued leave may result in an overpayment by ESD, which ESD may recoup from the employee.

f. Waiting Period

Monetary PFML benefits are subject to a seven (7) consecutive calendar waiting period, except for leave taken in connection with the birth or placement of a child or for a qualifying military exigency. The waiting period begins on the Sunday of the week in which PFML leave is first taken. Employees may use available accrued leave to cover absences during the waiting period without a reduction in WA PFML benefits.

g. Coordination with Other Benefit Programs

When an employee is on leave and only receiving PFML benefits, the employee is deemed to be in "unpaid status" for purposes of City policies and benefit programs. Insurance coverage will be handled in the same manner as other unpaid leaves of absence, pursuant to City policy and subject to any FMLA or other legal requirements requiring continuation of coverage.

h. Job Restoration & Return to Work Recertification

Similar to the federal FMLA, an employee who is eligible for job-protected leave will be restored to the same or equivalent position at the conclusion of PFML leave, unless unusual circumstances have arisen (i.e., the employee's position or shift was eliminated for reasons unrelated to the leave). The City may require a return-to-work certification from a health care provider before restoring the employee to work following PFML leave when the employee has taken leave for the employee's own serious health condition. (Certification will typically be required after three (3) consecutive workday absences.)

If an employee taking PFML leave chooses not to return to work for any reason, the employee should notify Human Resources as soon as possible.

To apply for benefits, visit <https://paidleave.wa.gov/>

For more information on any of these leave policies, or if you think you may need to take family and/or medical leave, please contact Human Resources. Employees are encouraged to contact Human Resources with any questions about how the various laws are coordinated in a particular situation.

6. Jury or Witness Duty

- a. Employees who are required by law to render jury service will be granted paid time off

during a period of jury duty up to ten workdays per calendar year. During jury service, exempt employees will receive their full pay for any workweek in which they perform any work for the City, even if jury service exceeds ten workdays. Employees should notify their supervisors as soon as possible after receipt of a juror summons so that operational adjustments can be made as needed during the employee's absence. A copy of the juror summons must be provided to the supervisor. If an employee is summoned for jury service during a critical work period, the City of Anacortes may ask the employee to request a waiver from duty; in such cases, the City of Anacortes will provide documentation to the relevant court supporting the waiver request. Employees should contact their supervisor for instruction if there is a break greater than four hours during jury duty where the employee is not required to report to the court; depending on the circumstances, an employee may be required to return to work during such a period.

- b. An employee subpoenaed to testify in court will be granted time off for the period served as a witness. In general, leave for witness duty is unpaid unless the employee has been called as a witness by the City of Anacortes.

7. Military Leave

- a. Every employee who is a member of the Washington National Guard or of the U.S. Army, Navy, Air Force, Coast Guard or Marine Corps, or of any organized reserve of the United States, will be granted military leave in accordance with state and federal law. Employees who take military leave will have whatever rights to reinstatement, seniority, vacation, layoffs, and compensation as are provided by applicable law.
- b. Paid Leave of 21 Days Per Year Washington State Law provides 21 days of paid military leave per year. A public employee is entitled to a paid military leave of absence for a period not to exceed 21 working days during each year beginning October 1st and ending the following September 30th. Military leave beyond the 21 days of paid time off will be unpaid. The employee may elect to use accrued vacation, compensatory time, exchange time, or other available paid time off during the period of military leave. Usage of the paid military leave entitlement will be calculated as follows:
 - Employees will be charged with the use of paid military leave only for days on which they are actually scheduled to work.
 - If an employee is scheduled to work a shift that begins on one calendar day and ends on the next, the employee will be charged with the use of military leave only for the first calendar day. If the employee is scheduled to work a shift that begins on one calendar day and ends later than the next calendar day, the employee will be charged military leave for each calendar day except the day on which the shift ends.
- c. Employees should notify their supervisor as soon as they receive notice of the need to report for military duty and provide the supervisor with a copy of the military orders.

8. Leave for Spouses of Military Personnel (Non-FMLA)

- a. During a period of military conflict declared by the President or Congress, an employee who is the spouse of a member of the Armed Forces, National Guard or Reserves is entitled to up to 15 days of unpaid leave while their spouse is on leave from deployment, or before and up to deployment. (This reason for leave may also be covered under FMLA leave for a qualifying exigency, although an employee need not meet the more stringent FMLA eligibility requirements in order to take this spousal military leave.) The purpose of this leave is to support the families of military personnel serving in military conflicts by permitting them to spend time together before a family member is deployed or while the family member is on leave from a deployment. An employee must work an average of 20 hours per week to be eligible for this family military leave.
- b. An employee who seeks to take family military leave must provide the City of Anacortes with notice of their intent to take the leave within five business days of receiving official notice that the employee's spouse will be on leave or of an impending call to active duty.

The employee may substitute available accrued vacation, compensatory time, or exchange time leave for any part of this family military leave.

9. Bereavement Leave

- a. In the event of the death of an employee's immediate family member, time off with pay for employee's regular scheduled workday will be granted to regular full time employees. The phrase "immediate family" for the purposes of the bereavement policy includes the employee's spouse, domestic partner, brother, sister, father, mother, stepfather, stepmother, grandparent, children, stepchildren, grandchildren, father-in-law, mother-in-law, grandparent-in-law, sister-in-law, brother-in-law, daughter-in-law, and son-in-law.
 - i. Three consecutive workdays off with pay will be approved For bereavement within 90 days of death of the immediate family member (Maximum 24 hours).
 - ii. Two additional consecutive workdays off with pay will be approved for travel from the employee's home to the funeral or memorial service if the travel exceeds two hundred (200) miles each way. (Maximum 16 hours)
 - iii. Regular part-time employees who are scheduled to work twenty or more hours per week are eligible to receive Bereavement Leave. The amount of leave allowed will be pro-rated for regular part-time employees.

10. Leave due to Domestic Violence or Sexual Assault; Safety Accommodations

- a. In compliance with Washington law, the City authorizes leave for employees who are victims of domestic violence, sexual assault, or stalking. It is also available to employees with a family member (child, spouse, domestic partner, parent, parent-in-law, grandparent, or person with whom the employee has a dating relationship) who is a victim of domestic violence, sexual assault, or stalking. The leave may be taken in blocks, intermittently, or on a reduced leave schedule. The amount of leave that an employee may take is limited to a "reasonable" amount. Domestic violence/sexual assault leave is unpaid, although an employee may elect to use the employee's accrued paid leave (e.g., vacation, compensatory time, exchange time, or sick leave if it qualifies) in connection with such leave.
- b. Domestic Violence/Sexual Assault Leave may be taken for the following purposes:
 - i. To seek law enforcement or legal assistance or to prepare for or participate in any legal proceeding related to domestic violence, sexual assault or stalking;
 - ii. To seek health care treatment for physical or mental injuries from domestic violence, sexual assault, or stalking, or attend to such health care treatment for a family member;
 - iii. To obtain (or assist a family member in obtaining) mental health counseling related to domestic violence, sexual assault, or stalking; or
 - iv. To participate in safety planning, to temporarily or permanently relocate, or to take other actions to increase the safety of the employee or family member relating to domestic violence, sexual assault, or stalking.
- c. When possible, employees must give advance notice of the intention to take leave. If advance notice is not possible, employees (or their designees) must give notice of the need for this leave no later than the end of the first day the employee takes the leave.
- d. The City of Anacortes may require verification to support the need for the leave. Depending on the situation, verification can take the form of police reports, court documents, or the employee's own written statement of the need for the leave. Except where disclosure is authorized or required by law, the City of Anacortes will maintain confidentiality of all information provided by the employee in conjunction with the Domestic Violence/Sexual Assault Leave Act.
- e. The City will also make reasonable safety accommodations for any employee who is the victim of domestic violence, sexual assault, or stalking. Accommodation may include, for example, modification of a telephone number or email address, a modified work

schedule, or implementation of safety procedures. An employee in need of safety accommodations should contact Human Resources.

11. Leave Share Program

- a. Eligible employees may donate excess vacation leave for use by another employee who is suffering from an extraordinary medical emergency requiring them to be out of work. Employees are eligible to receive shared leave when the severity of the emergency would cause the employee to take leave without pay or to terminate employment without shared leave. Employees who donate leave waive all rights to the donated leave.
- b. Employees may request a leave donation when they have or expect to use all of their accrued leave (including vacation, sick, personal days, compensatory time, and exchange time) and would otherwise be on a leave without pay and has been found to be ineligible to receive industrial insurance benefits. The employee receiving a leave donation is required to provide medical justification and documentation both of the necessity for the leave and the length of time the employee reasonably can be expected to be absent due to the condition. While an employee is receiving shared leave, the employee continues to be classified as a City employee and shall receive the same treatment in respect to salary, wages, and employee benefits as the employee would normally receive if using the employee's own accrued leave except that the shared hours received are not eligible for retirement benefits.
- c. The maximum number of days an employee can receive of donated leave is 90 per calendar year. The Mayor and Human Resource Department retain discretion to determine the eligibility to receive donated leave.
- d. The maximum amount of vacation leave an employee can donate per request, per calendar year is 40 hours. Donations and use of leave are on an hour-for-hour basis, without conversion for differentials between rates of pay received by the donors and the recipients.

12. Coordination of Wages with Worker's Compensation

Worker's Compensation provides partial wage replacement for injured employees. Employees receiving Worker's Compensation as a result of a Labor and Industries Claim may choose to use their accrued sick leave or vacation leave to supplement the Worker's Compensation wage replacement. If an employee elects to use accrued leave while receiving Worker's Compensation benefits, the City will pay the employee his/her regular wages using accrued sick or vacation leave. If an employee elects this option, when the employee receives time loss payments from the Department of Labor and Industries, the employee must turn such payments over to the Finance Department. The Finance Department will use the worker's compensation payment to replenish the employee's sick leave or vacation leave balance that was drawn down at the employee's current hourly wage rate. Compensatory time, exchange time, and shift trades are not eligible for buyback and may not be used following a work-related injury or illness while an employee is receiving Worker's Compensation pay.

13. Other Unpaid Leave

Subject to operational and other considerations, the Mayor may grant a leave of absence without pay for an absence not covered by any other type of leave. Any available accrued leave must be exhausted before an unpaid leave will be approved. An example of an absence that may qualify is a prolonged illness or medical condition for which an employee needs reasonable accommodation.

14. Administrative Leave

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

15. Benefits During Leave

Employees who are on a paid leave of absence shall continue to receive benefits they were entitled to prior to the start of their leave, including the accrual of vacation, sick leave, holidays, retirement, and health insurance benefits. Unless stated otherwise in these policies, benefits that accrue according to length of service, such as paid vacation, holiday, and sick days, do not accrue during periods of unpaid leave or during periods in which the employee receives workers' compensation or PFML benefits. In certain cases, self-payment of insurance premiums may apply (**see** Policy 501 Health and Welfare Benefit Disclosure).

16. Outside Employment During Leave

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

17. Employees will only receive paid time off if they have accrued balances in the leave banks prior to the leave being taken. In addition, authorized days off for short-term absences will not be considered as working time for calculating weekly overtime compensation (**see** Policy 209 Hours of Work).

Policy 702a Leave Table

The table below is a general overview of the various leave entitlements. Employees should refer to the specific leave policies for any details regarding applicable procedures for using these forms of leave.

Leave Law	Jurisdiction	Paid Leave	Unpaid Leave	Family Members Covered	Leave Allowed	Employer-Employee Criteria
Family and Medical Leave Act (FMLA)	Federal Law- US Dept of Labor 29 CFR 825	Unpaid unless the employee has paid leave to substitute or receives PFML benefits	Unpaid unless the employee has paid leave to substitute or receives PFML benefits	Spouse, child, or parent	12 weeks over a rolling 12 month period	All public employers; private employers with ≥ 50 employees within 75 miles Employee who worked 1,250 hours in previous 12 months; has worked for employer for 12 months; works at site with at least 50 employees within 75 miles
Family Care Act	L&I RCW 49.12.265 WAC 296-130	Only available when employee has accrued leave to use		Child, spouse, registered domestic partner, parent, parent-in-law, grandparent	Use of paid leave for care of a sick family member	No size requirement; Employee must have a paid leave benefit
Washington Paid Family and Medical Leave Act	Title 50A RCW WAC 192-500 to 192-810	Eligible employees may apply for partial wage replacement benefits through ESD		Child (of any age), child's spouse, grandchild, grandparent, parent, parent-in-law, sibling, or spouse, son-in-law, daughter-in-law, or any individual with whom an employee has a relationship that creates an expectation that the employee will care for the individual	12 weeks of family or medical leave, or combined total of 16 weeks of family and medical leave; additional 2 weeks if medical leave involves incapacity of employee due to pregnancy	For monetary benefits, employee must have worked 820 hours for any WA employer in qualifying period; for job-protected leave, employee must have worked for City for 12 months and worked 1,250 hours in the 12 months prior to the leave

Leave for Victims of Domestic Violence, Sexual Assault, and Stalking	L&I RCW 49.76	Unpaid unless the employee has paid leave to substitute	Unpaid unless the employee has paid leave to substitute	Child, spouse, parent, parent-in-law, grandparent, or person the employee is dating	Reasonable leave for domestic violence, sexual assault or stalking - for legal, or law enforcement assistance, medical treatment, counseling, victim advocate, safety, or relocation	All employers and employees; No eligibility requirements
Washington Paid Sick Leave	L&I RCW 49.46.210			Child, parent, parent-in-law, spouse, registered domestic partner, grandparent, grandchild, sibling	Employees accrue one hour of paid leave for every 40 hours worked, to be used for employee's own health condition or medical care; family member's health condition or medical care; where workplace or child's school is closed due to health reason; or reasons covered by domestic violence leave law	All employers and employees
Leave for Spouses of Military Personnel	L&I RCW 49.77			Spouse and Registered Domestic Partner of all military personnel	15 days leave per deployment prior to deployment or when spouse on leave from deployment	All employers; Employees who work ≥ 20 hours a week on average
Pregnancy Disability Leave	Washington Human Rights Commission		Unpaid unless the employee has paid leave to substitute or is receiving PFML benefits	Employee	Covers leave during the period of actual disability caused by pregnancy or childbirth. There is no particular length of time set forth in the statute, but it is usually six to eight weeks for a birth without complications, depending on the doctor's recommendations.	Employers with ≥ 8 employees A woman who does not qualify for FMLA because her employer has fewer than 50 employees or because she has not worked for her employer long enough is still eligible for disability leave for pregnancy and childbirth related conditions under WLAD.

Policy 703 Rest Breaks

The City of Anacortes provides rest breaks during the course of each workday.

1. Nonexempt employees should receive a rest break of fifteen minutes at approximately the middle of every four hours of work not interrupted by a meal period (**see** Policy 704 Meal Breaks).
2. Supervisors are responsible for scheduling the time for nonexempt employees' rest breaks and should consider the workload and the nature of the job performed. Whenever necessary, the frequency and time of rest periods may be changed.
3. Time spent on rest breaks will be compensated as working time (**see** Policy 209 Hours of Work). However, employees are expected to be punctual in starting and ending their breaks and may be disciplined for tardiness (**see** Policy 701 Attendance and Punctuality).
4. Employees are expected to take their rest breaks.
5. Mothers who choose to breastfeed their infants may express and collect breast milk during work hours. The City provides private space for breastfeeding. Each employee choosing to breastfeed can work with their supervisor or the Human Resource department to identify private space for the mother to express and collect breast milk. This space, other than a bathroom, will be shielded from view and free from intrusion by co-workers or the public. Employees may take reasonable breaks during work hours to express and collect breast milk. Break time which extends beyond normal paid breaks will be unpaid.
6. Employees on rest breaks may not interfere with other employees who are continuing to work (**see** Policy 603 Solicitation).

Policy 704 Meal Breaks

The City of Anacortes provides meal breaks during the course of each workday.

1. Full-time employees are allowed a meal break near the middle of the workday. In departments operating on single shifts, the break will be sixty minutes. In departments operating on two or three shifts, the meal break will be thirty minutes, depending on operating requirements.
2. Part-time employees scheduled to work more than five consecutive hours during any workday will receive a meal break of the same duration as full-time employees in their department.
3. Supervisors are responsible for balancing workloads and scheduling meal breaks and should take into consideration the workload and the nature of the job performed. Whenever necessary, the duration and time of meal periods may be changed.
4. Employees required to work more than ten hours in any workday will be allowed a second meal break no later than six hours after returning from their first meal break.
5. Nonexempt employees will not be compensated for their meal breaks unless they are required to work during their breaks (**see** Policy 209 Hours of Work).
6. Employees on meal breaks are not permitted to interfere with other employees who are continuing to work (**see** Policy 603 Solicitation).

Personal Conduct

Policy 801 Behavior Of Employees

The City of Anacortes finds that certain rules and regulations regarding employee behavior are necessary for efficient business operations and for the benefit and safety of all employees. Conduct that interferes with operations, discredits the City of Anacortes (with the exception of a proper exercise of First Amendment, whistleblower, or other rights protected by law), or is offensive to customers or coworkers will not be tolerated.

1. Employees are expected at all times to conduct themselves in a positive manner in order to promote the best interests of the City of Anacortes. Appropriate employee conduct includes:
 - a. Treating all customers, visitors, and coworkers in a courteous manner;
 - b. Refraining from behavior or conduct that is offensive or undesirable, or which is contrary to the City of Anacortes's best interests (**see** Policy 202 Productive Work Environment);
 - c. Reporting to management suspicious, unethical or illegal conduct by coworkers, customers, or suppliers (**see** Policy 605 Security);
 - d. Reporting to the Human Resources Director any threatening or potentially violent behavior of coworkers;
 - e. Cooperating with City of Anacortes investigations (**see** Policies 202 Productive Work Environment and 605 Security);
 - f. Complying with all City of Anacortes safety and security regulations (**see** Policies 601 Employee Safety and the Safety Committee and 605 Security);
 - g. Wearing clothing appropriate for the work being performed (**see** Policies 601 Employee Safety and the Safety Committee and 802 Personal Appearance of Employees);
 - h. Performing assigned tasks efficiently and in accord with established quality standards;
 - i. Reporting to work punctually as scheduled and being at the proper workstation, ready for work, at the assigned starting time (**see** Policy 701 Attendance and Punctuality);
 - j. Giving proper advance notice whenever unable to work or report on time (**see** Policy 701 Attendance and Punctuality);
 - k. Smoking only at times and in places not prohibited by City of Anacortes rules or local ordinances (**see** Policy 606 Tobacco Use); and
 - l. Maintaining cleanliness and order in the workplace and work areas.
2. The following are examples of conduct that is prohibited. Individuals engaged in these behaviors will be subject to discipline, up to and including termination (**see** Policy 807 Disciplinary Procedure):
 - a. Possessing firearms or other weapons on City of Anacortes property (unless employee is required to carry a firearm or other weapon as a condition of employment);
 - b. Fighting or assaulting a coworker or customer;
 - c. Threatening or intimidating coworkers, customers, or guests;
 - d. Engaging in any form of discrimination, sexual or other harassment, or retaliation (**see** Policy 202 Productive Work Environment);
 - e. Reporting to work under the influence of alcohol, illegal drugs (including marijuana which remains illegal under federal law), controlled substances, or narcotics or using, selling, dispensing, or possessing alcohol, illegal drugs, or narcotics on City of Anacortes premises (**see** Policy 808 Drugs, Narcotics, and Alcohol);
 - f. Disclosing confidential City of Anacortes information (**see** Policy 806 Media Inquiries);
 - g. Falsifying or altering any City of Anacortes record or report, such as an employment application, medical reports, production records, time records, expense accounts, absentee reports, or shipping and receiving records;

- h. Stealing, destroying, defacing, or misusing City of Anacortes property or another employee's or customer's property;
 - i. Using City communication systems (including electronic mail, computers, Internet access, personal handheld devices and telephones), and social media in a manner inconsistent with or in violation of City policy (**see** Policy 804 Use of Communication Systems);
 - j. Refusing to follow management's instructions concerning a job-related matter or being insubordinate;
 - k. Failing to wear assigned safety equipment or failing to abide by safety rules and policies (**see** Policy 601 Employee Safety and the Safety Committee);
 - l. Soliciting or distributing in violation of City of Anacortes policies (**see** Policy 603 Solicitation);
 - m. Smoking where prohibited by state law and City of Anacortes rules (**see** Policy 606 Tobacco Use);
 - n. Using profanity or abusive language (**see** Policy 804 Use of Communication Systems);
 - o. Sleeping on the job without authorization;
 - p. Gambling on City of Anacortes property;
 - q. Playing pranks or engaging in horseplay; and
 - r. Wearing improper attire or having an inappropriate personal appearance (**see** Policy 802 Personal Appearance of Employees).
3. The examples of impermissible behavior described in (2), above, are not intended to be an all-inclusive list. At management's discretion, any violation of the City of Anacortes's policies or any conduct considered inappropriate or unsatisfactory may subject the employee to disciplinary action. Questions about this policy should be directed to the Human Resource Department.

Policy 802 Personal Appearance Of Employees

The City of Anacortes requires each employee's dress, grooming, and personal hygiene to be appropriate to the work situation. Employees are expected at all times to present a professional image.

1. Employees are expected at all times to present a professional image to customers and the public. Professional personal appearance, like proper maintenance of work areas, is an ongoing requirement of employment with the City of Anacortes. Radical departures from personal grooming and hygiene standards are not permitted.
2. Office workers and any employees who have regular contact with the public must comply with the following personal appearance standards and are expected to dress in a manner that is considered professional attire in similar business establishments. Employees should not wear suggestive attire or similar items of casual attire that do not present a professional appearance.
3. Employees who do not regularly meet the public should follow basic requirements of safety and comfort but should still be as neat and professional as working conditions permit.
4. Certain employees may be required to meet special dress, grooming, and hygiene standards, such as wearing uniforms, depending on the nature of their job.
5. On Fridays, the City of Anacortes allows employees (who are not required to wear a uniform) to dress in a more casual fashion than is normally required; however, employees are still expected to present a neat appearance and are not permitted to wear ripped or disheveled clothing, or similarly inappropriate clothing.
6. An employee who does not meet the standards of this policy will be required to take corrective action, which may include leaving the premises. Non-exempt employees will not be compensated for any work time missed because of failure to comply with this policy. Violations of this policy also may result in disciplinary action.

Policy 803 Personal Finances Of Employees

The City of Anacortes expects employees to meet their financial obligations in a timely manner.

1. Employees should manage their personal finances so that they do not adversely affect job performance or the City of Anacortes's image in the community. The failure of employees to meet financial obligations may impose an administrative and financial burden on the City of Anacortes through extra bookkeeping and the need to respond to legal notices and court orders.
2. The City of Anacortes will not disclose employee financial information to outside parties without express written permission from the employee, except as required by law.
3. The Payroll Manager of the Finance Department is the only person authorized to receive a writ of garnishment or attachment, a notice of levy by any taxing authority, or any other similar order requiring payment of a portion of an employee's compensation to someone other than the employee. Human Resources will notify the affected employee and then Payroll will deduct the required amount from the employee's earnings, up to the limit permitted by law.
4. No employee will be disciplined because their earnings have been garnished for one indebtedness. However, multiple garnishments (three or more in a 12-month period) may result in discipline, up to and including termination, depending on the circumstances of the case and any legal restrictions.

Policy 804 Use Of Communication Systems

The City of Anacortes provides or contracts for the communications services and equipment necessary to promote the efficient conduct of its business.

1. Communications systems and equipment are provided by the City of Anacortes to facilitate the performance of City work. All communication systems must be used in compliance with applicable statutes, regulations, and the City's policies including those that require a work environment free from discrimination and harassment. Employees are expected to use common sense and sound judgment to avoid any communication which is disrespectful, offensive, or illegal.
2. The City as provider of access to communication systems reserves the right to specify how the City's network resources will be used and administered to comply with this policy. Message content sent from City communication systems reflects the City's image, both positively and negatively. Employees may be subject to disciplinary action for using these resources in a manner other than for the intended purposes. The information sources available via the Internet are worldwide and constantly growing in kind and number. It is not possible for any organization to fully manage the types and content of information accessed by its systems and users. Nonetheless, the City reserves the right to restrict access to any data source if/when, in its sole discretion and after appropriate review, the City determines such a source to be problematic. These restrictions do not constitute an implication of approval of other non-restricted sources.
3. City communications property or equipment may not be removed from the premises without written authorization from the employee's supervisor. Some resources (designated laptop computers and audio-visual equipment) are made available through a reservation system and may not require supervisory approval.
4. Employees should ensure that no personal correspondence appears to be an official communication of the City of Anacortes. Employees may be perceived as representatives of the City of Anacortes and, therefore, damage or create liability for the City. All outgoing messages, whether by mail, facsimile, e-mail, Internet transmission, or any other means, must be accurate, appropriate, and work-related. Employees may not use City of Anacortes stationery or postage for personal letters. Only the City of Anacortes may issue personalized stationery and business cards bearing the City's logo.
5. Employees who do not have direct access to a City of Anacortes telephone should make provisions to have emergency or other necessary incoming calls routed to a department approved telephone or to Human Resources. Although the City of Anacortes will attempt to deliver personal messages to employees, it cannot and does not accept responsibility for the prompt or accurate relay of these messages.
6. **See** Addendum A Information Technology & Systems Policies for further details on IT, IS, and communication systems.

Policy 805 Conflicts Of Interest

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

1. Employees are expected to represent the City of Anacortes in a positive and ethical manner. Thus, employees have an obligation to avoid conflicts of interest and to refer questions and concerns about potential conflicts to their supervisor.
2. Employees may not, directly, or indirectly whether on or off the job, engage in any conduct that is disruptive or damaging to the City of Anacortes.
3. Employees who marry or become members of the same household may continue employment as long as there is not:
 - a. A direct or indirect supervisor/subordinate relationship between the employees; or
 - b. An actual conflict of interest or the appearance of a conflict of interest.Should one of the above situations occur, the City of Anacortes would attempt to find a suitable position within the City of Anacortes to which one of the affected employees may transfer. If accommodations of this nature are not feasible, the employees will first be permitted to determine which of them will resign. If no agreement between the employees can be reached, the City of Anacortes will decide which of the employees will be terminated.
4. Employees and their immediate family may not accept gifts, except those of nominal (i.e. less than \$20.00) value, or any special discounts or loans from any person or firm doing, or seeking to do, business with the City of Anacortes. The meaning of gifts for purposes of this policy includes the acceptance of entertainment and free travel and lodging.
5. Employees may not give, offer, or promise, directly or indirectly, anything of value to any representative or any entity in connection with any transaction or business that the City of Anacortes may have.
6. Employees may not accept any employment relationship with any organization that does business with the City of Anacortes. This prohibition on employment includes serving as an advisor or consultant to any organization of that type, unless the activity is conducted as an assigned representative of the City of Anacortes.
7. Any conflict or potential conflict of interest must be disclosed to the City of Anacortes. failure to do so will result in discipline, up to and including termination (**see** Policy 807 Disciplinary Procedure).

Policy 806 Media Inquiries

All media inquiries and other inquiries of a general nature should be referred to the department head or division manager. In addition, the Mayor must approve all press releases, publications, speeches, or other official declarations (**see** Policy 605 Security). The Mayor may authorize specific employees to respond to media inquiries on the City's behalf without prior approval. Questions about employee references or other information concerning current or former employees should be referred to Human Resources.

Policy 807 Disciplinary Procedure

The City of Anacortes expects that all employees comply with the City of Anacortes's standards of behavior and performance and that noncompliance with these standards must be corrected.

1. Under many circumstances, the City of Anacortes utilizes a policy of progressive discipline in which it attempts to provide employees with notice of deficiencies and an opportunity to improve. It does, however, retain the right and discretion to administer discipline in any manner it sees fit, and to terminate all at-will employees with or without cause.
2. Depending on the circumstances, the City of Anacortes may utilize the following procedures:
 - a. If an employee is not meeting City of Anacortes standards of behavior or performance, the employee's supervisor may take the following action:
 - i. Meet with the employee to discuss the matter;
 - ii. Inform the employee of the nature of the problem and the action necessary to correct it; and
 - iii. Prepare a memorandum for the supervisor's own records indicating that the meeting has taken place.
 - b. If there is a second occurrence, the supervisor may hold another meeting with the employee and take the following action:
 - i. Issue a written reprimand to the employee (Human Resources should assist in the preparation of the written reprimand);
 - ii. Warn the employee that a third incident will result in more severe disciplinary action; and
 - iii. Prepare and forward to Human Resources a written report describing the first and second incidents and summarizing the action taken during the meeting with the employee. This information will be included in the employee's personnel file (**see** Policy 901 Personnel Records).
3. If there are additional occurrences, the supervisor may take the following action, depending on the severity of the conduct:
 - a. Issue an additional written reprimand or warning;
 - b. Typically, the employee should be suspended immediately, and an investigation of the incidents leading up to the suspension should be conducted to determine if any action such as termination should be taken; or
 - c. The supervisor must prepare and forward to Human Resources another written report describing the occurrences, indicating the timing between the occurrences, and summarizing the action taken or recommended and its justification.
4. The progressive disciplinary procedures described in (2), above, may also be applied to an employee who is experiencing a series of unrelated problems involving job performance or behavior.
5. The degree of disciplinary action administered depends on the severity of the infraction and will be carried out in accordance with this policy, or in accordance with applicable Civil Service Rules or collective bargaining agreements. It is the responsibility of management to evaluate the circumstances and facts thoroughly and objectively. In cases involving serious misconduct, or any time the supervisor determines it is necessary, the procedures contained in (2), above, may be disregarded. The supervisor should suspend the employee immediately and, if appropriate, recommend termination of the employee (**see** Policy 801 Behavior of Employees). If appropriate, an investigation of the incidents leading up to the suspension may be conducted to determine what further action, if any, should be taken. Employees suspended from work generally will not receive or accrue any employee benefits during the suspension.
6. Pre-disciplinary Meeting

- a. In the case of suspension, demotion, or termination of an employee (other than probationary employees), the City will conduct a pre-disciplinary meeting. The pre-disciplinary meeting serves as a check against mistaken decisions and as an opportunity for an employee to furnish additional facts before a suspension or termination decision is finalized. The employee shall be provided with a notice of intended discipline. The notice shall include an explanation of the charges on which the recommendation is based, and the time and date for a pre-disciplinary meeting. If the employee fails or refuses to appear, the suspension, demotion, or termination may proceed. Pre-disciplinary meetings will be presided over by the Human Resources Director or designated representative.
 - b. A non-supervisory employee who is represented by a union may request that a union representative be present at a pre-disciplinary meeting. The meetings are intended to be informal. The employee may show cause why they should not be suspended, demoted, or terminated. Usually within two working days after the pre-disciplinary meeting, the Mayor will issue a decision on whether there are reasonable grounds to believe the charges against the employee are true and support suspension, demotion, or termination. A longer review period may be required in situations that are more complex.
7. Human Resources shall review and approve all recommendations for termination before any final action is taken (**see** Policy 213 Termination of Employment).
8. Employees who believe that this policy has not been followed, and wish to challenge the decision, must use the dispute resolution procedure (**see** Policy 902 Dispute Resolution Procedure).
9. If an employee who has been disciplined for relatively minor misconduct works a full year without further disciplinary action under this policy, the next failure to meet behavior or performance standards may be treated as a first occurrence under this policy; however, the City of Anacortes may still consider all past disciplinary actions in evaluating the employee (**see** Policy 302 Performance Reviews).

Policy 808 Drugs, Narcotics, And Alcohol

The City of Anacortes is committed to protecting the health, safety and well-being of its employees and all individuals who come into contact with our employees and workplace. In addition, we strive to create and maintain a productive and efficient work environment in which all employees have an opportunity to thrive and be successful.

Recognizing that drug and alcohol use and abuse can pose a serious threat to these goals, the City of Anacortes is committed to providing a drug and alcohol-free workplace for all of its employees. This policy is in accordance with Chapter 296-800 of the Washington Administrative Code (WAC) and with the federal Drug Free Workplace Act.

This policy applies to all employees of the City. Employees who are required to maintain a commercial driver's license (CDL) are also subject to the City's Drug and Alcohol Policy for DOT Employees.

1. The City of Anacortes strictly prohibits the following in the workplace, on City property (including all City-owned, leased, and controlled premises, vehicles, and workstations whereby the employee is being paid by the City and is under the direct control and supervision of the City) or on work time:
 - a. the use, sale, distribution, dispensation, manufacture or possession of alcohol or drugs (including marijuana and other drugs included in Schedule I or II of the federal Controlled Substances Act) or drug paraphernalia;
 - b. the unauthorized use or distribution of prescription drugs;
 - c. the use of any legally obtained drug (prescriptions or over-the-counter medications) when such use may adversely affect an employee's job performance, their safety or the safety of others, or any combination thereof;
 - d. reporting to work or working while under the influence of alcohol or drugs (including marijuana and other drugs included in Schedule I or II of the federal Controlled Substances Act). An employee will be deemed under the influence of a drug if the employee tests positive following a test conducted in accordance with this policy or when the employee acknowledges impairment.
2. Prescription medication. The possession and use of medically prescribed or over-the-counter drugs during work hours is permissible, subject to certain conditions. The employee shall have no obligation to inform the City of such use unless, according to a warning notice or the input of a physician or pharmacist, the drug may cause a possible impairment that could prevent the employee from performing their job safely or effectively. In such cases, the employee should notify their supervisor or Human Resources so that a determination can be made as to whether it is in the best interests of the City and the employee that the employee work, not work or be reassigned during the period medication is used. Medical information will be handled in a confidential manner. Notwithstanding the above, the medical use of marijuana that causes drug or drug metabolites to be present in the body above minimum thresholds established by federal law constitutes prohibited conduct regardless of whether the marijuana was used under the guidance of a medical practitioner and regardless of whether the medical practitioner advised that such use will not adversely affect the employee's ability to safely and effectively perform job duties.
3. Workplace drug related convictions. The Drug Free Workplace Act of 1988 requires employees, as a condition of employment, to report any criminal convictions of drug-related activity in the workplace to the City no later than five (5) days following a conviction. Any such report should be directed to Human Resources. Employees convicted of workplace drug-related crimes may be subject to discipline up to and including termination.

4. Drug and alcohol testing
 - a. The City of Anacortes asserts its right to test employees or applicants for alcohol and/or controlled substances to the extent allowed by law. This includes urine drug testing and evidential breath alcohol testing. Employee or applicant acceptance of testing, when required in accordance with this policy, is a mandatory condition of employment. Refusing to submit to such tests constitutes a violation of City policy and will result in termination of employment or, for an applicant, withdrawal of the job offer. The City of Anacortes reserves the right to test for drugs and/or alcohol as defined below:
 - i. **Pre-employment** – After receiving a conditional offer of employment, an applicant for a safety sensitive position must submit to, and successfully pass, a drug test.
 - ii. **Post-accident** – An employee who is involved in an accident that causes significant property damage while driving a vehicle for City business, or who sustains or causes an injury that requires medical attention, will be required to submit to drug and alcohol testing, unless the circumstances surrounding the accident do not indicate a reasonable possibility that drug or alcohol use was a contributing factor.
 - iii. **Reasonable Suspicion** – Reasonable suspicion is based on specific personal observations that a City of Anacortes management representative can describe and document (using a Reasonable Suspicion Testing and Documentation Form) regarding an employee's appearance, behavior, speech and breath odor.
 - b. The City of Anacortes will follow the collection and drug testing guidelines and standards issued by the U.S. Department of Health and Human Services and the U.S. Department of Transportation (DOT).
 - c. To ensure the accuracy and integrity of the program, the City of Anacortes also will follow these employee protection guidelines:
 - i. For drug analysis, we will use a laboratory that has been certified by the Substance Abuse and Mental Health Services Administration (SAMHSA).
 - ii. A strict chain of custody will be used to ensure specimen integrity; a split specimen will also be collected.
 - iii. The process will ensure privacy and confidentiality of all test results.
 - iv. All positive drug test results will be confirmed by gas chromatography/mass spectrometry before they are reported to the City of Anacortes.
 - v. All confirmed positive, invalid, substituted, and adulterated results will receive medical review by a Medical Review Officer (MRO), who will give the employee an opportunity to provide possible medical explanations for the result.
 - vi. All negative test results will be reported to the designated employer representative.
 - d. In addition, when the City has a reasonable suspicion that an employee is violating any aspect of this policy, the employee may be asked by the City of Anacortes to submit immediately to a search or inspection at any time (including breaks and the lunch period) while on City premises or in City property. Any refusal to consent to a search constitutes a violation of this policy and is grounds for disciplinary action, up to and including termination of employment.
5. Procedures for administering tests:
 - a. Drug screen
 - i. Upon identifying an event that requires testing (pre-employment, post-accident or reasonable suspicion), Human Resources will provide the employee with a non-DOT Custody and Control Form indicating the reason for the test and the specific services to be performed.
 - ii. The employee will report to a clinic or authorized collection site with the Custody and Control Form and photo identification within 60 minutes of notification. In the event of a post-accident or reasonable suspicion testing event, the employee will

be transported to the collection site by a City of Anacortes management representative.

- iii. Samples will be collected by personnel who have met DOT collector training requirements as specified by U.S. Department of Transportation (DOT) Regulations 49 CFR Part 40. Collectors will follow standard DOT collection procedures and use a non-DOT chain of custody form. A split sample collection is required.
 - iv. Shy bladder collections – In the event that an employee is unable to provide an adequate specimen on the first attempt, they will be given 40 ounces of water over a 3-hour period. The employee may attempt to provide a sample at any time within the 3-hour period. The employee must remain at the collection site until the collection is completed. If the employee is not able to provide an adequate specimen within 3 hours, the City of Anacortes Human Resources office will be notified immediately, and they will then notify the Medical Review Officer (MRO) for an evaluation. In this instance, the employee shall have the option to undergo a medical evaluation for “shy bladder” at their expense. If no medical explanation is found for their inability to produce urine, it shall constitute a refusal to test and be considered a failed test.
 - v. Suspected substitution or adulteration collections – If the employee provides a sample and the collection temperature does not register on the collection cup, or the collector suspects that the specimen has been adulterated (for example, it has a blue color or chemical odor that is not consistent with urine, such as bleach or perfume), that collection will be completed, and a second sample will be collected under same-gender direct observation. Both samples will be submitted to the lab for analysis, and both results will require MRO review. If an employee refuses to provide a second sample under observation, the event will be deemed as a refusal to test.
 - 1. The sample will be shipped via courier to a SAMHSA-certified lab.
 - 2. Each sample will undergo a screening test and, if it demonstrates a positive response for any drug, it also will be subject to a confirmation test by gas chromatography/mass spectrometry (GC/MS).
 - 3. All negative results will be reported by an authorized SAMHSA-certified lab directly to the City of Anacortes. All results reported from the laboratory as positive, invalid, substituted, or adulterated results will be reported to the MRO for review. The MRO will contact the employee by telephone to give that individual an opportunity to provide a valid medical explanation for the positive result.
 - 4. If the MRO accepts an employee’s explanation and/or documentation as a valid, medically acceptable explanation, the result may be deemed “negative” and reported to Human Resources as such. All results for which the MRO determines that there is no valid, acceptable medical explanation will be deemed a “confirmed positive” and reported to Human Resources as a failed test. The MRO may require a re-collection under direct observation in the event of some invalid results.
6. Breath alcohol
- a. All alcohol tests will be conducted using an evidential breath testing device operated by a trained Breath Alcohol Technician who has met qualification and proficiency requirements.
 - b. The Breath Alcohol Technicians will use a non-DOT Alcohol Testing Form to record the test. The employer copy of the Alcohol Testing Form will be sent to Human Resources.
 - c. A breath alcohol result of < 0.019 grams of alcohol/210 L of breath will be considered

- negative, and no further testing will be required for that incident.
- d. A breath alcohol result of > 0.020 grams of alcohol/210 L of breath will require a second, confirmatory test conducted no sooner than 15 minutes after the initial test. If the confirmation test result is > 0.020 grams of alcohol/210 L of breath, the result will be considered positive and will be reported immediately to Human Resources.
 - e. If the result is positive, the employee will not be allowed to return to work, and arrangements must be made to provide transportation to the employee's home.
7. Confidentiality. All information received by the employer through the program is confidential. Access to this information is limited to those who have a legitimate need to know.
 8. Consequences. An employee's refusal to do any of the following when required is considered non-compliance and may result in disciplinary action, up to and including termination of employment:
 - a. Take a drug or alcohol test.
 - b. Appear for testing.
 - c. Accept the EAP recommendations when required to use the EAP because of a positive drug test or due to violating a City rule pertaining to drugs or alcohol.
 - d. Comply with the conditions of a Last Chance Agreement.
 9. First verified positive test: An employee may be terminated solely for a first-time confirmed positive drug or breath alcohol test. However, if not terminated, the employee will be given an opportunity for job retention through a Last Chance Agreement. This policy does not prohibit an employee from being terminated for reasons other than a confirmed positive test result. The availability of a Last Chance Agreement in a given situation, as well as the specific terms of that agreement, shall be subject to the City's discretion and approval.
 10. Second verified positive test: If an employee has a confirmed positive drug screen or positive breath alcohol test for a second time, the employee will be terminated immediately.
 11. Implementation details
 - a. Supervisor training. The City of Anacortes will provide a supervisor training program to help supervisors recognize an employee with possible alcohol and/or drug problems. This program will train supervisors how to recognize specific performance or behavior criteria related to substance abuse and how to refer employees for assistance.
 - b. Employee education. The City of Anacortes will provide alcohol and drug awareness information for all employees. This will include the City of Anacortes policy on alcohol and drug abuse; the dangers of alcohol and drug abuse; and treatment and counseling services available through the Employee Assistance Program.
 - c. Employee Assistance Program. The City of Anacortes recognizes that alcohol and drug addiction can be successfully treated and is willing to help employees who suffer from these problems while holding them responsible for their own recovery. The City of Anacortes maintains an Employee Assistance Program (EAP). Employees may also have access to professional services through the City's medical health insurance plans to aid them with any alcohol or drug problems. Employees who need help with drug and/or alcohol misuse or abuse are encouraged to use these resources.
 12. Employees are strongly encouraged to seek help to address their drug or alcohol problems before such issues affect their performance or result in a positive drug or alcohol test. Seeking assistance after an employee has tested positive or demonstrated performance issues will not allow the employee to avoid the disciplinary consequences of his/her behavior. For employees seeking assistance for alcohol and/or drug problems, the EAP will be administered as follows:
 - a. Employees seeking help on their own, or who are referred to the EAP by their supervisor, will be provided assistance on a confidential basis without jeopardizing their employment status.
 - b. Employees who are offered a Last Chance Agreement in lieu of termination for a

violation of this policy may be required to use the EAP and/or successfully complete a treatment program as a condition of continued employment. In such case, the employee may be required to authorize the EAP or treatment provider to disclose to the City information regarding compliance with the treatment program. A Last Chance Agreement may also include requirements for follow-up drug and alcohol testing for a period of two years as a condition of continued employment.

Miscellaneous

Policy 901 Personnel Records

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

1. The City of Anacortes tries to balance its need to obtain, use, and retain employment information with a concern for each individual's privacy. To this end, it attempts to maintain only the personnel information that is necessary for the conduct of its business or required by federal, state, or local law.
2. Human Resources is responsible for overseeing record keeping for all personnel information and will specify what information should be collected and how it should be stored and secured.
3. Employees have a responsibility to keep their personnel records up to date and should notify Human Resources in writing of any changes in at least the following:
 - a. Name;
 - b. Address;
 - c. Telephone number;
 - d. Marital status (for benefits and tax withholding purposes only);
 - e. Number of dependents;
 - f. Addresses and telephone numbers of dependents and spouse or domestic partner, or former spouse or domestic partner (for insurance purposes only);
 - g. Beneficiary designations for any of the City of Anacortes's insurance, disability plans; and for the State Department of Retirement Systems.
 - h. Persons to be notified in case of emergency.

In addition, employees who have a change in the number of dependents or marital status should complete a new Form W-4 for income tax withholding purposes.
4. Employees may inspect their own personnel records and may copy, but not remove, documents in the file. Inspections by employees must be requested in writing to Human Resources and will be scheduled at a mutually convenient time. All inspections must be conducted in the presence of a designated member of Human Resources. A reasonable charge, not to exceed the actual cost to the City of Anacortes, will be made for any copies of records made by the employee.
5. Employees who believe that any file material is incomplete, inaccurate, or irrelevant may submit a written request for file revisions to Human Resources. If the request is not granted, the employee may place a written statement of disagreement in the file and make a complaint using the regular grievance procedure (**see** Policy 902 Dispute Resolution Procedure).
6. Only supervisory and management employees who have an employment-related need-to-know for information about another employee may inspect the files of that employee. The inspection must be approved and witnessed by Human Resources. Records containing medical information will be maintained in a secure and confidential file, separate from the personnel file.
7. Employees should refer all requests from outside the City of Anacortes for personnel information concerning applicants, employees, and past employees to Human Resources. Human Resources normally will release personnel information only in writing and only after obtaining the written consent of the individual involved. Exceptions may be made to cooperate with legal, safety, and medical officials who need specific employee information.

In addition, exceptions may be made to release limited general information, such as the following: employment dates, position held, and location of job site.

8. The City follows the general retention schedules defined by the Local Government Records Retention Schedules established by the Washington State Archives.
9. The City customarily retains certain documents in the regular course of business as a part of an employee's permanent record, even if no regulation requires retention. Examples of this type of document would include performance management memos, disciplinary or warning memos, and memos describing the outcome of an internal investigation.

The manager should consider first whether a document in this category should be routed to Human Resources. The manager should contact the Human Resources Director or representative if unclear whether or not the contents should be placed in the employee's file. Other working documents that the manager may need:

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

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

- a. Application forms/ resumes/letters of offer
- b. Reviews/evaluation forms
- c. Performance Management memos
- d. Disciplinary memos
- e. Memos regarding the result of any internal complaint/investigation that resulted in disciplinary action being taken
- f. Termination/resignation notices
- g. Documents regarding the offer and/or acceptance of severance benefits
- h. Post-termination documents referencing a former employee's eligibility or ineligibility for rehire
- i. Applications for health, life, disability or other insurance or benefit program
- j. Workers' compensation claims
- k. Leave of absence
- l. Unemployment claims
- m. Medical records
- n. Physician's releases
- o. Documents pertaining to an ergonomic evaluation
- p. Request for accommodation of a physical or mental condition.

Policy 902 Dispute Resolution Procedure

The City of Anacortes believes that employees should have an opportunity to present their work-related complaints and to appeal management decisions through a dispute resolution procedure. The City of Anacortes will attempt to resolve promptly all disputes that are appropriate for handling under this policy.

1. Employees are encouraged to consult on a less formal basis with Human Resources, their supervisors, or other members of management regarding work-related complaints or disputes.
2. An appropriate dispute is defined as an employee's expressed dissatisfaction concerning any interpretation or application of a work-related policy by management, supervisors, or other employees. Examples of matters that may be considered appropriate disputes under this policy include:
 - a. A belief that City of Anacortes policies, practices, rules, regulations, or procedures have been applied inconsistently to an employee;
 - b. Treatment considered unfair by an employee, such as coercion, reprisal, harassment (including sexual harassment), intimidation, or retaliation;
 - c. Improper or unfair administration of employee benefits or conditions of employment such as scheduling, vacations, fringe benefits, promotions, retirement, holidays, performance review, salary, or seniority.
3. If the employee seeks to complain about harassment, discrimination, or retaliation, this complaint should be directed to the Human Resources Director (**see** Policy 202 Productive Work Environment). If the employee believes that the Human Resources Director is involved, the employee should direct the complaint to the Mayor. For internal complaints, the Human Resources Director or Mayor will apply this dispute resolution process beginning at Step 3. For all other types of complaints, the dispute resolution procedure is the exclusive remedy for employees with appropriate complaints. Employees should notify the City of Anacortes in a timely fashion of any dispute considered appropriate for handling under this policy. As used in this policy, the terms "timely fashion," "reasonable time," and "promptly" generally will mean ten working days. Certain employees may have more than one source of dispute resolution rights, i.e. a collective bargaining agreement the City's Civil Service Rules, and this complaint process. Employees represented by a bargaining unit or who are covered under civil service rules should follow grievance procedures set out in their respective labor contracts or civil service rules where applicable. In all other cases, the procedures described in this section are to be used. Under no circumstances shall an employee have the right to utilize both this process and any other complaint or appeal procedure that may be available to the employee.
4. The dispute resolution procedure has a maximum of three steps, but disputes may be resolved at any step in the process. Disputes will be processed until the employee is satisfied, does not file a timely appeal, or exhausts the right of appeal under the policy. A decision becomes binding on all parties whenever an employee does not file a timely appeal or when a decision is made in the final step and the right of appeal no longer exists.
5. Employees who feel they have an appropriate dispute should proceed as follows:
 - a. **Step One** - Promptly bring the complaint to the attention of the immediate supervisor. If the dispute involves the supervisor, then the employee may proceed directly to step two. The supervisor, if authorized should investigate the complaint or refer it to Human Resources for handling, attempt to resolve it, and give a decision to the employee within a reasonable time. The supervisor should prepare a written and dated summary of the dispute and proposed resolution.
 - b. **Step Two** - Appeal the decision to the department head, if dissatisfied with the

supervisor's decision, or initiate the procedure with the department head if Step One has been bypassed. This appeal or initial dispute notification must be made in a timely fashion using a written form provided for this purpose. The supervisor's version of the dispute and decision will then be submitted using a similar written form. The department head will, in a timely fashion, confer with the employee, the supervisor, and any other members of management considered appropriate; investigate the issues; and communicate a decision in writing to all the parties involved.

- c. **Step Three** - Appeal an unsatisfactory department head decision to the Mayor. The timeliness requirement and procedures to be followed are similar to those in Step Two. The Mayor will take the necessary steps to review and investigate the dispute and will then issue a written, final, and binding decision.
6. Human Resources will provide training and support to supervisors and department heads in dealing with employee complaints. In addition, employees should be encouraged to consult with Human Resources, their supervisors, or other members of management on a less formal basis regarding employee complaints or disputes.
7. Final decisions on disputes will not be precedent-setting or binding on future disputes unless they are officially stated as City of Anacortes policy. When appropriate, the decisions will be retroactive to the date of the employee's original dispute notification.
8. Information concerning an employee dispute should be confidential to the extent possible. Supervisors, department heads, and other members of management who investigate a complaint may discuss it only with those individuals who have a need to know about it or who are needed to supply necessary background information or advice.
9. Time spent by employees in dispute discussions with management during their normal working hours will be considered hours worked for pay purposes.
10. Employees will not be penalized for proper use of the dispute resolution procedure. However, it is not considered proper use if an employee raises complaints in bad faith or solely for the purposes of delay or harassment or repeatedly raises meritless disputes. Implementation of the dispute resolution procedure by an employee does not limit the right of the City of Anacortes to proceed with any disciplinary action that is not in retaliation for the use of the dispute resolution procedure. In addition, employees and supervisors are prohibited from retaliating against an employee who properly uses the dispute resolution procedure.
11. The City of Anacortes may, at its discretion, refuse to proceed with any dispute it determines is improper under this policy.

Policy 903 Whistleblower Protection Act

The City of Anacortes, in compliance with the Local Government Employee Whistleblower Protection Act, RCW 42.41.050, encourages 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.

1. Improper governmental action is any action by a city officer or employee that is:
 - a. Undertaken in the performance of the official's or employee's official duties, whether or not the action is within the scope of the employee's employment, and
 - b. 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.
 - c. Improper governmental action does not include personnel actions including employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, re-employments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of collective bargaining or civil service laws, alleged violation of labor agreements or reprimands. In addition, employees are not free to disclose matters that would affect a person's right to legally protected confidential communications.
2. Retaliatory action is any material adverse change in the terms and conditions of an employee's employment. Emergency means a circumstance that if not immediately changed may cause damage to persons or property.
3. Employees who become aware of improper governmental action should follow these procedures:
 - a. Bring the matter to the attention of the Director of Human Resources, if non-involved, in writing that states in detail the basis for the employee's belief that an improper action has occurred. This should occur as soon as the employee becomes aware of the improper action. Where the employee believes the improper action involves the Human Resources Director, the employee may raise the issue directly with the Mayor.

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 report the improper governmental action directly to the appropriate government agency with the responsibility for investigating the improper action.

- b. The Mayor or the Mayor's designees shall promptly investigate the report of improper government action. After the investigation is completed (within thirty (30) days of the employee's report), the employee shall be advised of the results of the investigation. City of Anacortes officers and employees involved in the investigation shall keep the identity of reporting employees confidential to the extent possible under law, unless the employee authorizes the disclosure of their identity in writing. After an investigation has been completed, the employee reporting the improper governmental action shall be advised of a summary of the results of the investigation. To the extent allowed under the Public Record Act, personnel actions taken as a result of the investigation may be kept confidential.
4. An employee who makes a good faith effort to follow this policy is entitled to protection against retaliation pursuant to RCW 42.41.030.
5. In the case of an emergency, where the employee believes that damage to persons or property may result if action is not taken immediately, the employee may bypass the above procedure and report the improper action directly to the appropriate government agency

responsible for investigating the improper action. Outside agencies to which reports may be made include, but are not limited to, the following:

Skagit County Prosecuting Attorney's Office
Washington Attorney General
Washington State Auditor
Department of Labor & Industries
Washington State Patrol
Washington Department of Natural Resources

6. Employees may report information about improper governmental action directly to an outside agency if the employee reasonably believes that an adequate investigation was not undertaken by the City to determine whether an improper governmental action occurred, or that insufficient action was taken by the City to address the improper action or that for other reasons the improper action is likely to recur.
7. It is unlawful for a local government to take retaliatory action because an employee, in good faith, provided information that improper government action occurred. Where an employee believes that retaliation has occurred for reporting an improper government action, the following procedures will apply:
 - a. Employees must provide a written complaint to the Human Resources Director within thirty days of the occurrence of the alleged retaliatory action. If the Human Resources Director is involved, the notice should go to the Mayor. The written charge must specify the alleged retaliatory action and the relief requested.
 - b. The Mayor shall investigate the complaint and respond in writing within thirty days of receipt of the written charge.
 - c. After receiving the response of the City of Anacortes or thirty (30) days after the delivery of the charge to the City of Anacortes, the employee may request a hearing before a state administrative law judge to establish that a retaliatory action occurred and to obtain appropriate relief provided by law. An employee seeking a hearing should deliver the request for hearing to the City of Anacortes Mayor within the earlier of either fifteen (15) days of delivery of the City of Anacortes' response to the charge of retaliatory action, or forty-five (45) days of delivery of the charge of retaliation to the City of Anacortes for response.
 - d. 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. The ALJ will issue a final decision no later than forty-five days after the date of the request for hearing, unless an extension is granted.
 - e. Additional information can be obtained on the Internet: <https://sao.wa.gov/report-a-concern/how-to-report-a-concern/whistleblower-program/>

Policy 904 Emergency Operations

The City of Anacortes has a responsibility to protect the health and safety of the public during times of emergency. In order to carry out this responsibility, it is a requirement of the City of Anacortes that employees report to work after assessing the health and safety of their families. The City will make every effort to provide assistance to employees and their families to facilitate this reporting. The City realizes that employees will not be able to effectively work until family situations are taken care of first and foremost. This policy establishes guidelines for when employees will be required to report to work in the event of an emergency as declared. Further details can be found in the City's full Emergency Operation Plan and Emergency Guides maintained by the City's Emergency Manager.

1. Where and When to Report:

- a. Department Directors will establish a staffing plan for essential functions which will be needed during an emergency. Employees should be informed in advance of where and when to report.
- b. Employees are expected to make every effort possible to get to the assigned work site. If, due to road closures, the employee is unable to get to the assigned job site, the employees should report to the nearest City facility. It is also understood that some employees may be unable to get to work for a period after an event. At the same time, employees who are at work at the time of the event may be required to remain on the job to provide emergency services or may be unable to leave due to unsafe conditions. The City of Anacortes will assist them in contacting their families.
- c. Employees who are unable to report should contact the designated department representative as soon as possible.

2. Family Needs: The initial reaction of most employees will be to try to determine the well-being of their own families. If at home at the time of the event, an employee's first responsibility is to care for themselves and their family's immediate needs, then report to work. If at work, employees can make every effort to establish contact with the family to determine status. The City will do all that is possible to assist you in contacting your family to ensure their safety. An updated "Emergency Contact Notification" form should be completed annually by you to ensure the proper contact person is notified. Contact the Human Resources department anytime you wish to update the form.

3. Location of City Emergency Operations: Employees should report to their regular place of employment. Should it become necessary to establish an Emergency Operation Center (EOC). The City's EOC locations are as follows:

- a. Primary: Police Station/Municipal Court, 1218 24th Street. If the Police Station is not available, employees should report to the secondary location.
- b. Secondary: Fire Station 1, 1016 13th Street.

4. Emergency Notification:

- a. Listen to your car or battery-operated radio for emergency updates and routine instruction. The dissemination of emergency warning information to the public is dependent upon the use of mobile sirens and public address systems located on police and fire vehicles. In addition to mobile sirens, City government will rely on the use of various media and the local Emergency Broadcast Systems (KLKI) and Community Alert Network (C.A.N) system to alert and inform the public.
- b. The Mayor is the only City official authorized to activate the local Emergency Broadcast System to assist in emergency warning and dissemination of information to the public. In the absence of the Mayor, the Mayor Pro Tempore is in charge followed by the city attorney. The Emergency Broadcast System must be activated through the Skagit County Department of Emergency Management.

5. Employee Role in an Emergency:

- a. Report to Work: After your crucial personal and family emergency responsibilities have been met, and you are physically able, you are expected to report to work according to your department's operational procedures following a major emergency.
- b. Contact the City: If the telephone system is out and radio information is not forthcoming, you should report as soon as possible. During a major emergency, the telephone network will probably be overwhelmed and in some cases completely shut down. Every effort should be made to report to work or a place of work if unable to get to your work location.
- c. Find out where you are needed: If phones are operative, you are to contact your respective department for information on when and where to report to duty. In a major emergency, the initial response to an emergency incident will be primarily provided by fire, police, and public works. The Incident Commander shall have the authority to request additional resources from other City departments.
- d. Help for your family: Coordination of emergency welfare services (including, but not limited to shelter, feeding, and daycare) will be provided to immediate family members of City employees who are on duty.
- e. Out-of-Town Reporting: If you live outside of Anacortes and cannot get into the City and cannot report via telephone, report to the nearest local Emergency Operation Center and request that governmental agency to contact Anacortes EOC for instruction. You may need to work in your town of residence.
- f. What to Expect:
 - i. In the event of an emergency, you may not be doing the regular functions of your job. Each department will be assigned specific tasks. This may mean you will be doing whatever is necessary to care for and protect the City of Anacortes citizens. You may be working under a different organizational structure, i.e., one designed for the incident at hand, and a different chain of command. People who you now report to may not be the people you are assigned to in an emergency. Likewise, if you are in charge of others, you may have different people assigned to you. Whether given a pre-designated assignment in the emergency plan or not, be prepared to respond as needed.
 - ii. The citizens of Anacortes depend on municipal employees to be organized and deliver support services in a timely manner. We will do everything possible to meet those expectations.
 - iii. Remaining at work is essential until released by your department or the City's Emergency Management Director. This makes it especially important for you to prepare your family.
 - iv. It is advised to establish an out-of-state telephone contact; someone that all family members can call should you be separated. Long distance service may be available even though local service is not.

Addendum A - Information Technology & Systems Policies

A-1 Purpose

It is the policy of the City of Anacortes ("the City") to maximize the cost-effective use of computer systems as a means of improving productivity. The City provides communication resources capable of offering computing resources, electronic mail (email), internet access, telephone and voicemail, cellular telephones, and other electronic communication devices (collectively referred to as the City's Technology Resources) to employees to assist in and facilitate City business and communications. The primary purpose of the City's network and systems is to provide service to the public as part of City business, in a manner that is consistent with the City's vision and values.

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

A-2 Scope

These IS Policies provide for the oversight, use and protection of the City's computing, networking, communications, and data storage systems that collectively comprise the City Network. This includes the acquisition, access, and use of software (including software as a service or SaaS), hardware and shared communication services, whether connected to the network, not connected to the network (standalone), or as a mobile device.

These IS Policies apply to all users who work on behalf of the City, including all personnel affiliated with third parties that access the City Network and its resources. Such users must be familiar with current policy regarding the acceptable use of these resources and must review these policy documents prior to accessing City information technology equipment and services.

A-3 Definition of Terms

1. Accounts (other) - Any non-active directory account associated with City resources or communication. For example, department social media accounts, Spillman, service accounts, specialized software accounts, etc.
2. City Network - The City of Anacortes Network data and voice networks, equipment, software that provides computing, communications, audiovisual and data storage activities in support of County business activities, whether networked or standalone. City Network is administered by IS.
3. City Network User - A City employee, contractor, consultant, appointee of the City or member of the City Council or commission that also has an active City account.
4. Confidential - As provided in RCW 42.56.420(4) and for purposes of these IS Policies, confidential means information regarding the infrastructure and security of computer and telecommunications networks, consisting of security passwords, security access codes and programs, access codes for secure software applications, security and service recovery plans, security risk assessments, and security test results to the extent that they identify specific system vulnerabilities, and other such information the release of which may increase risk of the confidentiality, integrity, or availability of agency security, information technology infrastructure, or assets. Confidential also means public records, either in whole or in part, that contain confidential information, including but not limited to, social security numbers,

health and insurance information, and any combination of information that is exempt from public disclosure under chapter 42.56.250 RCW.

5. City Business - All communication, transactions, or services offered by the city
6. City Employee - Elected officials, full and part-time employees, temporary employees, volunteers, interns, or a person hired by the City through a temporary placement agency to perform work that otherwise would be performed by a City employee.
7. Data - Any information produced, transmitted, or stored in a digital format. Including data created during digital communication, web surfing, or usage of applications that generate log records.
8. Funding Source - Operational funds, general fund, capital equipment project funds, grant-funded project and program funds, research and development funds and donations of equipment, services, and cash.
9. Hardware - Hardware can refer to a complete physical digital device such as a computer or tablet or any number of its physical components or accessories, including a computers processor, RAM, graphics cards, hard drives, monitor, mouse, or keyboard.
10. IS Division - The City of Anacortes Information Systems & Technology Division.
11. Malware - Any form of malicious software including computer viruses, ransomware, trojan horses, keyloggers, worms, spyware, adware, or any other unwanted, unintended, or harmful programs running on the city network.
12. Mobile Device - Cellphone, tablet, or any multimedia-capable portable device that provides wireless Internet access or City Network connection. They allow for the communication of content that may include application, information and location-based services. The City may provide such mobile devices to selected employees for purposes of performing their job duties.
13. Public Disclosure - As a local government agency in the state of Washington, City of Anacortes Government is required by chapter 42.56 RCW, Public Records Act to follow specific guidelines in the management of its public records. These guidelines include adhering to retention schedules and the specific handling of public disclosure requests. They also include definitions of what is disclosable and what is not.
14. Public Record - Any record required to be made available during a public records request.
15. Removable Device - Any storage device or equipment that can be physically or wirelessly connected to a computer, laptop, or network device in order to expand its functionality and can be detached or removed with or without administrative privileges to the device. Examples include but are not limited to printers, scanners, smart phones, streaming devices, disk drives, hard drives, tape drives, microphones, speakers, cameras, thumb drives, or other devices with accessible flash memory, etc. For purposes of this policy, the word "device" also includes removable devices such as USB devices, cellular phones, etc.
16. Software - Any program, application, widget, running on a hardware device or in a cloud program such as a computer, cell phone, tablet, or web browser.
17. Technology - Implies any device containing or operated by a computer chip.
18. Text, Text Message, Texting - The act of composing and sending brief, electronic messages between two or more mobile devices over a cellular network, commonly using the Short Messaging Service (SMS) communications protocol.

A-4 Allowable Digital Equipment

Devices that qualify include, but are not limited to, City of Anacortes owned computers, laptops, tablet PCs, telephones, cellular devices, and combination devices such as smart phones. All use of digital equipment must be managed, including acquisition, maintenance, updates, and removal from service, by the IS Division and remain in compliance with all security policies of the City.

A-5 No Expectation of Privacy

By using the City's Technology Resources employees acknowledge and agree that they have no expectation of privacy or confidentiality in their use of these systems or in any data that they create, store, or transmit over the systems, including data generated through, an employee's incidental personal use of the Technology Resources. Employees further agree that they are aware of, understand and will comply with the provisions of this policy, and that their use of the Technology Resources is monitored. Work related email messages, other electronic communications, and documents created on City or personal devices may be considered a public record subject to disclosure and/or subject to discovery in the event of litigation.

A-6 Ownership & Confidentiality

All software, programs, applications, data, data files and web pages relating to City business regardless of device ownership are property of the City. The City retains the right to access, copy, modify, destroy or delete the property. Data files containing:

1. Confidential or restricted data should be treated accordingly and should not be removed from the workplace without proper authorization. This includes, but is not limited to:
 - a. Certain records including those relating to or containing financial, medical or personal information.
 - b. Legal documents including but not limited to those relating to property transactions, litigation or claims against the City.
 - c. Banking and financial information including but not limited to transactions, credit cards, customer passwords, etc.

A-7 Use of Digital Equipment for Personal and City Business

For employees who are issued City devices, it is the City's policy that employees use City-issued devices for City business. Failure to follow this policy could result in discipline up to and including termination and liability for failing to properly maintain records per the Public Records Act. Text messages and other electronic correspondence sent using a personal cell phone or device that pertain to City business or otherwise fall within the definition of a "public record" as defined in the Public Records Act are public records. Users have no right to privacy in City-owned cell phones or devices.

City of Anacortes employees are encouraged not to use personal devices for City business. An employee who uses their personal cell phone or device to send or receive text messages related to City business is required to follow this policy and shall be required to produce the device containing texts and other electronic data relating to City business in accordance with this policy.

A-8 Notice of Requirement for Public Records Act Compliance

All electronic data are the property of the City of Anacortes and are public records under the Public Records Act, chapter 42.56 RCW.

A-9 Acquisition Of Information Technology Resources

Acquisition of technology resources must conform to the provisions as defined in City of Anacortes Purchasing Policy, including but not limited to the following:

1. The City of Anacortes Purchasing Policy requires the concurrence of the IS Division at the discretion of the IS Manager, for purchases for the following:
 - a. Software or hardware (including copiers, scanners, and mobile devices) that interfaces with or will be used on the City's network or city-owned computer equipment.
2. Chapter 36.92 RCW requires that all data processing shall not be provided or acquired by a City department other than the IS Division.

Before acquisition, the IS Division must review and concur with all software, hardware, removable device (i.e., anything that connects via USB port, serial port, USB thumb drive, web cameras, etc.) and related maintenance and support contracts, whether the selected products or solution will be on the network or off, used by one or many people, and regardless of program and funding sources.

All software and hardware must be installed by the IS Division. Specialized software and hardware technologies exclusive to individual departments may be managed within the appropriate department, in coordination with and approval of the IS Division.

Most City hardware has a pre-determined lifecycle replacement period and must be surrendered for replacement on a 1:1 basis or retired, according to that schedule. Such technology may not be redeployed without the concurrence of the IS Division.

All hardware resources including computers, monitors, tablets, etc. purchased for in-office or field usage should reside at their assigned work location. Any changes made to hardware locations must be coordinated with the IS Division and the relevant Department Head.

A-10 City-Provided Cellular Telephones

The City of Anacortes recognizes that for certain job functions it is critical that an employee be accessible when away from the assigned work location, during times outside scheduled working hours, or during times of emergency. To accommodate these accessibility needs, the City will provide a mobile communications device to those certain employees, who will then be expected to be accessible as may be necessary. Use of such City-provided mobile communications devices are subject to the expectations described in this policy and no expectation of privacy. All cell phone use is subject to public disclosure, including calls made and received, text messages, photos, and data usage.

All City of Anacortes cellular phones are programmed with staff contacts to promote optimal use of the network. Employees should verify the contact list is up to date; the IS Division can assist with updating if necessary.

Employees are expected to monitor personal use of the internet, messaging, and other applications, to ensure that the City is being appropriately served. Employees must obtain authorization from their supervisor before incurring charges; for example, from downloading data, accessing a paid service, or installing an application.

The City reserves the right to audit and review usage of City-provided cell phones to ensure appropriate and reasonable use.

A-11 Downloads

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

If you are downloading a file and receive a message that a virus or spyware has been detected, you must contact the IS Division immediately for assistance. Similarly, if you receive an email with a suspicious attachment, or from an unusual source, you must notify the IS Division before opening it. If you notice that your computer is behaving strangely or suspect some type of malware, notify the IS Division immediately.

A-12 Reasonable Use/Permissible Incidental Usage

The City provides software and hardware to employees for the primary purpose of supporting their job responsibilities. However, de minimus personal use may be permitted where such use does not interfere with employee or department productivity, nor distract from employees' assigned work. De minimus personal use means:

1. Use does not compromise the security or integrity of City data or to the City Network.
2. Use does not result in a cost to the City.
3. Use does not interfere with the responsibilities and fulfillment of job duties.
4. Use is brief in duration and frequency.
5. Use does not distract from the conduct of City business.
6. It does not constitute any prohibited use, as discussed below.

A-13 Unallowable Use of Resources

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

1. Usage for any type of unlawful harassment or discrimination, including the transmission of obscene or harassing messages to any individual or group or other protected status.
2. Usage that precludes or hampers City network performance.
3. Unauthorized copying or downloading of copyrighted material.
4. Usage that violates software license agreements.
5. Downloading of software programs (unless specifically approved by applicable Department Head and coordinated with the IS Division).
6. Sending anonymous messages and/or misrepresenting an employee's name, position, or job description.
7. Deliberately propagating any virus, worm, malware, spyware, crypto-mining software, or other code or file designed to disrupt, disable, impair, or otherwise harm either the City's networks or systems, or those of any other individual or entity.
8. Releasing misleading, distorted, untrue or confidential materials regarding City business, views or actions.
9. Use of Technology Resources in an excessive manner to deprive others of system use or resources, including the sending of bulk email for other than official business or forwarding "chain letter" emails of any kind.
10. The unauthorized use of another user's login credentials, or the sharing of login credentials

is prohibited.

11. Visiting Internet sites that are inappropriate for a work environment, or referencing, downloading and/or storing materials that are inappropriate in a work environment is prohibited unless such activity is specifically related to the City Network User's job responsibilities and has been authorized by the IS & IT Manager. Examples of such prohibited content includes but is not limited to content from sexually explicit sites, and those associated with violence, hate crimes or illegal activities.
12. Conducting of outside business or commercial enterprise.
13. Supporting, promoting, or soliciting monetary or material contributions for any non-City sponsored organization or group, including religious activity, campaigning, or political activity.
14. Any use that results in the City being placed on blacklisted electronic mailing lists.

The preceding list does not address all prohibited uses, but merely covers common examples.

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

A-14 Electronic Document Management

Users must manage their electronic documents in accordance with record retention policies and procedures as defined and identified by Chapters 40.14 and 42.56 of the Revised Code of Washington.

A-15 General & Remote Access

The IS Division must authorize all access to central computer systems.

Employees may access the City's Intranet, by pointing a web browser to:

<https://www.cityofanacortes.org/945/Staff-Intranet> and City email at: <https://portal.office.com> and other cloud applications including Laserfiche, RGIS, Cartegraph, Civic Clerk, etc.

There are a limited number of laptops available for employees to check out for business-related travel or projects. These must be returned to the IS Division immediately upon returning, and before being connected to the City's network.

1. VPN

Access to the City's network via VPN (virtual private network) requires approval from the department head and mayor via a Laserfiche form. VPN accounts will be audited, and inactive accounts will be deactivated. Reactivation of intermittently used VPN accounts for vendor support purposes will be accommodated upon request.

2. Password Policy

The IS Division must authorize all access to City computer systems. Each user is responsible for establishing and maintaining a password that meets City requirements. The use of another person's account or attempt to capture other users' passwords is prohibited. Passwords must:

- a. Have a minimum length of 12 characters,
- b. Be complex. Passwords should have at least three of the following four types of characters:
- c. Lowercase

- d. Uppercase
- e. Numbers
- f. Special characters such as .!@#\$%^&*(){}[]
- g. Passwords should not be easy to guess.
- h. Should not be shared under any circumstance.
- i. IS should be notified in the event of an accidental disclosure or breach of any City business related password.
- j. Passwords should not be similar to the last 10 passwords used or reused across multiple systems.
- k. Passwords should not be documented in a manner that is easily accessed by others, i.e., on a post-it note next to your computer.
- l. The use of another person's account or attempt to capture other users' passwords is strictly prohibited.

A-16 Network Access and Usage

The IS Division must approve of any devices connecting to the City's network. This includes PCs, network hubs and switches, printers, handhelds, scanners, remote connections, and wireless or wired devices.

Non-employee third parties (e.g., vendors, contractors) are required to have their PCs, laptops, etc. scanned by the IS Division for malware virus detection prior to connecting to the City's network. Representatives of the contracting departments are responsible for assisting their contractors to engage the IS Division to perform these services. If third parties are required to access our enterprise network for the purposes of performing their duties, all individuals should sign a Remote Access form, Non-Disclosure agreement and may be required to complete a Network Security Training.

A-17 Public Network Access & Usage

City staff may use their own personal technology devices to access the public side (COA Guest network) of the City wireless network and connect to the internet for personal use. It should also be noted that the public network is NOT secure, and users connect to public Wi-Fi at their own risk thus there is an associated risk.

A-18 Social Media

Social media presents both an opportunity and risk to individual City departments, employees, and the City as a whole. New social media sites associated with the City must be created with prior Department Head approval. Site links and passwords must be shared with IS for archival purposes. As a general matter, social media posts should not be considered the best source of information on City business. Official City publications located on the website or through official press releases are the best location for accurate information.

A-19 Cyber Security Training

City employees are required to complete cyber security training within one month of hire. Employees may be subject to additional cyber security training if deemed necessary by the IS Division, HR Department, or the employee's manager.

A-20 IS Help Desk

It is the preference of the IS Help Desk to receive requests via email to generate a Help Desk ticket at helpdesk@cityofanacortes.org. Urgent requests can be made via phone at 360-588-8230 or x5555 but should also be followed up with an email to generate a ticket.

Addendum B - Continuation coverage rights under COBRA

To: **City of Anacortes Employees**
From: **City of Anacortes**
Subject: COBRA health care continuation coverage

This notification is being sent for your information only as a reminder of your COBRA rights and obligations. There has been no COBRA qualifying event to trigger this notice.

You and your covered family members may continue coverage under your health plan provided through the AWC Trust (AWC Trust) in certain instances when coverage would otherwise be lost. **When you first become covered by your health plan, this “Initial COBRA Notification” explains your rights and obligations should your employment end or certain other events occur which cause you to lose your medical coverage.** This notice is also sent to employees and retirees on an annual basis in order to remind you of your COBRA rights.

COBRA coverage will be the same as that provided to employees (or if you are on a retiree plan, retirees) and their covered family members, including domestic partners. This includes open enrollment changes and adding dependents due to birth or marriage.

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

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

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

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

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

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

You must give notice of some qualifying events. You or a family member is responsible for notifying the AWC Trust of a qualifying event which is your legal separation, divorce, termination

of domestic partnership, or your Dependent child ceasing to be eligible for coverage. Such notice must be provided in writing within 60 days of the qualifying event to the AWC Trust either through your employer, or as provided in the "Notice Procedures" below.

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

How to apply and pay for COBRA

You must follow the steps below to apply and pay for COBRA continuation coverage.

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

To elect continuation coverage, complete the enclosed COBRA election notice and return it to the AWC Trust. You and your dependents have **60 days** from the later of the date you lost coverage or the date of the enclosed COBRA election notice. Each qualified beneficiary (family member) who was covered under the plan at the time of loss of coverage has a separate right to elect COBRA continuation coverage. For example, the employee's spouse may elect COBRA coverage even if the employee does not. COBRA coverage may be elected for only one, several, or for all dependent children who are qualified beneficiaries. A parent may elect to continue coverage on behalf of any dependent children. The employee or the employee's spouse can elect COBRA coverage on behalf of all of the qualified beneficiaries.

You must make your first payment for continuation coverage no later than 45 days after the date of your election. The 45 days is measured from the date your Election Notice is post-marked. Note that your COBRA benefits will not begin until payment is received. **Your first payment must be made in full, including all payments due back to the effective date of your COBRA coverage.** Failure to make timely payment within the 45-day period will result in termination of your continuation coverage and loss of all COBRA rights.

After you make your first payment for continuation coverage, you are required to make monthly payments for each subsequent coverage period. Although monthly payments are due on the first day of the month of coverage, the AWC Trust allows a grace period of 60 days after the first day of the coverage period. Your continuation coverage will be provided for each coverage period as long as payment for that coverage period is made before the end of the grace period. Failure to make payment in full before the end of the 60-day grace period will result in termination of your coverage and loss of all COBRA rights. COBRA coverage will not be reinstated. In the event that you do not receive a monthly billing, it is still your responsibility to make your payment no later than the end of 60-day grace period.

Cost of COBRA coverage

You pay the full premium cost of COBRA coverage, plus a 2% administrative fee, as permitted by law.

Duration of COBRA coverage

Your COBRA continuation coverage is effective the first of the month following the date of your loss of coverage. In the case of a loss of coverage due to the end of employment or reduction in hours of employment, COBRA coverage generally may be continued for up to a total of 18 months. In the case of losses of coverage due to an employee's death, divorce or legal separation, or a dependent child ceasing to be a dependent under the terms of the plan, coverage may be continued for up to a total of 36 months.

When the qualifying event is the end of employment or a reduction of hours, and the employee became entitled to Medicare benefits less than 18 months **before** the qualifying event, COBRA coverage for qualified beneficiaries (other than the employee) who lose coverage as a result of the qualifying event can last for a period of no less than 36 months from the date the employee became entitled to Medicare.

Disability extension

An 11-month extension of coverage may be available if any one of the qualified beneficiaries is determined by the Social Security Administration (SSA) to be disabled. The qualified beneficiary must receive a Social Security Determination and provide a copy of the SSA Disability Award letter to AWC within the first 18 months of the COBRA continuation coverage. **Failure to provide the SSA Disability Award letter timely will result in the loss of your right to extend COBRA coverage.**

Each qualified beneficiary who is enrolled in COBRA coverage at the time of the disability determination will be entitled to the 11-month disability extension. If SSA determines the qualified beneficiary is no longer disabled, you must notify AWC of that fact within 30 days after that determination.

Second qualifying event extension

An 18-month extension of coverage is available to spouses and dependent children who are qualified beneficiaries enrolled in COBRA coverage if a second qualifying event occurs during the first 18 months of COBRA coverage. The maximum amount of COBRA coverage available when a second qualifying event occurs is 36 months. Second qualifying events include the death of a covered employee, divorce or separation from the covered employee, or a dependent child reaching the limiting age for coverage under the plan. These events can be a second qualifying event only if they would have caused the qualified beneficiary to lose coverage under the plan if the first qualifying event had not occurred. **You must notify the AWC Trust within 60 days after a second qualifying event occurs if you want to extend your continuation coverage. Failure to provide notice within 60 days will result in the denial of any COBRA coverage extension.**

Termination

COBRA coverage will be terminated before the end of the maximum period if:

- any required premium is not paid in full on time,
- a qualified beneficiary becomes covered under another group health plan **after** electing COBRA,
- a qualified beneficiary becomes entitled to Medicare benefits (Part A, Part B, or both) **after** electing COBRA,
- the employer ceases to provide any group health plan for its employees.

Special considerations in deciding whether to elect COBRA

In considering whether to elect COBRA, you should take into account that you have special enrollment rights under federal law. You have the right to request special enrollment in another group health plan for which you are otherwise eligible (such as a plan sponsored by your spouse's employer) within 30 days after your group health coverage under the plan ends because of one of the qualifying events listed above. You will also have the same special

enrollment right at the end of the COBRA coverage if you get COBRA coverage for the maximum time available to you.

In addition to COBRA coverage, you should consider health coverage alternatives that may be available to you through the Health Insurance Marketplaces. In the Marketplace, you could be eligible, depending upon your household income and other factors, for a new kind of tax credit that lowers your monthly premiums right away. At the Marketplace, you can see what your premium, deductibles, and out-of-pocket costs will be before you make a decision to enroll in any available insurance. Being eligible for COBRA does not limit your eligibility for a tax credit through the Marketplace. For more information about health insurance options available through the Health Insurance Marketplace in Washington, visit www.wahealthplanfinder.org. For information about health insurance options in other states, visit www.healthcare.gov.

Address changes

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

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

COBRA notice procedures

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

Mail or hand-deliver to:

AWC Trust

1076 Franklin Street SE

Olympia, WA 98501

Fax to:

AWC Trust

360-753-0149

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

- The name of the plan,
- The name and address of the employee or former employee,
- The name(s) and address(es) of the qualified beneficiary(ies), and
- The qualifying event and the date it happened.

2023 Personnel Policy Updates

June 12, 2023

Personnel Policies

Most Recent Update: August 2021

Review Process:

- Human Resources Internal Review

- Legal Review

- 2-week comment period for all employees

- 1-week comment period for unions

- Personnel Committee review

- Council



Personnel Policies

RESOLUTION No. 3049

Updated August 16, 2021

Summary of Changes

- Formatting updates, definition clarification, standardization across document
- Addition of a **Diversity, Equity, & Inclusion** section under the Code of Conduct
- Adjustment of the **promotional probation** period from 1 year to 6 months
- Adjustment of **Dual Insurance Incentive** to include spouses and dependents on TRICARE
- Inclusion of the **Emergency Operations Policy** and **IS & IT Policy** as sections to the larger Personnel Policy Document

Recommendation to Adopt Resolution 3120

A resolution regarding Personnel Policies and benefits for the City of Anacortes employees and superseding in its entirety Resolution No. 3049 passed and approved on the 16th day of August 2021.

Questions

Thank you