

# TOWN OF COUPEVILLE

## PERSONNEL POLICIES



## **We Are Glad You Are Part of Our Team**

As an employee of the Town of Coupeville, you are now part of a team of dedicated and conscientious professionals working for the total long-term satisfaction of the Coupeville community. This handbook has been prepared as a guide and reference to acquaint you with the policies and procedures of the Town.

This handbook applies to all employees, regardless of when hired.

If you are an existing employee, this handbook is a summary of policies and procedures which have been developed over a period of time. This handbook is intended to reduce any confusion which may arise from unwritten or inconsistent policies and supersedes any previous policies which may be inconsistent with this handbook.

Please spend the time necessary to review and understand this handbook. If you have any questions about this handbook, your job, or any other job-related issue, please feel free to ask your supervisor, or the Mayor.

## **Section 1 – Employment**

### **1.1 Equal Employment Opportunity/Nondiscrimination Policy**

The Town of Coupeville is an equal opportunity employer. Every employee has the right to work in surroundings which are free from all forms of unlawful discrimination. All decisions involving any aspect of the employment relationship will be based on merit principles and without regard to race, color, sex, creed, religion, age, marital status, national origin, citizenship, the presence of any sensory, mental, or physical disability, veteran status, or any other status or characteristic protected by local, state, or federal law. Discrimination and/or harassment based on any of these factors is totally inconsistent with our philosophy and will not be tolerated.

The Town will provide reasonable accommodations to qualified individuals who are employees or applicants for employment, unless to do so would cause an undue hardship. Employees may make a request for accommodation to his/her supervisor, or the Mayor. Upon an employee's request for an accommodation, the supervisor or Mayor, and the employee shall engage in an informal process to clarify the individual needs and identify the appropriate reasonable accommodation to enable the employee to perform the essential functions of his/her position. The Town reserves the right to obtain documentation from the employee's physician about the disability and functional limitations. The Town reserves the right to use a physician of its choice to determine the needs for accommodation. The Town will pay for the medical assessment should the Town exercise its right to use a physician of its choice. The Town reserves the right to transfer an employee to an equal and available position consistent with the employee's medical or physical limitations should the employee possess the minimum qualifications for the position. It is our desire to make equal employment opportunity a fact at the Town of Coupeville and the Town is, therefore, committed to:

- \* Recruiting, hiring, training, and promoting persons in all job classification without regard to race, color, sex, sexual orientation, creed, religion, age, marital status, national origin, citizenship, the presence of any sensory, mental, or physical disability, veteran status, or any other status or characteristic protected by local, state, or federal law, or any other non-job-related characteristic.
- \* Ensuring that promotion decisions are in accord with equal employment opportunity requirements by imposing only valid, job-related requirements for promotional opportunities.
- \* Ensuring that all personnel actions relating to compensation, benefits, transfers, terminations, training, and education are administered in a nondiscriminatory manner.

### **1.2 Harassment**

It is the Town's policy that harassment on the basis of an employee's race, color, sex, sexual orientation, creed, religion, age, marital status, national origin, citizenship, the presence of any sensory, mental, or physical disability, veteran status, or any other status or characteristic protected by local, state, or federal law will not be tolerated. Prohibited harassment includes comments, slurs, jokes, innuendoes, cartoons, pranks, physical harassment, etc., which are derogatory on the basis of an employee's protected class membership. Harassment also includes negative actions based on an employee's participation in activities identified with, or promoting the activities of the protected group. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature.

Employees have the right to be free from such harassment on the job, whether from co-workers, supervisors, or management. Harassment is prohibited by state and federal antidiscrimination laws where:

- \* Submission to such conduct is made, either explicitly or implicitly, a term or condition of employment;
- \* Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such an individual; or
- \* Such conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

## **ALL EMPLOYEES ARE PROHIBITED FROM ENGAGING IN THE HARASSMENT OF ANY OTHER EMPLOYEE.**

Every employee has a duty to assist in maintaining a workplace free of inappropriate harassment. Part of your job duties include: the duty to report the harassment of fellow employees or others to your Department Head or the Mayor.

Any employee who believes he/she is being harassed or discriminated against by a supervisor or co-workers should first try to make clear to the alleged harasser that the behavior is unwanted. A victim of harassment should document what both parties said or did and immediately notify his/her supervisor. In the event that the harassment involves the supervisor, he/she should notify the Mayor; and should the harassment involve the Mayor, he/she should notify the Clerk Treasurer. No employee will be retaliated against, in any way, for making a good faith complaint of harassment or cooperating in an investigation. Every effort will be made to ensure that complaints of harassment are resolved promptly and effectively.

Those who violate this harassment policy will be subject to disciplinary action, up to and including termination.

### **1.3 Workplace Violence**

Workplace violence is any verbal or physical action that is communicated or perceived as a threat, harassment, abuse, intimidation, or personal contact, that produces fear, causes bodily harm, or damages property. Even joking about violent acts is prohibited. Workplace violence may involve family, friends, strangers, co-workers, elected officials, or members of the public. The Town does not tolerate acts of violence towards Town employees or property. All acts of violence are treated seriously and each act of violence will be dealt with promptly and appropriately using administrative, managerial, legal and disciplinary actions to minimize risk to employees and property.

All employees are responsible for refraining from participating in violent actions and for reporting to their supervisor or the Mayor, any threatening or dangerous situations that occur within the workplace or affect their work requirements. Employees who feel an immediate threat and cannot reach a supervisor should call 911 and leave the area as soon as possible. With the exception of employees in the Marshal's Office, who are permitted and expected to carry weapons as part of their official job duties, Town employees may not bring firearms of any type into the workplace.

### **1.4 Eligibility for Employment**

In accordance with the Immigration and Naturalization Service's requirements, you will be required to verify your employment eligibility. All employees are required to provide documents that establish their identity and eligibility for employment in the U.S. within three (3) days of their first day of work.

## **1.5 Medical Examinations/Fitness for Duty Evaluations**

To assure your safety and ability to perform the job, a medical examination and fitness for duty evaluation may be required under the following circumstances:

- a. After returning from a medical leave of absence.
- b. After becoming ill on the job.
- c. After suffering a work-related injury.
- d. When your supervisor or another manager has reasonable cause to believe you are unable to perform the duties of your job.

All medical examinations conducted under this Section will be job-related and consistent with business necessity. You may be required to have a signed doctor's release when returning from a serious injury or illness, or when returning from sick leave if you are placed on a sick leave monitoring program. (See section 4, Sick Leave.)

In addition, all applicants for certain physically demanding positions who have been given a conditional offer of employment may be required to pass a physical examination before actually being hired. This examination will be paid for by the Town and will be conducted by a licensed physician approved by the Town. All applicants for employment with the Town may be required to take and pass a drug screen before being employed by the Town.

All employees with Commercial Drivers Licenses (CDL) will be required to pass a pre-employment drug test before being employed by the Town. The Town reserves the right to contact previous employers of all CDL drivers to obtain past test results (up to 6 years of prior test may be requested). Additionally, CDL drivers will be subject to random drug testing (at the Town's expense) throughout their employment, per the Federal Motor Carrier Safety Administration (FMCSA). (See Section 5 of this Handbook.)

The Town values employees in the Public Works and Utilities Departments with Commercial Drivers Licenses, and agrees to reimburse all CDL licensed drivers in these two departments for medical exams, required for certification renewal.

## **1.6 Anniversary/Accrual Date**

If your first day of work is between the first and the fifteenth day of the month, your accrual date will be the first of that month. If your first day of work is between the sixteenth and the thirty-first day of the month, your accrual date will be the first of the following month. Your accrual date will be used for vacation determination, as well as other personnel policies and procedures as described in this handbook or in the Town's policies. For purposes of the retirement plan, your anniversary date will be the day you actually begin work. To determine when medical coverage is effective for a new employee, see Section 3 of this handbook.

## **1.7 Terms of Employment**

This handbook has been prepared as a guide and reference for all employees. Unless specific benefits or rights to the contrary are granted to an employee through resolutions of the Town Council, or individual employment contracts, employees are considered at-will employees and may be terminated from Town employment at any time, with or without cause and with or without notice.

The policies and procedures described in this handbook are not conditions of employment. The Town reserves the right to amend, delete, supplement, clarify, or rescind any or all such plans, policies, or procedures, in whole or in part, at any time, with or without notice. The Town reserves the right to

deviate from these policies in individual situations, particularly in an emergency, in order to achieve its primary mission of providing orderly and cost-efficient services to its customers.

These policies and procedures do not promise specific treatment in specific circumstances; they do not create an employment contract either express or implied and they do not guarantee employment for any length of time with the Town. Although we hope that your employment relationship with the Town will be long-term, we recognize that at times things do not always work out as hoped. Either of us may decide to end the employment relationship at any time.

## **1.8 Trial Period**

The first few months of any new job, whether you are newly hired or recently promoted, are critical for both you and the Town to have the opportunity to closely evaluate whether the employment relationship should continue or whether the promotion is appropriate for you.

All new employees and newly promoted employees will have a six (6) to twelve (12) month trial period, depending on the position and skill level of the employee, during which the newly appointed employee has the opportunity to demonstrate his or her capability to fulfill the duties and responsibilities of the job. All employees will be evaluated after six months, and then again on their 1-year anniversary in their position. If during any evaluation, either the Town or the employee believes that employment should not continue, separation from employment will follow immediately. In the case of a newly promoted employee, the Town, at the discretion of the Mayor and supervisor, may re-assign the employee to another position instead of terminating the employee.

## **1.9 Hours of Work**

The Town of Coupeville requires employees to report to work on varying schedules. All full-time employees will have a schedule that consists of forty (40) hours each work week. The Town defines a work week as Sunday through Saturday. Your actual scheduled hours of work will be assigned by your supervisor. Schedules will be assigned to ensure adequate staffing at all times. You may be required to work overtime as business conditions dictate. Overtime must be approved by your supervisor as provided by Section 2 of this handbook.

## **1.10 Positions and Employee Status**

### **A. Classification Plan**

The Clerk Treasurer will prepare and maintain a list of current Positions. Each Position will then be assigned a pay range, and a job description will be developed. The job descriptions are intended to be used as guidelines and are descriptive, not restrictive.

### **B. Employee Status**

\* A *regular, full-time employee* is defined as one who is regularly scheduled to work 40 hours or more per week.

\* A *regular, part-time employee* is one who is regularly scheduled to work less than 40 hours per week.

\* A *temporary employee* is one who is scheduled to work for a predetermined, limited period (temporary, seasonal or projects).

You will be informed of your position and employee status at the time of hire and whenever that position or status changes.

## **1.11 Promotions, Demotions, Transfers**

### **A. Promotions**

In order to provide career development opportunities within the Town, it is our policy to give current employees promotional opportunities whenever possible. Positions will be filled on the basis of

qualifications and experience. Notice of promotional opportunities will be posted on the Town's website. If you are promoted, you will receive the starting rate of the new position, or a step increase, provided, however, the increase may not raise your rate of pay over the top of the new salary range.

### **B. Demotions**

If, in the opinion of the supervisor and the Mayor, an employee's performance has resulted in decreased value to the Town, a demotion and reduction in pay in lieu of dismissal may be authorized by the Mayor. The employee may not be demoted to a position for which he or she does not possess the minimum qualifications. The reduction in pay will not go below the minimum of the pay range and the employee must receive notice of this action thirty (30) calendar days prior to its effective date. The employee will be provided with a written statement of the reasons for the action at least two (2) weeks prior to the effective date of the demotion and reduction in pay.

### **C. Transfer**

If an employee wishes to transfer to another office or department within the Town, the employee should submit a request for transfer to the Mayor, through his or her supervisor. All requests for transfer must be approved by both the employee's current supervisor and the supervisor of the department into which the employee wishes to transfer. An employee may also be transferred if, in the opinion of the Mayor, upon recommendation of the supervisors involved, the transfer is necessary to serve the best interest of the Town.

If an employee is transferred within his /her salary range, the employee will transfer at the same rate of pay. If the employee is transferred to a different salary range, the guidelines involving promotions and demotions will be applied. No employee will be transferred unless the employee possesses the minimum qualifications for the new position.

## **1.12 Exempt/Non-Exempt Definitions**

**Exempt Employees:** Some employees are classified as exempt from the Fair Labor Standards Act (FLSA), or applicable state laws, and are not eligible for paid overtime. These positions are typically managerial, supervisory, professional, or administrative. In most cases, Town employees classified as supervisors, are classified as exempt from overtime compensation.

**Non-exempt Employees (Overtime Eligible):** All other employees are considered non-exempt and are entitled to overtime compensation or compensatory time off for hours worked over 40 in a work week. Positions which are entitled to overtime are not eligible for additional vacation as provided in Section 3 of this handbook.

Please see your supervisor if you have any questions about overtime eligibility or regarding your overtime pay. At the time you are hired or transferred, you will be told whether or not your position is eligible for overtime compensation.

## **1.13 Rest Breaks and Meal Breaks**

All non-exempt salaried and hourly employees will receive one fifteen (15) minute rest break for every four (4) hour work period. This rest break is to be midway into the work period, but not to be disruptive to regular Town business. Rest breaks will be scheduled unless, due to the nature of the job, they can be taken on an informal basis throughout the day. The rest breaks will be considered time worked for pay purposes. Scheduled rest breaks may not be taken immediately preceding or following the meal break or at the beginning or end of the workday. Non-exempt employees will receive up to a sixty (60) minute unpaid meal-break during their shift, the minimum amount of time for a meal break will be thirty (30) minutes, unpaid. Your supervisor will let you know the length of your meal break and may require that meal breaks be rotated to allow for continuous operation of the Town.

### **1.14 Performance Reviews**

Generally, your supervisor or Department Head will conduct a review of your performance each year during your anniversary month. The purpose of this review is to establish performance goals and review your progress toward completing your objectives.

### **1.15 Personnel Files**

The Town maintains a personnel file for each employee. Upon request, you will be given a reasonable opportunity to inspect your file. If you disagree with anything in your file, you may add a statement to the file. If you wish to review your file, contact the Clerk Treasurer to schedule an appointment. The Clerk Treasurer, or an individual designated by the Clerk Treasurer, will be present when you review your file. Personnel files are Town property. Certain portions of your personnel records may be subject to public inspection under Washington law.

### **1.16 Health and Safety**

It is the policy of the Town of Coupeville to strive to provide a safe and healthful work environment for all employees. Safety is everyone's responsibility. Employees are required to report hazardous or unsafe situations, and work-related accidents to their supervisor immediately. Supervisors will keep a log of accidents and injuries in their departments. Copies of all Labor and Industry reports should be sent to the Clerk Treasurer.

### **1.17 Employment of Relatives**

Employees of the Town of Coupeville will not have supervisory responsibility for anyone with whom they have a personal relationship, are dating, in a domestic relationship, marriage, or dependent relationship, or any other family member, employed in positions that may create a conflict of interest or audit problem. If two employees of the Town marry or enter into a personal or domestic relationship, and there exists the possibility of a conflict of interest, one of the two individuals will be required to transfer or to terminate employment. A request to transfer in this circumstance should be made to the Mayor. The Town will make reasonable efforts to arrange a transfer whenever possible. If the two employees do not select which of them will be transferred or terminated, the Mayor will make the decision.

## **Section 2 – Pay Practices**

### **2.1 Salary Positions and Steps**

Each position within the Town, for salary purposes, based on job qualifications, level of responsibility, difficulty, working conditions, skill, hazard, and amount of supervision required for the specific job title; is designated a particular salary or salary range shown on the Town's salary and wage schedule, which is approved annually by the Town Council.

### **2.2 Employee Pay Rates**

- (a) Employees shall be paid within the limits of the wage range to which their positions are assigned.
- (b) Usually, new employees will start their employment at the minimum wage rate for their position. However, a new employee may be employed at a higher rate than the minimum when the employee's experience, training or proven capability warrant, or when prevailing market conditions require a starting rate greater than the minimum.
- (c) Pay increases of one step may be given annually at the employee's anniversary date, contingent on satisfactory performance as reported on their annual evaluation report. If an employee's performance is consistently unsatisfactory, the Mayor may defer a scheduled pay increase for a stipulated period of time or until the employee's job performance is satisfactory.
- (d) The Mayor may propose and the Town Council may grant selective, merit, or across the board pay adjustments from time to time, raising the salaries of positions by a specified amount, or allowing for multi-step increases for an individual. Such adjustments, if any, will not change an employee's pay anniversary date.

### **2.3 Overtime**

#### **A. Regular Overtime**

For payroll purposes, the work week is Sunday through Saturday and consists of 40 hours. If your position is eligible for overtime (non-exempt), you will receive one and one-half (1 ½) times your regular hourly rate for every hour you work in excess of 40 in the work week, subject to state law.

Holidays, compensatory time off, vacation leave, personal leave, and sick leave are considered time actually worked when calculating hours worked for overtime purposes.

#### **B. Scheduled & Emergency “Call Back” Overtime**

If a non-exempt employee is scheduled to come in on their day off, they will be scheduled for a minimum of two (2) hours. If a non-exempt employee has left work or is on a scheduled day off and is called back to perform work, the employee will be compensated at an overtime rate of one and one-half (1 ½) times his or her regular rate of pay. The employee will be guaranteed two (2) hours of work at this rate for the emergency call back, or scheduled work on their day off. The Town, at its option, will determine whether the employee will work during this period and what work the employee will be assigned.

If a non-exempt employee is scheduled, or called in to work on a Saturday, Sunday, or Town-observed Holiday, that employee will receive differential pay, at rate of one and one-half (1 ½) times the rate they are entitled to, for those hours. Differential pay is compounded, and applies to both straight time, and overtime.

Due to the nature of our work, you may be required to work overtime. Except in the case of an emergency, you must obtain approval, in advance, from your Department Head in order to work overtime

or take work home with you. Time sheets must be signed by your supervisor and the Mayor for any overtime worked.

## 2.4 Compensatory Time

(a) Non-exempt employees entitled to overtime pay may elect to receive compensatory time off instead of cash payment. This is approved on a case-by-case basis by the employee's supervisor. If the compensatory time option is exercised, the employee is credited with one and one-half times the hours worked. Compensatory time may be accrued for up to six (6) months. After maximum accrual of forty (40) hours and/or an accrual period lasting six (6) months, overtime compensation shall be paid.

(b) Employees should schedule the use of compensatory time within a reasonable time period by making a written request to their supervisor. Compensatory time should be used for short term absences from work during times mutually agreed to by the employee and his/her supervisor. Accumulation of compensatory time to be used as a substitute for extended vacation time off is not normally permitted.

(c) If an employee is unable to use accrued compensatory time within six months, the employee will be paid his/her original overtime wage.

## 2.5 Longevity Pay

In appreciation for years of service with the Town, each full-time employee shall receive a longevity bonus, according to the table below, for each level of service, in addition to his or her regular salary, after seven (7) years of employment. The amount of longevity pay is a percentage of the employee's monthly salary and depends on the employee's length of service, beginning with the month of his or her anniversary date; the amount of longevity pay is as follows:

<u>For All Employees</u>	<u>Years of Service</u>	<u>Longevity Pay</u>
	7 through 9 years	3%
	10 through 11 years	5%
	12 through 14 years	8%
	15 or more years	10%

## 2.6 Payroll

There is one payroll period each month. If a payday falls on a Saturday or Sunday, you will be paid on the Friday immediately preceding the regular payday. If a payday falls on a holiday, you will be paid on the last working day immediately preceding the regular payday.

Paychecks will reflect scheduled time worked through the end of the pay period reported. Overtime, sick leave, vacation, and compensatory time off which is not reported on the approved timesheet will be reconciled in the next period.

With each paycheck, you will receive a statement showing gross pay, deductions, and net pay. Contact the Fiscal Clerk or Clerk Treasurer if you have any questions about your paycheck.

You may choose to receive a maximum of 40% of your net monthly earnings paid to you as a draw against your monthly earnings and subject to verification of available funds. For more information, contact the Clerk Treasurer.

The Town reserves to right to change its payroll practices as it deems necessary or as required by federal/state laws.

## **2.7 Time and Attendance Records**

All employees are responsible to make sure that their own attendance and hours worked are recorded accurately. Altering or falsifying your time records, or completing another employee's time and attendance record is prohibited and may result in disciplinary action, up to and including termination (this does not apply to a supervisor completing a timesheet for a staff member that is otherwise unable to complete their own timesheet). Time and attendance records are the property of the Town and are not to be removed from Town premises.

## **2.8 Garnishment**

The Town will enforce garnishments and wage attachments as required by federal or state laws.

### Section 3 – Employee Benefits

***PLEASE NOTE: The insurance benefits currently in place as outlined in this section are subject to the terms and conditions found in the carriers’ contracts. They are also subject to change at the discretion of the Town. This is not an official summary plan description. For further information about your benefits, contact the Clerk Treasurer.***

#### 3.1 Vacation

All regular, full-time employees receive vacation, based on years of service, according to the following schedule. Vacation accrues each month beginning with the employee’s accrual date (see section 1.6). Vacation leave which is earned in one month will be credited to the employee on the first day of the following month. All leave accruals will be prorated by Full-time equivalent for Regular part-time and full-time employees.

**Vacation Eligibility: \*From accrual date of employment**

<u>Upon Completion of Years of Service*</u>	<u>Number of Vacation Days Per Year</u>	<u>Hours Per Month</u>
1 - 3	12	8.00
4 - 8	14	9.33
9 - 13	16	10.67
14 - 19	18	12.00
20+	20	13.33

Exempt employees are entitled to an additional five (5) working days (40 hours) of vacation each anniversary year. (See Section 1 of this handbook for definitions of exempt and non-exempt employees.)

Non-regular part-time (without a set schedule), temporary, and seasonal employees are not eligible for paid vacation.

Vacation days are accrued each month. Employees may only use vacation which has been credited to them and may not “borrow” from future vacation.

Vacation is intended to provide a needed break from work responsibilities and, therefore, the Town encourages employees to take all vacation, in full, each year as it is available. However, if this is not possible, a maximum of 30 days (240 hours) of unused vacation may be carried over into the next year.

Vacation hours must be used in half (1/2) hour increments, and schedules must be approved by your supervisor. You are encouraged to take your vacation in consecutive days, unless some other schedule has been approved by your supervisor. If you have any questions regarding your vacation scheduling, talk to your supervisor; for questions regarding your vacation accrual, talk to the Fiscal Clerk or the Clerk Treasurer.

When employees with more than six (6) months of service leave employment with the Town, they will receive payment, based on the individual’s current rate of pay, for any unused accrued vacation.

Employees who terminate employment with less than six (6) months of service will not receive payment for any vacation time.

Employees may request in writing, pay in lieu of vacation time, once per year, during the December pay period, for up to five (5) days of vacation in lieu of taking time off; provided that after the cash out, the employee is left with a balance of more than fifteen (15) days of accrued vacation. The request will be reviewed by the Mayor and the supervisor.

Employees who are rehired by the Town after their employment has been terminated will be treated as new employees and will accrue vacation based on their new accrual date. **(For reinstatement after a leave of absence, suspension, or layoff, see Section 6 of this Handbook.)**

### 3.2 Holidays

The Town of Coupeville recognizes the following holidays for all full-time employees:

1. New Year's Day . . . . . 1<sup>st</sup> of January
2. Martin Luther King, Jr. Day . . . . . 3<sup>rd</sup> Monday of January
3. President's Day . . . . . 3<sup>rd</sup> Monday of February
4. Memorial Day . . . . . Last Monday of May
5. Juneteenth . . . . . 19<sup>th</sup> of June
6. Independence Day . . . . . 4<sup>th</sup> of July
7. Labor Day . . . . . 1<sup>st</sup> Monday of September
8. Veteran's Day . . . . . 11<sup>th</sup> of November
9. Thanksgiving Day . . . . . 4<sup>th</sup> Thursday of November
10. Day After Thanksgiving . . . . . Friday after Thanksgiving
11. Christmas Day . . . . . 25<sup>th</sup> of December
12. Floating Holiday . . . . . Individual Employee Choice
13. Floating Holiday . . . . . Individual Employee Choice

Any holiday falling on Saturday will be observed on the preceding Friday. Any holiday falling on a Sunday will be observed on the following Monday.

With the exception of those offices involved in emergency services, all Town offices will be closed on these holidays, except for floating holidays. Floating holidays will be scheduled by individual employees on a day mutually agreed upon by the employee and the supervisor. Holidays hours are calculated based on your regular weekday schedule.

Non-regular part-time (without a set schedule), temporary, or seasonal employees will not receive paid holidays but will be paid at their regular straight-time rate for hours worked on a holiday.

If a non-exempt, regular full-time employee must work on a holiday, he/she will be given another day off in lieu of the holiday, and will receive differential pay (see section 2.2).

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

### 3.3 Medical, Dental, and Vision Insurance Benefits

Full-time employees are eligible to receive medical, dental, and vision insurance coverage through the Town, provided they complete and submit an enrollment form within thirty (30) days of the employee's date of hire. If an employee does not want to enroll within thirty (30) days of his/her date of hire, the employee must wait until the next open enrollment period (the month of December) to enroll in the Town's insurance plan.

For employees who are properly enrolled, insurance coverage is effective as follows:

- \* On the first of the month following the date the employee's employment commences, for all dependents.
- \* On the first of January, for anyone who enrolls during the open enrollment period.

The Town currently provides up to \$1,100 monthly (prorated by FTE), to each fulltime employee for the purpose of medical insurance, with an option to use any remaining funds for the Town's managed Section 125 Program, or the Washington State Retirement Systems managed Deferred Compensation Program. Depending on factors such as the Town budget and cost of insurance, the Town Council may determine in the future that the Town's contribution may increase or decrease. Adding dependents to the Town's insurance plan is restricted by the insurance carrier and, depending on the circumstances, may be limited to the annual open enrollment period.

The Town also provides \$400 monthly (prorated by FTE) in "Employee Plus" benefits, that can be used to supplement insurance cost, for contributions to the Town's managed Section 125 Program, or the Washington State Retirement Systems managed Deferred Compensation Program; or to be cashed out at an 15% reduction.

The Town reserves the right to make changes to the carriers and provisions of these programs when deemed necessary or advisable, without prior notice to affected employees.

For more information regarding insurance coverage and answers to specific questions, refer to the material provided by the insurance carrier. If you have additions, deletions, address changes, etc. to your insurance coverage, please notify the Clerk Treasurer immediately.

Non-regular part-time (without a set schedule), part-time employees working less than 32 hours per week, temporary, or seasonal employees are not eligible for any of the benefits listed in section 4.3.

### **3.4 Flexible Benefits Plan ("Cafeteria Plan")**

The Town sponsors an employee benefit program known as a "Flexible Benefits Plan" or "Cafeteria Plan." Only employees eligible for benefits under section 4.3 can participate in this Plan. This Plan gives you the opportunity to use pre-tax dollars to pay for specific insurance and benefits programs, such as medical and childcare flexible savings accounts.

Under the Town's Flexible Benefits Plan, you may elect to have some of your salary deducted before taxes to pay for certain insurance premiums. The premiums are paid using pre-tax dollars, thereby reducing your total tax obligation and saving you money. You may, of course, elect not to participate in the Flexible Benefits Plan and pay for any insurance premiums with your after-tax earnings.

Information regarding the Town's Flexible Benefits Plan will be provided to you at the time you enroll in the Town's insurance programs.

### **3.5 Long Term Care**

The Town currently participates in the Washington State Cares Fund, which provides Long Term Care for qualified Washington State residents. The premium is paid by employees without a qualifying exemption, through a monthly payroll deduction. The rates are set by the State of Washington and the amount is then calculated on your NET pay. Information will be provided at the time of sign up.

## **Section 4 - Absence from Work**

### **4.1 Attendance and Punctuality**

It is important that you report to work on time, as scheduled. If for some reason you will be delayed more than a few minutes, or are unable to report to work, you must contact your supervisor no later than thirty (30) minutes after the start of your work shift to explain the circumstances. Excessive tardiness and poor attendance may lead to termination of employment. You must contact your supervisor each day you are absent from work unless other arrangements have been made with your supervisor.

An employee's pay will be reduced for all unexcused absences from work. If an employee is absent from work during a portion of any work period, the employee's pay will be reduced, based on the number of hours missed, unless excused by the supervisor.

If an employee is absent from work due to illness, the provisions of Section 4.2 of this Handbook apply. All absences must be reported according to the first paragraph of Section 4.1, regardless of reason.

If an employee fails to report for work as scheduled and does not call to report the absence, he/she will be subject to disciplinary action, up to and including termination. Employees who are absent from work for three (3) or more consecutive days without calling in as described above will be considered to have "voluntarily quit."

### **4.2 Sick Leave**

For the purpose of this section, "Family member" means a child, grandchild, grandparent, parent, sibling, or spouse of an employee, and also includes any individual who regularly resides in the employee's home or where the relationship creates an expectation that the employee care for the person, and that individual depends on the employee for care. "Family member" includes any individual who regularly resides in the employee's home, except that it does not include an individual who simply resides in the same home with no expectation that the employee care for the individual. "Grandchild" means a child of the employee's child. "Grandparent" means a parent of the employee's parent.

#### **A. Sick Leave Accrual**

All full-time regular employees accrue sick leave benefits at the rate of eight hours for each calendar month of continuous employment. Regular part time employees may accrue sick leave benefits on a pro rata basis according to hours worked. The total accumulation of sick leave shall not exceed 960 hours (pro-rated for part-time employees) at the normal rate of pay. Sick leave must be taken in minimum increments of thirty (30) minutes. Employees accrue and may use sick leave during their trial periods. Employees do not accrue sick leave benefits during a leave without pay.

#### **B. Sick Leave & Holidays**

If any holidays fall within the days of illness, it shall not be charged against the sick leave of the employee.

#### **C. Sick Leave Use**

Sick leave covers those situations in which an employee is absent from work due to:

- (1) Physical injury or illness to the employee;
- (2) The need to care for the qualifying family member as defined in 4.2 who are ill;
- (3) The need to care for a qualifying family member who has a serious or emergency illness.

- (4) Medical or dental appointments for the qualifying family member provided that the employee must make a reasonable effort to schedule such appointments at times which have the least interference with the work day;
- (5) Exposure to a contagious disease where on the job presence of the employee would jeopardize the health of others;
- (6) Use of a prescription drug which impairs job performance or safety;
- (7) Actual periods of temporary disability associated with pregnancy or childbirth. Employees may request additional time off beyond the actual period of disability; vacation leave, compensatory time, or leave without pay may be used, or;
- (8) Employees with a new child, by birth, or adoption, who are not the primary caregiver of the child, are eligible for up to three days bonding leave, chargeable to sick leave to assist at home.

#### **D. Doctor's Certificate**

For three or more consecutive days of sick leave, the Town may request a doctor's note, and possibly the opinion of a second doctor at the Town's expense, to determine whether the employee suffers from a condition which impairs his/her ability to perform the job, or poses a threat to himself/herself or others.

#### **E. Leave Without Pay**

Employees who use all their accumulated sick leave and require more time off work due to illness or injury may, with the Mayor's prior approval, take leave without pay.

#### **F. Sick Leave Incentive Pay**

To encourage the responsible use of sick leave and to reward those employees who use a minimum amount of sick leave, an employee who has accrued more than forty-five (45) days (360 hours) of sick leave may trade each block of three (3) days (24 hours) accrued in excess of thirty (30) days (240 hours) for one (1) day (8 hours) of vacation leave. The sick leave incentive may be exercised each year during the month of January, and employees may trade up to fifteen (15) days (120 hours), as long as they maintain a balance of at least thirty (30) days (240 hours). Except as described above, sick leave may not be converted to cash or used as vacation or holiday time.

#### **G. Sick Leave Monitoring**

Excessive use of sick leave may result in the employee being placed on a sick leave monitoring program. Excessive use of sick leave is defined as use of sick leave, without adequate medical justification, which significantly exceeds the amount of sick leave used by others in the employee's department. Whether or not an individual's use of sick leave "significantly exceeds" the use by others will be determined on a case-by-case basis. As a general guideline, sick leave use which exceeds others in the department by 50% or more shall be considered excessive.

Employees who are placed on a sick leave monitoring program may be required to produce a doctor's note justifying their absence for every use of sick leave until their use of sick leave is consistent with the department standards and has remained within acceptable levels for a period of six (6) months or more.

#### **H. Separation from Employment**

Upon separation from employment, employees may convert unused sick leave, up to nine hundred-sixty (960) hours, at one-third (1/3). For every three (3) hours converted, the employee will receive one (1) hour of pay, at their current pay rate. Employees will not receive payment for unused sick leave except as provided above. If you have any questions regarding the Town's sick leave policy, discuss this matter with your supervisor or the Mayor.

Employees who fail to give the Town a minimum of two-weeks' notice of their intent to separate, in writing; or are terminated by the Town; are not eligible to convert any of their sick leave hours.

### **4.3 Jury Duty and Appearance as a Witness**

All employees of the Town of Coupeville will receive leave while on jury duty or when subpoenaed to appear as a witness in a case involving the Town of Coupeville. During the first two weeks of this leave, full-time employees will receive the wages they would have been paid. Additional paid time off for jury duty may be granted by the Mayor on a case-by-case basis for full-time employees who are called to serve on a jury panel. However, the Town will deduct any jury fee or witness fee the employee receives. The employee is required to provide a copy of the check or stub received from the court.

If your jury or witness duty exceeds two weeks, you may use available paid leave or take the time as an unpaid leave. Salary for exempt employees will not be reduced in any work week in which the employee works. A copy of the summons or subpoena must be presented to your supervisor as soon as possible after receipt.

If an employee is called for jury duty or is subpoenaed as a witness and excused prior to the end of his or her work day, the employee is expected to report back to work immediately and continue normal work activities until again required to report for jury or witness duty.

Non-regular part-time, temporary, and seasonal employees will receive unpaid leave for jury or witness duty.

### **4.4 Voting Time off**

Except as provided by law, employees will not ordinarily receive time off to vote because in virtually all situations, employees' work schedules are such that they are able to vote prior to, or after normally scheduled working hours. If an employee's schedule does not permit the employee time to vote and the employee is not able to vote by mail, the employee should contact his/her supervisor or the Mayor.

### **4.5 Family and Medical Leave**

Employees are not eligible for leave under the Federal Family and Medical Leave Act (FMLA), until the Town employs at least 50 employees.

### **4.6 Pregnancy or Childbirth Leave**

An unpaid maternity leave of absence will be granted for the entire period of time an employee is temporarily disabled because of pregnancy or childbirth. Accrued vacation leave must be exhausted prior to taking an unpaid maternity leave. An employee may choose to use accrued sick leave prior to taking unpaid leave under this Section. After available paid leave is exhausted, the remainder of the leave will be unpaid.

The leave will be for the actual period of disability as certified by a licensed health care provider.

In January 2019, Washington employees began investing in a statewide program to provide paid leave to give or receive care. The benefit is available to employees beginning January 2020. For more information about this State benefit, please visit <https://paidleave.wa.gov/individuals-and-families/>

Paid Family and Medical Leave supports Washingtonians, whether they are recovering from a serious illness or injury, caring for a new child or helping an aging parent. It means workers won't have to choose between a paycheck and caring for their health and their family. The Washington Family Leave Act (FLA) provides certain additional leave benefits to care for a newborn. The FLA largely mirrors the FMLA, with the same eligibility standards. The Washington State Human Rights Commission (WSHRC) regulations against discrimination also provide leave for the time a

woman is sick or temporarily disabled due to pregnancy or childbirth. Employees are encouraged to contact the Clerk Treasurer if they have any questions.

#### **4.7 Disability, Serious Illness, and Accommodation**

The Town of Coupeville will make reasonable accommodations for employees who have a disability, serious illness, or other health condition that affects their ability to work. Although all employees must be able to properly perform their job duties, the Town may be able to adjust work schedules, transfer a qualified employee to a vacant position, or make other modifications to allow an individual with a disability to continue working.

Such employees are encouraged to contact their supervisor to discuss their circumstances so the Town can evaluate the situation and make whatever arrangements are reasonable. Supervisors will treat such information as confidential, except to the extent that other employees need to know to accommodate the employee concerned. The Town will rely on one or more doctor's opinions if there is a question whether an employee's continued work may pose a health risk, or if there is reason to believe the employee may not be able to meet the demands of his/ her job.

#### **4.8 Military Leave**

**Military Training Leave.** Employees who are members of the National Guard, Army, Navy, Air Force, Coast Guard, or Marine Corps reserve of the United States, or of any organized reserve or armed forces of the United States shall be entitled to and shall be granted paid military leave for a period of up to twenty-one (21) workdays per year, or any greater period required by law, for performing ordered active-duty training or active duty. This shall be in addition to any vacation or sick leave to which the employee is otherwise entitled. An employee must provide his/ her supervisor with copies of his /her military orders as soon as possible after he/ she receives those orders. For the purpose of this policy, the year runs from October 1st to September 30th.

**Extended Military Leave.** An employee who enters the state or federal armed services for an extended tour of duty is eligible for an extended military leave of absence, which may continue for up to five (5) years, unless otherwise provided under state or federal law. Employees will be paid their accrued vacation pay when their extended military leave begins, subject to the provision of Section 3.1 of this Handbook. Employees will not accrue sick leave or vacation time while on extended military leave. Any insurance benefits will end on the last day of the month in which the extended military leave begins. An employee who leaves work to serve in the military is entitled to re-employment as provided under state and federal laws.

In the event an employee volunteers (rather than being ordered) to participate in a military training opportunity, the time may be treated as either vacation or unpaid leave of absence by the Town. The Town reserves the right to deny an employee's request for a leave of absence to volunteer for military training if such a leave would cause undue inconvenience or added expense to the Town.

The Town will continue group medical insurance for employees on military leave of absence until the first of the month following thirty (30) days. After that time, employees may continue their health insurance at their own expense through the COBRA continuation program. Contact the Payroll Department for more information about this program.

Upon an employee's prompt application for reemployment (as defined below), an employee will be reinstated to employment in the following manner depending upon the employee's period of military service:

1. Less than 91 days of military service - (i) in a position that the employee would have attained if employment had not been interrupted by military service; or (ii) if found not qualified for such position after reasonable efforts by the Town, in the position in which the employee had been employed prior to military service.
2. More than 90 days and less than 5 years of military service - (i) in a position that the employee would have attained if employment had not been interrupted by military service or a position of like seniority, status and pay, the duties of which the employee is qualified to perform; or (ii) if proved not qualified after reasonable efforts by the Town, in the position the employee left, or a position of like seniority, status and pay, the duties of which the employee is qualified to perform.
3. Employee with a service-connected disability - if after reasonable accommodation efforts by the employer, an employee with a service-connected disability is not qualified for employment in the position he or she would have attained or in the position that he or she left, the employee will be employed in (i) any other position of similar seniority, status and pay for which the employee is qualified or could become qualified with reasonable efforts by the Town; or (ii) if no such position exists, in the nearest approximation consistent with the circumstances of the employee's situation.

**Military Spousal Leave.** During a "period of military conflict" (defined by RCW 49.77.020 as a period of war declared by the United States Congress, declared by executive order of the president, or in which a member of a reserve component of the armed forces is ordered to active duty pursuant to either sections 12301 and 12302 of Title 10 of the United States Code or Title 32 of the United States Code.), an employee, working twenty (20) hours per week or more, whose spouse or registered domestic partner is a member of the United States Armed Forces, National Guard, or Reserves who has been notified of an impending call or order to active duty, or who has been deployed, or when the military spouse is on leave from deployment, is eligible for a total of fifteen (15) days of unpaid leave per deployment.

The employee must give notice of intention to take leave within five (5) days of the spouse/domestic partner receiving official notice of the order to active duty, or official notice of receiving leave from active duty.

This leave is unpaid. However, employees may substitute accrued vacation, compensatory time or sick leave for any part of their spousal military leave.

During leave under this policy, the Town will continue to pay the employer's portion of health insurance premiums, provided that the employee continues to pay their share of insurance premiums, if any. Failure of the employee to pay his/her portion of the premium may result in cancellation of health insurance. If an employee fails to return to work at the end of the leave, the employee may in some cases be responsible to pay back the Town for the employer portion of the health insurance premiums.

#### **4.9 Domestic Violence/Sexual Assault Leave**

This leave is available to employees who are victims of domestic violence, sexual assault, or stalking. It is also available to employees with a family member (see definition in section 5.2) 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, sick leave, compensatory time) in connection with such leave.

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

- \* To seek law enforcement or legal assistance or to prepare for or participate in any legal proceeding related to domestic violence, sexual assault, or stalking;
- \* To seek health care treatment for physical or mental injuries from domestic violence, sexual assault, or stalking, or attend to such health care treatment for a family member;
- \* To obtain (or assist a family member in obtaining) services from a domestic violence shelter, rape crisis center, or other social services;
- \* To obtain (or assist a family member in obtaining) mental health counseling related to domestic violence, sexual assault, or stalking; or
- \* 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.

When possible, employees must give advance notice of the intention to take leave. If advance notice is not possible, employees (or their designees) must give notice of the need for this leave no later than the end of the first day the employee takes the leave. The Town 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 Town will maintain confidentiality of all information provided by the employee in conjunction with Domestic Violence/Sexual Assault Leave.

Vacation and sick leave benefits will not accrue during the leave if the leave is longer than twenty (20) consecutive days. An employee on leave will not lose any benefits which accrued before the start of the leave, except for benefits which are used as part of the leave, as noted above. During leave under this policy, the Town will continue to pay the employer's portion of health insurance premiums, provided that the employee continues to pay their share of insurance premiums, if any. Failure of the employee to pay his/her portion of the premium may result in cancellation of health insurance. If an employee fails to return to work at the end of the leave, the employee may in some cases be responsible to pay back the Town for the employer portion of the health insurance premiums.

Upon return from domestic violence leave, an employee shall 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 (i.e., 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 Town as soon as possible. Failure to return as agreed from an approved leave may be treated as a voluntary resignation of employment.

#### **4.10 Bereavement Leave**

Employees may receive up to three (3) days of bereavement leave in the event of the death of an employee's family member (see definition in section 4.2), family members who do not reside in the house, but that the employee or their spouse has a close relationship with, are also considered "family members", for the purpose of this leave. Employees can elect to deduct bereavement from vacation or sick leave balances.

#### **4.11 Application Procedures and Special Conditions Relating to Leaves of Absence**

Other than the leaves of absence that are provided for under state or federal law and/or under the provisions of this Handbook, employees do not have a right to take a leave of absence from employment. However, the Mayor may grant an employee's request for a leave of absence depending on the circumstances. The decision whether or not to grant a request for a leave of absence is within the sole discretion of the Mayor. Requests for a leave of absence or an extension of a leave, except in very

unusual or emergency situations, must be submitted in writing to your supervisor at least one month prior to the start of the leave or extension. Your supervisor or the Mayor will notify you as soon as possible whether your request has been approved. You should not assume that your leave of absence has been approved until you have been officially notified of that fact.

All leaves are subject to the following conditions:

- \* An employee who applies for or engages in any work for compensation while on a leave of absence will be subject to disciplinary action, up to and including termination, unless the Mayor has consented to the arrangement.
- \* An employee who improperly applies for unemployment benefits while on a leave of absence will be subject to immediate termination.
- \* An employee who engages in any conduct or activity which violates restrictions imposed by a physician or which might otherwise delay full return to regular employment will be subject to disciplinary action, up to and including termination of employment.
- \* When requesting leaves, employees should try to estimate the amount of time required for the leave. If the reason for the leave ceases to exist prior to the estimated expiration date, the employee must immediately inform the Mayor.
- \* The Town reserves the right to initiate a leave of absence if it concludes that your attendance, quality or quantity of work, safety, or efficiency have been adversely affected by some medical condition or personal circumstances.
- \* Unless stated otherwise in this policy, if you return to work at the conclusion of a leave of absence, you will be restored to your original job or the first one which is available, suitable, and of like status and pay, provided that the requirements for obtaining and returning from the leave are satisfied. If your physician places temporary or permanent restrictions on you, the Town will attempt to accommodate them to the extent that positions are available for which you are qualified. In these instances, your job responsibilities, compensation, and benefits may vary.
- \* If you fail to return to work at the conclusion of your leave of absence, the leave will be canceled and your employment terminated. The effective date of your termination will be the last day worked. Termination will be treated as a voluntary termination. For COBRA purposes, the date group coverage terminated will be the qualifying event effective date.
- \* All leaves of absence are subject to applicable state law. Questions should be directed to the Clerk Treasurer.
- \* Any employee who is reinstated within twelve (12) months to his/her position, after an authorized leave of absence, suspension, or layoff, shall be paid at the step within the position that he/she held at the time of his/her absence, suspension, or layoff.

## **4.12 Leave Sharing**

The purpose of this leave sharing policy is to permit Town employees to provide vacation, sick and/or compensatory time to a fellow Town employee suffering from an illness or injury who is out of sick leave, vacation time, floating holidays, and compensatory time, and who will imminently go on leave without pay. The following procedures and rules apply to this policy.

### **A. General Policy**

- \* An employee may receive the leave sharing benefit from any Town employee and an employee may donate leave to any Town employee, regardless of whether the donating and receiving employees are within the same department.
- \* All leave donated under this leave sharing policy shall be day for day. A day shall be considered eight (8) hours. No differentiation will be made between the salary level of the donor and the recipient.
- \* There shall be no retroactive application of donated leave.
- \* No employee shall be coerced, threatened, intimidated, or financially induced into donating leave.

- \* Donations to the leave sharing program shall be confidential.

### **B. Eligibility to Receive Leave**

- \* An employee may receive leave if the employee suffers from a severe or extraordinary illness, or a non-job-related injury which causes the employee to go on leave without pay.
- \* Requests to receive the leave sharing benefit shall be submitted to the Mayor. The decision of the Mayor shall be final; however, such leave shall not be unreasonably withheld.
- \* An employee receiving a leave sharing benefit must have exhausted his/her sick leave, vacation time, compensatory time, and floating holidays.
- \* An employee with a pattern of sick leave abuse or who has otherwise failed to abide by the Town's sick leave policy may be denied a leave sharing benefit.
- \* Initial grants of shared leave shall be for a period of sixty (60) working days or less. The Mayor may approve requests for additional leave not to exceed one hundred twenty (120) days under extreme circumstances when the need is verified by a physician chosen by the Town.
- \* An employee receiving the leave sharing benefit shall receive no more than a total of one hundred twenty (120) days of such leave during the course of his or her employment with the Town of Coupeville.
- \* The employee's position must be one in which vacation and sick leave can be accrued and used.
- \* The employee must be eligible to use vacation time and sick leave.
- \* The employee must not be receiving time loss payments as a result of an on-the-job injury.

### **C. Donating Leave**

- \* All donations shall be in full days (8 hours).
- \* Donation of vacation time may not bring the donor's vacation time balance below ten (10) days.
- \* Donation of sick leave time may not bring the donor's sick leave balance below ten (10) days.
- \* All donations shall be strictly voluntary and shall be donated on the *Donation of Leave* form. The donor shall designate the recipient.
- \* Unused leave will be returned to the donor(s) on a prorated basis.

## **Section 5 – Personal Conduct**

### **5.1 Employee Conduct**

It is the policy of the Town to regard its employees as responsible adults. The standards of conduct that are established herein are predicated on that premise. The policies are set forth so that there is some common understanding of what is expected of you, as an employee, and how you are to carry on your work-related activities.

You are expected to exercise good judgment at all times and to come to work prepared to carry out your responsibilities. We hope that the work environment will be one in which you will be able to enjoy what you do. We like to see employees in good humor and having fun at work but we also consider our work important and take the responsibilities of our tasks seriously. It is the tradition of the Town to expect excellence from our employees and to work together as a team to accomplish organizational goals and provide excellent services. When employees fall outside that standard, then unfortunately, we may need to take corrective action including disciplinary action. We hope these guidelines are helpful to you in understanding the expectations of the organization.

Unless specific benefits or rights to the contrary are granted to an employee through resolutions, or individual employment contracts, employees are considered at-will employees and may be terminated from Town employment at any time, with or without cause and with or without notice.

#### **A. Guidelines for Appropriate Conduct**

All employees are expected to use sound judgment and exhibit a high degree of personal integrity. This involves sincere respect for the rights and feelings of others in both their work and personal lives. It involves avoiding any behavior that might be harmful to you, your co-workers and/or the Town, or conduct that might be viewed unfavorably by the public at large. Type of behavior and conduct that is considered inappropriate includes, but is not limited to the following:

- \*Violating non-discrimination and/or sexual harassment policies;
- \* Arriving on the job under the influence of intoxicating beverages or drugs, using intoxicating beverages or non-prescription drugs on the premises or during work time, or misuse of prescription drugs on the job that cause a potential hazard to other employees or the public, or any other violation of the Town's drug free workplace rules;
- \* Insubordination;
- \* Excessive absence or tardiness for any reason, including abuse of sick leave;
- \* Violation of these policies or other Town operating procedures or regulations;
- \* Unauthorized absence from work;
- \* Violation of safety rules or personal conduct at work that is potentially dangerous to yourself or others;
- \* Interfering with, or disrupting the work of other employees on the job;
- \* Negligent or willful damage to the Town's property, waste of supplies and equipment, such as personal use of fax machines, copiers, Town vehicles, and/or theft of co-workers' or Town assets or property;
- \* Falsifying employment or other Town records, or general dishonesty;
- \* Fighting or using obscene, abusive, or threatening language or gestures;
- \* Failing to maintain the confidentiality and privacy of Town or individual private information;
- \* Discourteous treatment of the public or other employees; or
- \* Unsatisfactory job performance as determined by the Town.

The above items are intended to be examples of the high standards we expect of our employees. They are meant to be examples only, and are not intended to be a complete list of all possible infractions. If your performance, work habits, overall attitude, conduct, or demeanor becomes unsatisfactory based on violation either of this guideline or any other Town policy, you may be subject to disciplinary action, up to and including dismissal.

## **B. Corrective Action Procedure**

Upon completion of the six (6) to twelve (12) month training period, and when problems arise with the behavior of an employee, it is best to have a procedure to follow that can address those problems and is understood by all concerned. The Town is committed to providing employees with the feedback they need when things are not going well. Therefore, the following procedure will be utilized to the extent possible and appropriate.

This procedure is progressive in nature and is designed to give employees the opportunity to correct their behavior before it becomes a serious problem. Supervisors and managers also have the responsibility to provide feedback, either orally or in writing as appropriate, to employees who make improvements in their performance or correct the behavior that was a problem.

The degree of corrective action administered by a supervisor must depend on the severity of the situation. It is the responsibility of the supervisor to objectively evaluate the circumstances and facts involved before finalizing any discipline. (The Mayor may use his/her discretion in applying this section when dealing with performance issues of supervisors.) In some cases where there are serious problems, it may be necessary to terminate the individual without going through each step. The Town may also use the practice of administrative leave with or without pay while conducting an investigation into an alleged wrong doing. This leave should be used when it is necessary to remove the employee from the work place pending the outcome of the investigation. The following disciplinary actions may be taken in accordance with the principles of progressive discipline, though the specific disciplinary action will depend on the nature and severity of the conduct:

**Step One: Oral Counseling or Warning:** This step is used for relatively minor offenses and problems. The supervisor may discuss the offense with the employee and let the employee know the nature of the problem. The supervisor may then make a notation in his/her own log to provide reference for future counseling if needed.

**Step Two: Formal Counseling Session:** This step is used for a repeated offense where the counseling in Step 1 has failed to correct the problem or behavior, or for more serious problems that initially require more immediate action. Under this step, there will be a formal counseling session and a letter given to the employee and placed in the employee's personnel file documenting the problem.

**Step Three: Decision Making Unpaid Leave:** This step is used for repeated offenses where the counseling in Step 1 and 2 have failed to correct the problem or behavior, or for more serious problems that initially require stronger corrective action than the above steps. After discussing the problem with the supervisor, the employee will be given the rest of the day off without pay to make a personal decision as to whether to change his/her behavior and whether the employee wants to continue his/her employment. This time off is to be used by the employee to compose a proposed written statement if continued employment is desired, detailing what specific actions the employee will take to meet the requirement of the Town.

**Step Four: Follow-up Meeting Regarding Decision:** The employee will return to work the day after the leave described in Step 3 and a meeting between the employee and the supervisor will take place to review the employee's written statement. The purpose of the meeting is to reach an agreement on the

proposed action of the employee. When agreement cannot be reached, the supervisor will set a separation date.

**Step Five: Termination:** This step is to be used for instances where an employee has failed to correct his/her behavior after going through the above established procedure, or there is a serious violation of Town standards of conduct where immediate termination is warranted. Prior to termination for disciplinary reasons, all regular employees shall have the opportunity to respond to allegations made against them.

Depending on the circumstances, the Town may also implement a period of disciplinary probation or demotion when an employee has demonstrated an unwillingness or inability to meet the expectations of his/her position.

## **5.2 Personal Appearance**

Your clothing and grooming should be appropriate to your work situation. In some cases, health and safety standards or legal requirements may indicate that the Town require special clothing, shoes, hair styles, or uniforms.

## **5.3 Personal Telephone Calls and Mail**

Personal telephone calls should be limited to those which are necessary and should be as brief as possible. Telephone conversations conducted on Town premises may be monitored from time to time by the Town.

Generally, Town-owned cellular telephones and services shall be used for Town business and in the event of emergencies. Cellular telephones shall not be used predominately for personal calls. However, the Town recognizes that occasions arise in which personal calls need to be made. Employees who are issued cellular telephones are responsible for ensuring payment to the Town for personal cellular use. Personal calls made beyond the allotted monthly air-time limits shall be the responsibility of the person whom the phone is assigned.

Generally, the Town's address should not be used to receive personal mail. All correspondence, including but not limited to, letters, memos, and electronic mail is subject to review and inspection by the Town. In no case should Town stationery or other supplies be used for personal use.

## **5.4 Computer Usage**

As a Town employee, you are likely to use computers extensively in your job. A few rules are necessary so that everyone can get the maximum benefit from the Town's investment in technology.

In order to protect the Town's computer system from viruses and ensure that the software used is compatible with Town computers, only software purchased or approved by the Town may be installed on Town computers. Before installing any software not purchased by the Town, you must check with your supervisor. Games and other non-business-related software may not be installed on Town computers or used on Town time.

Software is protected from unauthorized duplication by law. The Town respects the legal rights of software developers and expects employees to do the same. No employee may duplicate software, or otherwise use software other than in accordance with the terms of its license. Software that has been duplicated without authorization may not be installed on Town computers.

Electronic mail, as well as voice mail, may be used only for Town business. All electronic media communications should be professional and business-like. Use of electronic media for jokes, gambling,

games, or derogatory remarks is strictly prohibited. Remember, the Town management has access to all e-mail, and you should not consider e-mail or voice mail communications private.

## **5.5 Employee Internet Access and Use Policy**

This policy addresses access to and use of the World Wide Web and all other Internet or electronic information systems. As with all Town policies, this policy is subject to revision at any time, particularly because this technology changes continually. Use of e-mail is addressed in Section 5.4 above.

### **A. General Statement**

The Internet provides a valuable tool for research, interaction, communication, and delivery of services between the Town of Coupeville and its vendors, peer organizations, and citizens. It is a very public resource. Any use of the Internet access provided by the Town should be considered public and potentially accessible to both the public and to Town staff and management. It is technically possible to monitor which Internet resources and sites are visited by any user, and also how much time is spent there.

Except as permitted herein for personal use, all approved Internet usage within the Town shall be relevant to the job which the user is expected to perform for the Town and to enhance the value or productivity of that job.

### **B. Obtaining Access to the Internet**

Internet e-mail will be available to all authorized users for the Town's internal electronic mail program. The appropriate programs used to access the World Wide Web or other Internet resource above and beyond e-mail will be installed by the Town Clerk Treasurer.

### **C. Privacy**

Internet access to specific sites, participation in news or discussion groups, or other uses can generally be monitored from both within the Town's computer network system organization and by individuals external to the Town. All activities on the Internet using access provided by the Town of Coupeville should be performed assuming that those activities will be monitored by citizens and may be monitored by Town staff.

Town management has the absolute right to examine all electronic transactions at any time, similar to its right to examine other aspects of an employee's job. While this does not imply management will look at Internet access files or information, the right to do so is reserved.

### **D. Acceptable Business Use**

Acceptable business use of the Internet varies depending on the nature of an employee's job duties. For example, a librarian would be expected to visit a wide range of sites while an engineer may have legitimate reason to access a smaller subset of Internet sites. In no case is it acceptable to purposely visit sites which have no reasonable relation to Town business.

### **E. Offensive Material**

The Internet has representations on it of all types of interests, business, education, and discussions which otherwise occur in a worldwide society. It is possible to accidentally venture into material which you or others may find personally offensive or which violates laws. If that occurs, you are expected to immediately back out of such a site and return to acceptable uses of the Internet per this policy. The Town cannot be held liable for your contact with information or graphics you may not desire to contact; we cannot control the content of the Internet.

Employees of the Town shall not cause obscene, pornographic, discriminatory, defamatory, or other offensive material, or material that otherwise infringes a right or inherent right of another person, to be transmitted over the Town computer network systems or to be stored in Town computer systems.

#### **F. Downloading or Uploading Files**

Files which are downloaded from the Internet may have viruses which may cause damage to the Town network, to your computer, or both. Users are advised to use caution when downloading files. This includes ensuring files originate from professional sites and downloading only files needed in the course of your work. Computer programs are not to be downloaded or installed without express permission from the Clerk Treasurer. This includes licensed, or unlicensed software, games, freeware, shareware, updates, or graphics. Any of the above may be subject to copyright law, trademark, license agreement, or other implicit or explicit legal agreement.

#### **G. Internet Access and Use Software**

Software used specifically for the Internet (such as browsers, e-mail software, HTML editing packages, etc.) must be approved by the Clerk Treasurer, licensed, and conform to Town standards.

#### **H. Personal Use**

Sparse and judicious personal use of the Internet is acceptable. Personal use is subject to all of the same guidelines as used in pursuit of Town business. The best analogy is the telephone – it is acceptable to take a call from your children during work hours, or to call a doctor, school, or organization you can't reasonably reach after hours. It is not acceptable to spend half an hour a day on personal calls.

For learning purposes, it is OK to “surf” within the guidelines of this policy during a break or after hours.

#### **I. Public Meeting Act Applicability**

The Open Meetings Act of Washington requires meetings of elected officials to occur in public. Some Internet chat or other communication allows concurrent discussion between and among individuals to occur on the Internet. Any e-mail, chat, telephone, or other interactive feature that allows four or more council members to communicate at the same time should be considered a public meeting.

#### **J. Public Access**

It is the Town of Coupeville's intent to comply with all public disclosure laws. All requests for disclosure of information or documents shall be in accordance with RCW Chapter 42.56.

If requests for Internet logs or other information which represents “public documents” are made, citizens requesting information should be provided prompt service. Such requests must be specific and should be cleared through the Town Attorney. General requests such as “all Internet access logs for May” are deemed too broad and cannot reasonably be responded to. It is appropriate and acceptable to charge the incremental cost of providing information to the requester.

#### **K. Consequences of Failure to Adhere to this Policy**

Use of Town-owned computers by Town employees to access the World Wide Web and any other Internet or electronic information system for any purpose other than the performance of duties directly related to such employee's job is a privilege and not a right. Such privilege requires strict adherence to the policies expressed herein.

Violations of this policy may lead to revocation of Internet access or disciplinary action, including termination of employment.

## **5.6 Personal Property**

The Town will not assume any responsibility for loss, theft, or damage to personal property, including vehicles, brought to work. The Town retains the right to inspect all packages, etc. brought into or taken from the premises.

## **5.7 Town Property**

The Town reserves the right to inspect, with or without advance notice, all Town property, including but not limited to, lockers, desks, file cabinets, etc. Town equipment, including vehicles, should be used by employees for Town business only.

## **5.8 Bulletin Boards**

Information of interest to all employees is posted regularly on the Town bulletin boards. Employees may not post any information on these bulletin boards without the authorization of the Mayor or a supervisor.

## **5.9 Contact with News Media**

The Mayor shall be responsible for all official contact with the news media during working hours, including answering questions from the media. The Mayor may designate specific employees to give out procedural, factual, or historical information on particular subjects.

When an employee contacts any news media because of a personal opinion or to express a personal viewpoint, the employee may not use his/her title, or in any way connect his/her personal opinion to his/her position as an employee of the Town.

## **5.10 Outside Employment**

Generally, outside employment, second jobs, or “moonlighting” is discouraged. If an employee is gainfully employed elsewhere and such employment may create a conflict of interest, the employee must advise his/her immediate supervisor or Department Head, in writing, of the situation. Employees should be particularly aware of conflicts between elected and appointed jobs, as well as conflicts arising from employment with a firm which has contracts with or does business with the Town. Employment with an agency to which the Town contributes financial support, or with whom the Town does business, must have the prior approval of the Mayor.

For those employees working full-time, outside employment should be viewed as secondary to their primary employment at the Town of Coupeville. This includes being available for work beyond normal working hours, such as during emergencies or peak work periods. Activities related to outside employment (i.e., mail, telephone calls, etc.) must be conducted off-site and not during scheduled work hours.

## **5.11 Political Activities**

Town employees may participate in political or partisan activities provided that Town resources and property are not used and the activity does not adversely affect the responsibilities of the employees in their positions. Employees may not campaign during work time or in a Town uniform or while representing the Town in any way. Employees may not allow others to use Town facilities or funds for political activities. Town officials may not use the authority of their positions to require employees to engage in political activity of any kind.

Any Town employee who meets with or may be observed by the public or otherwise represents the Town to the public, may not wear or display any button, badge, or sticker relevant to any candidate or ballot

issue during working hours or while performing his/her job duties. Employees shall not solicit on Town property or during working time for contributions for partisan political causes.

## **5.12 No Smoking**

The Town prohibits smoking in all Town buildings and vehicles as well as offices or other facilities rented or leased by the Town. Employees shall not smoke within twenty-five (25) feet of entrances to or exits from Town facilities, windows that open, or vent intakes which serve an enclosed “non-smoking” area.

## **5.13 Substance Abuse Policy**

### **A. Purpose**

Substance abuse in the workplace raises serious concerns regarding employee health and public safety. Because of these concerns, the federal government has passed protective laws that establish drug and alcohol testing requirements and call for employers to ensure a substance-free workplace. The Town of Coupeville is committed to providing such a work environment. To achieve this goal, the Town has established this Substance Abuse Policy.

### **B. Policy**

Employees, including supervisors and administrators, are expected and required to report for work in appropriate mental and physical condition. The purpose of this policy is to enforce the Town of Coupeville’s commitment to prevent substance abuse, because it affects *job performance* and the safety of our employees and customers. Accordingly, use, possession or working under the influence of any substance that can adversely affect alertness, coordination, decision-making, safety, or job performance will not be tolerated. Employees must, as a condition of employment, abide by the terms of this policy. Violations will result in corrective action, up to and including termination of employment, and may have legal consequences.

All existing employees and new hires will be trained on this policy. Each employee will acknowledge his/her knowledge of this policy and training by signing an acknowledgement receipt. This receipt will be maintained in the employee’s personnel file.

### **C. Prohibited Conduct**

The Town is concerned about the adverse effect alcohol and drug abuse may have on safety and job performance. The Town recognizes drug and alcohol abuse as treatable illnesses and affirms a commitment to respond to these illnesses through referral to treatment and rehabilitation to the extent possible. However, the Town affirms its policy that the following are strictly prohibited:

- a. Reporting to work under the influence of alcohol, drugs or controlled substances.
  1. Indicated by a positive test for controlled substances, or
  2. Breath alcohol test resulting in an alcohol level of .02 or higher, or
  3. Observed physical evidence of impairment.
  
- b. The unlawful use, possession, manufacture, distribution, dispensing, transfer or trafficking of alcohol, illegal drugs or controlled substances in any amount or any manner, on Town premises or in Town vehicles at any time (whether or not conducting Town business) anywhere (including off Town property).
  
- c. The use, in any way, of Town property, or the employee's position within the Town, to make or traffic in alcohol, illegal drugs or controlled substances.

d. Any other use, possession or trafficking of alcohol, illegal drugs or controlled substances in a manner that is detrimental to the best interests of the Town, creates a safety concern, or interferes with job performance.

Any employee found in violation of the above stated prohibitions will be subject to disciplinary action up to and including termination.

#### **D. Prohibited Substances**

1. Drugs are defined as those substances whose dissemination is regulated by law, including but not limited to narcotics, depressants, stimulants, hallucinogens, cannabis and alcohol. Definition of drugs also includes controlled substances defined in RCW 69.50.101.
2. Using or being under the influence of any drug that can be expected to impair an employee's performance or jeopardize the safety of the employee or others on the job, whether the drug is prescription or over-the-counter, is prohibited.
3. Employees who are taking controlled prescription drugs (e.g.: narcotics, benzodiazepines, barbiturates, amphetamines, etc.) will discuss the matter with their supervisor and may be required to provide their physician's release to work while using the medication. Additionally, employees who are taking any legally obtained drugs (prescriptions or over-the-counter medications) when such use may adversely affect an employee's job performance, their safety or the safety of others, including the ability to safely operate vehicles and equipment shall notify their supervisor immediately.

#### **E. Identifying and Handling Employees with Substance Abuse Problems**

##### **1. Possession**

Any on-duty employee possessing prohibited substances will be directed to hand over the suspected material. Whenever possible, another member of management or representative who has completed the 60-minute training course will be present as a witness.

Refusal on the part of an employee to comply with a directive constitutes insubordination and is grounds for disciplinary action, up to and including termination.

Any confiscated material will be carefully preserved in an appropriate container in the presence of another witness (preferably a management representative), sealed and marked by describing the contents (e.g., "green vegetable matter," "white powder," "clear liquid," etc.), and noting the date, time, and source of the material. The supervisor will sign the container label or place the container in an envelope, and then sign and seal the envelope. The evidence is to be stored in a place inaccessible to others (i.e., a locked desk drawer) in order to maintain the proper "chain of custody" necessary to support investigative, disciplinary, and/or legal action.

The Mayor or designee will be notified immediately whenever suspected substances are confiscated. A decision will be made as to whether the substance should be analyzed by a competent laboratory or turned over to law enforcement authorities.

##### **2. On-the-Job Use**

Subject to the provisions of Section D3 above, employees are prohibited from consuming prohibited substances while at the work place or while performing any work-related activities. Any employee who has violated this prohibition, will be removed from the work place for at least twelve (12) hours, is subject to drug/alcohol testing, and possible disciplinary action.

## **F. Substance Testing Guidelines**

The Town's Substance Abuse Policy applies to all applicants and current employees, except as otherwise noted in these policies

### **1. Pre-Placement Testing**

All applicants who have been offered employment must pass a drug test to be eligible for employment. Each applicant must provide a signed consent form with his/her signed application for employment. (A sample form is attached as Appendix A.) The applicant must then provide a urine specimen at a site designated by the Town. The specimen will be sent to a laboratory designated by the Town for testing. The pre-employment drug screen will be paid for by the Town.

The drugs that will be tested for are: Amphetamines (including methamphetamine, speed, crank, and ecstasy); THC (cannabinoids, marijuana, hashish); Cocaine; Opiates (heroin, morphine, codeine, opium); and Phencyclidine (PCP). The drug test will be administered after the conditional offer of employment is made and before the first day an employee reports to work. Notice will be given to the candidate to report for the test and the test will be administered in sufficient time to allow results prior to initial reporting to duty. The offer of employment is contingent upon passing this drug test.

Those applicants who do not successfully pass the drug test shall be ineligible for hire. They shall be informed that they can become re-eligible for hire in six (6) months, provided they pass a subsequent drug test.

### **2. Post-Accident Testing**

When a Town employee becomes involved in an accident or incident affecting persons or property while performing business or work for the Town, a Town management representative will determine whether or not an alcohol and/or drug test is appropriate. Typically, the following circumstances will require testing:

- a. After an incident when there has been damage to the Town's or citizen's property;
- b. After any accident resulting in an OSHA recordable injury, or a near-miss that could have resulted in a serious injury or death;
- c. After any accident involving injuries requiring only first aid, where there is a reasonable suspicion that a drug and/or alcohol test is appropriate;
- d. After any accident involving vehicles regulated by the Department of Transportation (DOT); or
- e. Testing as required by the Department of Transportation (DOT). An employee may choose to be tested for self-protection at Town expense after an accident.

### **3. Reasonable Suspicion Testing**

An employee who is reasonably suspected of being under the influence will be tested when requested by a supervisor or manager and when the suspicion is substantiated by another supervisor or manager.

The following procedures apply to reasonable suspicion testing. Reasonable suspicion must be based on observable evidence, including, but not limited to the following:

- \* Observed alcohol or drug use during work hours or on Town premises;
- \* Apparent physical state of impairment, as indicated by odor of alcohol, slurred speech, staggering walk, etc.;
- \* Incoherent mental state;

- \* Marked changes in personal behavior and/or deteriorating work performance that is not resolved through usual corrective action; or
- \* Accidents, motor vehicle offenses, fights, assaults, and flagrant violations of established safety, security, or other operating procedures during work hours, while on Town premises, or when otherwise representing the Town.

When an employee is asked to submit to drug and alcohol testing, he/she will be informed of the reasons for testing and will be informed that refusal constitutes insubordination and is grounds for disciplinary action, up to and including termination of employment. If the employee is a member of a bargaining unit and the employee so requests, reasonable efforts will be made to have the union representative present, if it will not cause unreasonable delay. An employee who challenges the decision to require testing should be told that he/she must submit to testing now and may file a grievance later. If the employee refuses to take the test, he/she will be relieved of duty without pay to await disciplinary proceedings. Testing methodology will follow the same guidelines as any other cause for substance testing.

Each supervisor who observes evidence suggesting that a substance test is necessary will write a separate report of the incident. This report will include a description of the employee’s observed condition, any statements made, and any actions taken by and persons involved in the incident. In all circumstances of suspected drug or alcohol use, appropriate transportation will be provided for the employee. If the employee refuses to accept transportation and attempts to drive, the proper authorities may be notified.

**4. Random Testing - CDL Holders**

Random testing for controlled substance and alcohol use will be conducted in compliance with Federal regulations on any employee in the Public Works and Utilities departments, who possess a Commercial Driver’s License (CDL) to operate a covered vehicle in the performance of their job duties.

The selection process for random testing will be through a scientifically valid method. Procedures for random testing, including timing, frequency, number of employees to be tested, selection of employees to be tested, and test sites will be determined by the Town. All employees in the relevant pool of persons subject to random testing will have an equal chance of being selected in each random test conducted.

The Department of Transportation’s Drug and Alcohol Testing Regulation – 49 CFR Part 40, at 40.151(e) – does not authorize “medical marijuana” under a state law to be a valid medical explanation for a covered employee’s positive drug test result. Accordingly, an employee testing positive for THC/marijuana under these policies may be subject to discipline even if he/she has an authorized medical prescription for the use of marijuana.

**F. Drug Testing Methodology**

Drug testing will be conducted by an appropriately certified lab. Testing may be conducted for any or all of the following drugs or their metabolites:

Amphetamines	Cannabinoids	Alcohol	Barbiturate
Methamphetamines	Opiates	Phencyclidine	Methadone
Benzodiazepines	Propoxyphene	Methaqualone	Cocaine

Initial screening of urine samples will be performed by immunoassay. All DOT regulated employee samples that are positive on initial screen will be confirmed by a NIDA-certified laboratory by gas chromatography/mass spectrometry (GC/MS). The testing facility will report all results directly to the Town’s authorized representative.

**G. Drug Testing Procedures**

Because of the sensitive nature of substance testing, an employee is not to be tested until approval is obtained from the Town Clerk Treasurer. Refusal to submit to a drug screening, in accordance with this section, shall result in immediate termination.

### **1. Random Selection, Reasonable Suspicion and Post-Accident Testing**

If the Town has determined that a drug test is necessary due to reasonable suspicion, or as defined above, the following step should be taken:

- \* For random selection testing, the employee is required to report to the pre-determined testing facility within 30 minutes of notification.

- \* For Reasonable Suspicion and Post-Accident testing, a supervisor must transport the employee to the local collection facility. If the employee refuses to accept transportation and attempts to drive, the authorities will be notified immediately.

### **I. Alcohol Testing Procedures**

If the Town has determined that alcohol testing is necessary, the following steps should be taken:

- \* Notify the designated breath-alcohol technician (“BAT”) or test facility that an employee will be coming to take a breathalyzer test.

- \* Determine from the BAT whether the employee’s alcohol concentration level prevents the employee from performing safety-sensitive functions (i.e., 0.02 or greater).

- \* If the test indicated an alcohol concentration level of between 0.02 and 0.04, the employee must be removed from performing safety-sensitive functions, but may be permitted to return to work to perform other job duties. Coordinate this step with the Town Personnel Director or Risk Manager.

- \* If the test indicated an alcohol concentration level of 0.04 or greater, the employee will not be allowed to return to work. If the employee’s alcohol concentration level is at or near the legal limit for driving (i.e., 0.08), he/she will not be allowed to drive, and he/she will be required to obtain alternative transportation—either from a friend, a family member, or a taxi at the employee’s expense.

### **J. Consequences of a Positive Test Result**

#### **1. Assessment and Treatment**

An employee who tests positive for drugs will be referred to the Town’s Employee Assistance Program for mandatory assessment as a condition of continued employment. An employee who tests positive will be considered unqualified to work and may not be permitted to return to work until he/she agrees to participate in a treatment, continuing care or drug/alcohol rehabilitation program as recommended by an approved substance abuse evaluation counselor.

#### **2. Last Chance/Return to Work Agreement**

The employee will be required to sign a Last Chance/Return to Work Agreement and successfully complete any program (including recommended after care) as recommended by the treatment professional.

#### **2. Return to Work**

Upon successful completion of any required treatment program as recommended by the treatment professional, an employee may be released to resume work, but must agree in writing to unannounced, random testing for not more than twenty-four (24) months after returning to work. A positive test under these conditions or **at any time** thereafter may result in immediate termination.

### **K. Privacy and Record Keeping**

In all aspects of the Town’s drug-free workplace program, individual privacy will be maintained with the strictest of confidentiality. To accomplish this, the following procedures will be implemented.

Test results will not be released without the written authorization of the tested individual, other than to the testing laboratory, the individual, and the authorized Town representative, except where required by law or subpoena to local, state or federal authorities.

Written records regarding drug testing and/or communication with the employee regarding rehabilitation will not become part of the employee's personnel file but will be stored separately in a secure file.

The Town will not release an employee's rehabilitation or test records to a subsequent employer unless the employee requests it in writing.

#### **L. Rehabilitation**

The Town encourages employees who feel they have developed an addiction or dependence on alcohol or drugs to seek assistance. Requests for assistance will be confidential.

Any employee who voluntarily comes forward and reveals the existence of a drug or alcohol problem will be referred to the Town's Employee Assistance Program (EAP) for evaluation and referral. The cost of any evaluation of treatment and rehabilitation may be covered by the employee's medical insurance. Any costs which are not covered by the employee's medical insurance are the responsibility of the employee. The employee will be expected to enter into, cooperate with, and complete such treatment as is prescribed by professionals to whom the employee is referred. Any employee who fails to contact, enter into, cooperate with, or successfully complete all segments of treatment will be subject to discipline, which may include termination.

### **5.14 Inventions and Creative Output**

Any written work by an employee of the Town of Coupeville which is subject to or capable of being copyrighted, or the invention or development of any process or device which is subject to or capable of being patented under the laws applicable thereto, which is written, produced, or developed wholly or partially during the course of employment with the Town, or which is developed or produced through the use of Town equipment or property, shall be the sole and exclusive property of the Town of Coupeville. Exceptions to this section may be made only by the Mayor and such exceptions must be in writing.

### **5.15 Solicitation**

It is our goal to conduct the operations of the Town in an orderly and efficient manner. We believe our employees should have the opportunity to work without interference from persons who are pursuing a purpose not related to our normal business.

The Town will not allow non-employees to come upon its premises to solicit employees or customers or to distribute literature or other materials for any purpose at any time. Furthermore, employees are prohibited from distributing any form of literature or other materials in their work areas which are not related to the Town's business purpose and authorized by the Mayor. Employees are prohibited from soliciting other employees for any cause during their assigned working time. For this purpose, working time means time during which either the soliciting employees or the employees who are the object of the solicitation are expected to be actively engaged in their assigned work.

## **Section 6 – Separation from Employment**

### **6.1 Termination, Resignation, and Retirement**

While we hope your employment with us will be long and mutually rewarding, the length of that employment is not for any fixed term and may be terminated by you or the Town at any time.

If you decide to leave the Town's employment, we request two (2) weeks written notice in order for you to leave in "good standing." Failure to provide two (2) weeks written notice, without the approval of your supervisor, may result in your ineligibility for future employment with the Town. The Town has the option of either allowing you to work during this period or providing pay in lieu of your notice to quit.

Final paychecks will be issued on the next regularly scheduled payday.

### **6.2 Reductions in Force and Lay off**

In the event the Town experiences a lack of work or lack of funds, the Town may be required to lay off employees. Affected employees will be given at least two (2) weeks written notice before such a lay off is to take place. An employee may, at the discretion of the Mayor, be given pay in lieu of notice.

No employee shall be laid off while another person in the same position is employed on a probationary or temporary basis, for which the employee, in the opinion of the supervisor, is qualified. In determining which employees are selected for lay off within a department, the supervisor and the Mayor will consider qualifications, performance, and seniority in the position.

Laid off employees who have a positive history of employment with the Town, will be placed on a re-employment list according to seniority on the job. Said re-employment status shall be valid for one (1) year. A "positive history of employment" includes positive performance reviews, lack of disciplinary action, and a good attendance record.

An employee may request to transfer to a different position to avoid layoff. Such transfer is not automatic and is not to be considered a "right" of an affected employee. A transfer to a different position requires the approval of the Mayor and may, if approved, result in a reduction in pay to correspond with the pay range of the new position. If the Mayor does not approve an employee's request for a transfer to a different position, the employee will be laid off pursuant to this section.

An employee transferring under these circumstances will be given priority consideration if his/her previously held position reopens within twelve (12) consecutive months following the transfer. An employee may not transfer to a position for which he/she does not possess the qualifications to perform the functions of the job without additional training.

### **6.3 Exit Interviews**

Regardless of the reason for your separation from employment, you may request an exit interview with the Mayor. The Town may also request an exit interview prior to an employee leaving Town employment. An exit interview is voluntary on the part of the employee.

### **6.4 Severance Pay**

Employees leaving Town employment with at least six (6) months of service will receive payment, based on the employee's rate of pay at the time of termination, for unused vacation, and any sick leave up to 960 hours which has been converted to paid leave as provided in Section 4.2. Such payment is "severance

pay” and is not considered salary, except in the event of retirement, as set out below. The total amount of severance pay may not exceed 240 hours.

If an employee has more than 240 hours of accrued, unused vacation, the individual shall be kept on the payroll in an inactive status until accrued vacation in excess of 240 hours is depleted.

Terminating employees will not receive payment for unused sick leave except as described in Section 4.2 regarding sick leave incentive payment.

Severance pay for up to 240 hours (30 days) may be considered to be salary for the purpose of computing final average salary upon an employee’s retirement, subject to approval of PERS.

Uncompensated overtime and unused compensatory time shall be paid to the terminating employee on the next regular pay day following separation. The Town may elect to keep an individual on the payroll in an inactive status until unpaid overtime and compensatory time has been paid.

## **6.5 Reinstatement and Rehires**

Any employee who is reinstated within twelve (12) months after an authorized leave of absence, suspension, or lay off, shall be paid at a step within the position that he/she held at the time of his/her absence, suspension, or lay off. His/her original anniversary date shall be used for accrual of vacation, longevity pay, and all other benefits.

Any other re-hired employee shall be treated as a new employee and his/her new anniversary date will be used for accrual of vacation, determination of longevity pay, and all other benefits.