

RESOLUTION NO 16-004 7

**A RESOLUTION OF THE CITY OF ROSLYN,
WASHINGTON, SETTING THE PERSONNEL POLICY**

EXHIBIT A

Roslyn Personnel Policies

Table of Contents

| | | |
|-------------|--|--|
| I. | PURPOSE AND GENERAL POLICIES | |
| 1. | Purpose and Scope | |
| 2. | Equal Employment Opportunity | |
| 3. | Anti-Harassment Policy | |
| 4. | Work Place Violence Prohibited | |
| 5. | Drug Free Workplace | |
| II. | HOURS AND ATTENDANCE | |
| 6. | Work schedule | |
| 7. | Attendance | |
| 8. | Overtime and Compensatory Time | |
| 9. | Emergency Closure | |
| 10. | Call Back | |
| III. | LEAVES AND BENEFITS | |
| 11. | Holiday Schedule and Conditions of Pay | |
| 12. | Vacations | |
| 13. | Longevity Pay | |

| | | |
|------------|---|--|
| 14. | Sick Leave | |
| 15. | Sick Leave Buy-Back | |
| 16. | Compassionate Leave | |
| 17. | Administrative Leave | |
| 18. | Military Leave | |
| 19. | Benefits – Employee Choice | |
| 20. | Court Time | |
| 21. | Jury Duty | |
| IV. | EMPLOYEE EVALUATIONS AND CONDUCT | |
| 22. | Performance Reviews and Evaluations | |
| 23. | Employee Responsibilities and Conduct | |
| 24. | Safety | |
| 25. | Computer Usage and Privacy | |
| 26. | Contact with News Media | |
| V. | DISCIPLINE AND TERMINATION | |
| 27. | Grievance Procedures | |
| 28. | Constructive/progressive discipline | |
| VI. | MISCELLANEOUS PROVISIONS | |
| 29. | Savings Clause | |
| 30. | Copy of Policies | |
| 31. | Receipt of Personnel Policies | |

1. Purpose and Scope.

These policies are designed with fairness in mind to establish reasonably equal working conditions for all employees of the city of Roslyn. These policies are not intended to be a contract, express or implied, nor guarantee of employment for any specific duration. The policies pertain to employees in all city departments.

These personnel policies apply to all City employees. In cases where these policies conflict or differ with any City ordinance, Civil Service rules or regulations, the provisions of a collective bargaining agreement, state or federal law, the terms of that law or agreement prevail. In all other cases, these policies apply.

2. Equal Employment Opportunity Policy.

The City is an equal employment opportunity employer. The City employs, retains, promotes, terminates and otherwise treats all employees and job applicants on the basis of job-related qualifications and competence. These policies and all employment practices shall be applied without regard to any individual's sex, race, color, religion, national origin, pregnancy, age, marital status, or disability.

3. Anti-Harassment Policy.

It is the City's Policy to foster and maintain a work environment that is free from discrimination and intimidation. Employees are expected to show respect for each other and the public at all times.

Sexual or any other type of unlawful verbal, physical, or visual harassment of co-workers, co-employees and members of the public is absolutely forbidden. This includes harassment based on gender, sexual orientation, race, religion, age, national origin, disability or any other legally protected status. All employees must be sensitive to the feelings of others and must try not to act in a way that might be considered harassment by someone else.

Harassment can take many forms. Prohibited harassment includes, but is not limited to:

- Verbal (e.g., racial, sexual or ethnic jokes, stereotypes and insults).
- Physical (e.g., sexually suggestive or unwelcome touching or obscene gestures).
- Visual (e.g., insulting cartoons, sexually suggestive or lewd pictures or photographs).

Sexual harassment can include verbal behavior such as suggestive looks or leering; and physical behavior such as pats or squeezes; repeatedly brushing against someone's body; obscene or rude sexual comments, jokes or suggestions; slang, names, or labels such as "honey," "sweetie," "boy," or "girl" that others find offensive; talking about or calling attention to another employee's body or sexual characteristics in a negative or embarrassing way; displaying nude or sexual pictures, cartoons or calendars in or on City property; invitation for dates which do not stop when the

response is negative; continuing unwelcome behavior after a co-worker has objected to that behavior; or blaming the victims of sexual harassment for causing the problem.

Conduct of this type is improper, and it may be illegal if:

- Submission to this conduct is either an explicit or implicit term or condition of employment;
- Submission to or rejection of the conduct is used as a basis for employment decisions affecting the person involved; or
- The conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

All employees are responsible to ensure a work place free from any type of harassment. If an employee is aware of any instances of work place harassment or believes s/he is a victim of harassment, the employee should ask the offending employee to cease the conduct. If an employee is uncomfortable doing this, or if the conduct does not stop, s/he should report the alleged act immediately to his/her department head or the Mayor. Alternatively, if his/her department head is engaging in such conduct or if his/her department head is unavailable, the employee should immediately report the alleged harassment to the Mayor.

All complaints will be promptly and thoroughly investigated by the Mayor or his/her designee. Any employee who is found to have harassed another employee will be subject to appropriate disciplinary action, which may range from a disciplinary warning to termination.

No retaliation of any type will result from reporting instances of harassment or cooperating in an investigation.

4. Work Place Violence Prohibited.

Work place 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 damage to property. Even joking about violent acts is prohibited. Work place violence may involve family, friends, strangers, co-workers, elected officials, or members of the public. The City does not tolerate acts of violence towards City 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 work place or affect their work requirements. Employees who feel an immediate threat and cannot reach their supervisor should call 911 and leave the area as soon as possible

5. Drug Free Workplace.

Based on the Federal Drug-Free Workplace Act, the manufacturing, distribution, dispensation, possession and use of unlawful drugs as determined by federal and state law or alcohol on City premises or during work hours by City employees is strictly prohibited. Employees must notify the City within five (5) days of any conviction for a drug violation in the workplace. Violation of this policy can result in disciplinary action, including termination. All employees must adhere to the City's Alcohol and Drug Free Work Environment Policy attached hereto as Appendix A.

6. Work schedule.

The work week starts on Monday at 8:00 a.m. The work week shall be determined for each position by the Mayor on recommendation from the personnel committee.

A. Lunch and Breaks. Each employee receives a lunch period approximately one-half way through the work day. The lunch period is not compensable time. Each employee receives a relief period (i.e., coffee break) not to exceed fifteen (15) minutes approximately one-half way through the morning shift, and approximately one-half way through the afternoon shift on each work day. The relief period is compensable time.

B. Nonstandard "Weekend." Two (2) days a week shall be determined to be employee "Saturday and Sunday" for those employees who may work a work week other than Monday through Friday.

7. Attendance.

Punctual and consistent attendance is a condition of employment. Employees unable to work or unable to report to work on time must notify their supervisor as soon as possible, ordinarily before the work day begins or within thirty (30) minutes of the employee's usual starting time. If an absence continues beyond one day, the employee is responsible for reporting in each day. An employee who is absent without authorization or timely notification is subject to disciplinary action, including possible termination.

8. Overtime and Compensatory Time.

All City positions are designated as either "exempt" or "non-exempt" in accordance with the Fair Labor Standards Act ("FLSA") and Washington Minimum Wage Act regulations. You will be informed of your status by the City.

A. Overtime. If a non-exempt employee is compensated for forty (40) hours of actual time worked in a week, additional work that week will only be authorized at the discretion of the Mayor, paid at a maximum rate of time and one-half (1.5). Unauthorized overtime will not be paid. Exempt employees are not eligible for overtime pay.

Any work done on a holiday is considered holiday overtime at two and one-half (2.5) times the regular rate of pay and must be approved by the Mayor. This is the maximum

rate of compensation for work done on a holiday. Employees are not entitled to receive regular pay in addition to holiday overtime compensation.

B. Compensatory Time.

1. Nonexempt 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 department head or the Mayor, if the request is from a department head. If the compensatory time option is exercised, the employee is credited with one and one-half times the hours worked as overtime. Maximum accruals of compensatory time are limited to forty (40) hours for regular employees. After maximum accrual, overtime compensation must be paid.
2. Employees may use compensatory time within a reasonable time period after making a request to their department head, unless doing so would unduly disrupt City operations. Compensatory time should be used for short-term absences from work during times mutually agreed to by the employee and his/her department head. Accumulation of compensatory time to be used as a substitute for extended vacation time off may be approved by the Mayor.
3. If an employee is unable to use accrued compensatory time by the end of the year in which it was earned, the employee will be paid his/her original overtime wage.

9. Emergency Closure.

All City offices and activities are to be open and in operation during established working hours. Because many City services are of primary importance during emergency conditions, employees need to make every effort to report to work on a timely basis. Should emergency conditions prevent City employees from reporting to work, it is the employee's responsibility to contact his/her supervisor to indicate anticipated absence from work, or late arrival to work, and the reason for such absence or tardiness. A non-exempt employee who is unable to report to work may be given the option of having pay deducted for the time lost or of applying for vacation credits or earned compensatory time, if any, to offset any loss of pay, subject to the approval of the employee's department head.

10. Call Back.

All employees are subject to call back in emergencies or as needed by the City to provide necessary services to the public. A refusal to respond to a call back is grounds for immediate disciplinary action, including possible termination. Employees called back to duty will be paid their appropriate rate of pay for hours worked.

Any call for service by an employee after regular working hours, on weekends, or holidays shall be compensated at a one-hour minimum.

11. Holiday Schedule and Conditions of Pay.

A. The following days are holidays:

1. New Year's Day;
2. Martin Luther King, Jr. Day;
3. Presidents' Day;
4. Memorial Day;
5. Independence Day;
6. Labor Day;
7. Veterans' Day;
8. Thanksgiving Day;
9. Day after Thanksgiving Day;
10. Christmas Day;
11. Two (2) floating holidays (employee's choice; must be asked for in advance).

B. If a holiday falls on a normal shift day for the majority of employees but not for others, then the others will observe the holiday during the nearest work shift to that holiday. Holiday hours may be used for personal holidays instead of designated holidays with the Mayor's approval, provided the employee does not receive compensation on designated holiday.

C. Full-time employees will be paid straight time for holidays for the number of hours that the employee normally works on holidays. Regular part-time employees will receive straight time holiday pay based on the length of his/her part-time day, i.e., if the employee regularly works a half-day, then he/she is paid half-day holiday pay.

D. To qualify for pay on a holiday, employees must work the working day before and the working day after the holiday or be otherwise eligible for pay the day before or the day after a holiday. Such other eligible circumstances include:

1. Illness.
2. Attendance at a funeral for a member of the immediate family/household.
3. On authorized vacation.

4. Employees on extended leave of absence without pay do not receive holiday pay.

E. Temporary employees are not eligible for holiday pay.

F. In addition to the holidays listed in subsection (A) above, employees are entitled to two unpaid holidays per calendar year for reasons of faith or conscience or for an organized activity conducted under the auspices of a religious denomination, church, or religious organization.

The employee may select the days on which he or she desires to take the unpaid holidays after consultation with his/her supervisor. If an employee prefers to take the unpaid holidays on specific days, then the employee will be allowed to take the unpaid holidays on the days s/he has selected unless the absence would unduly disrupt operations, impose an undue hardship, or the employee is necessary to maintain public safety.

If possible, an employee should submit a written request for an unpaid holiday provided for by this section to the employee's supervisor as soon as reasonably practical prior to the requested day. Approval of the unpaid holiday shall not be deemed approved unless it has been authorized in writing by the employee's supervisor. The employee's supervisor shall evaluate requests by considering whether the absence would unduly disrupt operations, impose an undue hardship, or if the employee is necessary to maintain public safety.

The two (2) unpaid holidays allowed by this section must be taken during the calendar year, if at all; they do not carry over from one year to the next.

12. Vacations.

Regular full-time employees, regardless whether the employee works an eight-hour or a ten-hour day, is entitled to vacation with pay at their regular rate, according to the following schedule with each vacation day equal to eight (8) hours. Such vacation is accrued from the first day of employment and available for use by the employee after one calendar month from the first day of employment.

| Years of Service | Vacation Time |
|-------------------------|----------------------|
| After 1 year | 10 days per year |
| After 2 years | 10 days per year |
| After 3 years | 10 days per year |
| After 4 years | 12 days per year |
| After 5 years | 12 days per year |

| | |
|----------------|----------------------|
| After 6 years | 15 days per year |
| After 7 years | 15 days per year |
| After 8 years | 15-1/2 days per year |
| After 9 years | 15-1/2 days per year |
| After 10 years | 20 days per year |
| Over 10 years | 20 days per year |

An employee may carryover unused vacation time from one year to the next year; provided, that no employee may accumulate more than a maximum of two hundred forty (240) hours of unused vacation time by the anniversary date of his/her employment with the City. Employees may donate vacation time to other employees; however, the donating employee must retain at least five (5) days of vacation time (forty hours) for the donating employee's personal use. Donation of vacation time is subject to the Mayor's approval.

"Anniversary date" means the date of the first day of his/her current, continuous employment with the City, regardless of whether such employment was full- or part-time.

Regular part-time employees working a minimum of thirty-two (32) hours a week receive vacation with pay prorated by his/her regularly worked part-time day paid at regular rate of pay.

Upon termination, accumulated unused vacation days will be paid. Total payout of vacation time is not to exceed two hundred forty (240) hours. Vacation time must be coordinated with the Mayor.

13. Longevity Pay.

Each regular full-time employee is entitled to receive annually compensation in addition to his or her regular pay based on the number of years that employee has worked for the City of Roslyn as follows:

| Years of Service | Additional Compensation |
|-------------------------|--------------------------------|
| 5 years to 9 years | \$100.00 |
| 10 years to 14 years | \$175.00 |
| 15 years to 19 years | \$250.00 |
| 20 years+ | \$350.00 |

14. Sick Leave.

All regular full-time employees and part-time employees are entitled to sick leave with pay at the employee's regular rate when he/she is incapacitated for the performance of assigned duties by reason of sickness or injury resulting from causes beyond the employee's control, or when, through exposure to contagious diseases, the presence of the employee at his or her post of duty would jeopardize the health of others, or for preapproved medical appointments. The rate of sick leave pay will be at the employee's regular rate of pay. A day of sick leave is eight (8) hours at the regular rate of pay for employees who are regularly scheduled for an eight-hour day; ten (10) hours at the regular rate of pay for employees who are regularly scheduled for a ten-hour day; or four (4) hours at the regular rate of pay for employees who are regularly scheduled for a four-hour day.

Notification of absence on account of illness must be given to the supervisor on the first day of absence. Failure to notify the supervisor on the first day of absence may constitute cause for loss of sick pay. Further, a doctor's certificate will be required for verification of illnesses resulting in absences of three (3) working days or more, and may be required for verification of illnesses resulting in absences of less than three (3) working days.

Sick leave accrues at the rate of eight (8) hours per month per employee, with the exception of part-time employees, who receive three and one-half (3.5) hours of sick leave per month. Employees may accrue a maximum of nine hundred sixty (960) hours of unused sick leave. Accumulated unused sick leave in excess of nine hundred sixty (960) hours is forfeited.

15. Sick Leave Buy-Back.

- A. Employees hired prior to January 2001. For employees hired prior to January 2001, upon termination or death of an employee with at least ten (10) years of employment with the City of Roslyn, the employee or employee's estate is entitled to receive a lump sum payment for accrued, unused sick leave to be paid at one-half of the pay rate the employee was earning in his/her last year of service, up to nine hundred sixty (960) hours. (For example, if the employee was earning \$10.00 per hour in his/her last year of service, he/she would be entitled to receive a lump sum payment at the rate of \$5.00 per hour for all unused sick leave accrued.)
- B. Employees hired after January 2001. For employees hired after January 2001, upon termination or death of employee with at least ten (10) years of employment with the City of Roslyn, the employee or employee's estate shall be entitled to receive a lump sum payment for unused sick leave, not to exceed four hundred eighty (480) hours of accrued sick leave, at one-quarter (25 percent) of the pay rate the employee was earning in his/her last year of service. (For example, if the employee was earning \$10.00 per hour in his last year of service, he/she would be entitled to receive a lump sum payment at the rate of \$2.50 per hour for all unused sick leave accrued.)

- C. Employees with less than ten (10) years of employment with the City. Employees with less than ten years of employment with the City are not eligible for any payout of accrued unused sick leave.

16. Voluntary Leave without Pay

The Mayor can choose to allow employees to volunteer to take leave without pay for up to two weeks per calendar year. Employee leave requests must be received prior to October 1 of the preceding year. The affected employee's hourly pay rate will be adjusted to allow said employee to receive compensation during their leave.

17. Compassionate Leave.

Employees will be granted up to five (5) days leave with pay in the event of death in the employee's immediate family (spouse, parent, child, sibling, grandparent, grandchild, immediate in-law, or member of the immediate household). On the first day of such absence, the employee must notify the Mayor.

17. Administrative Leave.

On a case-by-case basis, the City may place an employee on administrative leave with or without pay. Administrative leave may be used in the best interests of the City as determined by the Mayor including during the pendency of an investigation or other administrative proceeding.

18. Military Leave.

We provide all employees leave while performing military service in accordance with federal and state law. Military service includes active military duty and Reserve or National Guard training. Employees are required to provide the supervisor or Mayor with copies of the military orders as soon as possible after they are received. Reinstatement upon return from military service will be determined in accordance with applicable federal and state law.

19. Health Benefits – Employee Choice.

The City of Roslyn provides health insurance benefits to each employee. Employees may choose which program they want to enroll in from the options provided by the City. This choice is available to the employee only if the required minimum enrollments are met in any benefit program.

20. Court Time.

An employee required to attend court on the City's behalf will receive reimbursement of expenses and straight time pay. When court time unavoidably runs beyond the 40-hour work week, the time in excess of forty (40) hours will be paid at time and one-half (1.5). All overtime must be reported to the Mayor as soon as known.

21. Jury Duty.

An employee must notify the Mayor immediately if s/he has been selected for jury duty. Depending on the needs of the City, the Mayor may request an occupational release from jury duty. If the employee is still required to serve, the City of Roslyn will pay the difference between jury fees received and straight time rate of pay. Driving time and expense will not be paid. Overtime will not be paid. On days an employee reports to jury duty and is not required to work as a juror, he/she must report to work at Roslyn City Hall in order to be compensated for that day.

22. Performance Reviews and Evaluations.

On an annual basis, each employee must meet with their immediate supervisor and/or the Mayor to review and evaluate job performance. An employee may request that a Council Administration Committee Member to be present as well. Subject to annual budget approval and allocation, employees may receive a step increase upon receiving a satisfactory performance evaluation in January. The City will attempt to accommodate employee requests for additional performance evaluations on a case-by-case basis.

23. Employee Responsibilities and Conduct.

Employees are expected to act ethically in carrying out their public duties. Employees must avoid any improprieties in their roles as public servants and never use their City position or powers for personal gain or in breach of the public trust. Employees must act in the best interests of the City, demonstrate integrity and responsibility in their work, adhere to the laws of the City, State, and Country. In addition, employees are expected to report improper conduct, provide honest, accurate, timely and complete information, identify problems and help create solutions. Employees must abstain from decisions that could result in a direct benefit to the employee, a relative or co-habitant.

24. Safety.

Every employee is responsible for maintaining a safe work environment and following the City's safety rules. Each employee must promptly report all unsafe or potentially hazardous conditions to his/her supervisor or the Mayor. The City will make every effort to remedy the situation as quickly as possible.

In case of an incident at work or during business hours that involves a personal injury, regardless of how serious, employees must immediately notify their supervisor or the Mayor.

Employee safety depends on the safety consciousness of everyone. It is the policy of the City of Roslyn to prohibit all employees while on City property ("City property" means all areas within the ownership and/or control of the City, and includes offices, buildings, parking lots, desks, cabinets, lockers, or storage areas.) and while performing City business from:

- Carrying in any manner any firearm, rifle or handgun, whether such person has a license or permit to carry such firearm or not, and whether such firearm is concealed or not.

The policy shall not apply to or affect the following:

- Law Enforcement Officers while in the performance of such duty.
- Any employee violating this policy may be subject to disciplinary action, up to and including termination.

25. Computer Usage and Privacy.

An employee does not have a right to privacy when using City resources or accessing the Internet from work. Employees should not expect or assume any privacy regarding the content of e-mail communications. This also applies to internet based e-mail and social media accounts.

Internet use must comply with applicable laws and City policies including, but not limited to, all federal and state laws and City policies governing sexual harassment, discrimination, intellectual property protection, privacy, public disclosure, misuse of City resources, information and data security.

The City has the capability and reserves the right to access, review, copy, modify and delete any information transmitted through or stored in its computer system. The City may disclose all such information to any party (inside or outside of the City) it deems appropriate and in accordance with applicable law. All software, files, information, communications, and messages (including e-mails) sent or downloaded using City resources are the City's records and property of the City; such records are subject to potential review and disclosure under the Public Records Act of the State of Washington.

Prohibited Uses of the Internet. The following is a non-exclusive list of prohibited uses of the Internet and e-mail: commercial use, solicitation of personal or non-business items, discrimination, harassment, political campaigns, alias, anonymous messages, social networking sites for non-City business purposes, spamming, hacking, unauthorized access of accounts, transmission of confidential or proprietary information to unauthorized persons, or viewing or downloading non-City business related information. The last category includes, but is not limited to entertainment sites, pornographic sites, sexually explicit sites, and chat rooms.

The Mayor or his/her designee has the right to restrict or prohibit any employee from Internet access for violation of these policies. Violations may also result in disciplinary action.

26. Contact with News Media.

The Mayor or his/her designated representative is responsible for all official contact with the news media, including responding to inquiries or questions from the media. The Mayor may designate specific employees to give out procedural, factual, or historical information on particular subjects.

27. Grievance Procedures.

A. Definition of Grievance. An issue raised by an employee relating to an alleged violation of rights, benefits or conditions of employment.

B. Procedure.

- 1. Step 1.** An aggrieved employee must first refer the grievance to the Mayor within five (5) working days of the occurrence of the action from which the grievance stems, or the employee's knowledge of such action. This notice must be in writing and include (1) a statement of the grievance and relevant facts and dates, and (2) remedy sought. Copies of the original grievance report and all subsequent related reports shall go to (1) the Mayor, (2) the employee's confidential personnel file, and (3) the chairman of the personnel committee. The Mayor shall respond to the grievance in writing within ten (10) business days.
- 2. Step 2.** If, after thorough evaluation, the decision of the Mayor has not resolved the grievance to the satisfaction of the employee, the grievance may be submitted in writing to the personnel committee of Roslyn City Council. All materials previously submitted shall be made available for review and consideration of the personnel committee. The committee will provide the opportunity to interview the employee and shall receive any additional related information. The committee shall make a reasonable attempt to provide a written decision within fifteen (15) business days.
- 3. Step 3.** If a decision of the personnel committee has not resolved the grievance to the satisfaction of the grievant, he/she may request in writing within five (5) business days of the decision that the City Council and the Mayor review the decision of the personnel committee in executive session. The council shall make a reasonable attempt to have a written decision available within fifteen (15) business days.

C. General Ground Rules for Grievances.

The Mayor and/or the personnel committee and/or the City Council of Roslyn will try to settle grievances promptly and fairly.

An employee's decision to implement the right to follow grievance procedures will be free from interference, discrimination or reprisal.

An aggrieved employee may be represented by any person in an advisory capacity to assist in presenting all facts relevant to the grievance and necessary to the equitable solution of the grievance. If the employee chooses to be represented by an attorney, then the City Attorney need not be restricted to an advisory capacity, but may function in such matters as cross examination, weighing of evidence, etc.

All employee grievances must follow this chain of appeal. All references to number of days are understood as business days. Time limits may be waived upon consent of both parties.

28. Constructive/Progressive Discipline.

The City hopes that disciplinary action should rarely be necessary; however, it is the policy to take appropriate action when an employee engages in a practice which is in conflict with the best interests or impairs the effective functioning of the City of Roslyn.

The objective of disciplinary action is to avoid recurrence and achieve correction. Accordingly, all actions aim for this objective and are not intended to be punitive. Consistency in the application of disciplinary measures is essential in order to create a sound and constructive relationship between the City of Roslyn and its employees.

In determining the degree of disciplinary action, full consideration will be given to the seriousness of the offense, the intent and attitude of the individual, and the environment in which the offense took place.

Documentation of disciplinary action will be placed in an employee's file with notice to the employee. Employee files will be periodically reviewed to ensure timely removal of documentation that is no longer relevant.

Following is a specific analysis of each stage of the progressive disciplinary procedure. Any one or a combination of these stages may be utilized in a particular disciplinary matter depending on the severity of the employee's conduct:

- A. Oral warning/instruction.** Oral warning or instruction is a verbal request for correction of an unacceptable on-the-job practice. This is the most informal step of the progressive discipline procedure. The oral step involves a supervisor discussing with the employee his/her "on-the-job" shortcoming(s) and what correction action(s) needs to be taken. It is essential that the employee recognize and understand both the problem and the needed corrective action.

A memo documenting this discussion shall be placed in the employee's file. The employee will be requested to acknowledge the fact that the discussion took place by initialing the memo. It is not necessary that the memo contain specifics, only that a discussion took place, and the subject. A copy must also be provided to the personnel committee.

B. Written warning. A written warning is a written request for correction of an unacceptable on-the-job practice. A written warning should be utilized when warranted by the seriousness of the offense or when an oral warning has been ineffective. Written warnings shall include a description of the problem and the corrective action the employee must take, as well as the date by which the action must be taken, and the consequences of not correcting the situation will be. A copy of the written warning shall be retained in the employee's personnel folder, and another copy sent to the personnel committee.

C. Investigative suspension. Investigative suspension is an unpaid period of time used for determining the facts of a situation which could result in severe disciplinary action. Such period shall not exceed two weeks' duration. Generally, the suspension is accompanied by a letter which refers to any earlier oral or written warning(s) that have gone unheeded. Upon completion of the investigation, one of three courses of action may be taken:

1. Suspension for a definite period of time;
2. Other disciplinary action, including dismissal;
3. Restitution to the employee for time lost if the investigation determines that no disciplinary action is appropriate.

D. Dismissal. Dismissal is invoked when the severity of the offense dictates or when the employee fails to respond positively to the demands that an untenable situation be corrected. These demands will be in the form of documented verbal and written warnings. Dismissal may also be immediately invoked without utilizing any of the above-mentioned disciplinary procedures if the Mayor determines that the employee has committed an extremely serious offense, i.e., theft, violence, or gross insubordination.

E. Conduct subject to discipline. Disciplinary action, up to and including dismissal, may be taken for, but is not limited to, the offenses listed below:

1. Excessive absenteeism, abuse of sick leave privileges, and/or related tardiness.
2. Sale, purchase or use of illegal drugs as designated by Federal or State law.

3. Dishonesty.
4. Theft of City property.
5. Being under the influence of alcohol, illegal drugs or narcotics as designated by Federal or State law while on the job.
6. Inability to get along with other employees or volunteers.
7. Abusive treatment of those doing business with City of Roslyn.
8. Neglect of duties or poor work performance.
9. Misconduct or behavior not appropriate for a City of Roslyn employee while representing the City of Roslyn.
10. Falsification of employment or personnel records.
11. Misuse or abuse of property and equipment belonging to the City of Roslyn.
12. Sexual harassment.
13. On-the-job practices inconsistent with the ordinary, reasonable, common sense rules of conduct necessary to the mutual welfare of City of Roslyn, its taxpayers and employees.
14. Misrepresentation or misuse of powers and authority as a City employee.
15. Violation of the expectation to perform in a professional manner respecting citizens, other employees, city officials, and reflecting well upon the City of Roslyn.

29. Savings Clause.

If any section(s) or provision(s) in this manual or any subsequent amendment(s) are invalidated by law, rule, regulation, or binding legal decision rendered by a person or entity of competent jurisdiction, or if compliance with or enforcement of any section(s) or provision(s) of this manual are restrained, the remainder of this policy manual and any amendment(s) are not to be affected and remain in full force and effect.

30. Copy of Policies.

All employees and new hires shall receive a copy of the personnel policies and sign a receipt.

APPENDIX A

ALCOHOL AND DRUG FREE WORK ENVIRONMENT

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

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

Use of Medication: An employee taking prescription or non-prescription medication that may affect the employee's ability to work or may affect the safety of the employee, co-workers or the public is required to notify his/her supervisor prior to the commencement of work. The supervisor will make a determination whether it is in the best interests of the employee and to the City that the employee work, not work, or be reassigned during the period of medication.

When Job Performance is Affected: Although the City's emphasis is on rehabilitation, it must be understood disciplinary action may be taken when an employee demonstrates problems in job performance or is involved with or under the influence of drugs or alcohol on the job. The City may discipline and/or immediately terminate an employee possessing, consuming, controlling, selling or using alcohol, drugs or other controlled substances during work hours, or being under the influence of drugs or alcohol during work hours. The City may also discipline and/or terminate an employee who exhibits an abuse of alcohol, drugs or other controlled substances which, in the City's opinion, impairs the employee's work performance, poses a threat to the public confidence, or is a safety risk to the City or others.

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

- The manufacturing, distribution, dispensation, possession and use of unlawful drugs or alcohol on City premises or during work hours by City employees is strictly prohibited.
- Employees must notify the City within five (5) days of any conviction for a drug violation.

- Violation of this policy can result in disciplinary action, up to and including discharge. Poor performance or failure to successfully complete a rehabilitation program is grounds for termination.
- Illegal drug use at any time may be subject to discipline or termination.

Drug and Alcohol Testing Policy

At the Mayor's discretion, s/he may require an employee to undergo testing for drugs or alcohol where there is reasonable cause or suspicion to believe an employee may be in violation of the City's drug-free workplace policy.

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

The City recognizes that drug and alcohol abuse may be considered treatable illnesses and to the extent possible the response to these illnesses may be treatment and rehabilitation.

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

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

The City recognizes employee concerns of personal privacy and that drug or alcohol testing shall be used only in cases where questions of impaired job performance are involved and reasonable suspicion exists of an alcohol or drug problem. Adverse action against an employee for off duty conduct shall not be taken unless such conduct directly impairs the employee's on-the-job performance.

Informing Employees About Drug and Alcohol Testing: All employees shall be fully informed of the drug and alcohol testing policy. In addition, the City shall inform the employees on how the tests are conducted, what the test can determine and the consequence of testing positive for drug use. All newly hired employees will be provided with this information on their initial date of hire. No employee shall be tested before this information is provided to them.

Prohibited Substances:

- A. Drugs shall be defined as those substances whose dissemination is regulated by law, including, but not limited to, narcotics, depressants, stimulants, hallucinogens, cannabis, and alcohol. This definition shall include over-the-counter drugs and/or

drugs that require a prescription or other written approval from a licensed physician, dentist, RN, or PA for their use. The drugs that are included in these categories are as follows:

- 1) Alcohol
 - 2) Cannabis/marijuana
 - 3) Cocaine
 - 4) Heroin
 - 5) Opium or opiates
 - 6) Phencyclidine (PCP)
 - 7) Lysergic acid diethylamide (LSD)
 - 8) Barbiturates
 - 9) Amphetamines or methamphetamines
 - 10) Methaqualone
 - 11) Mescaline
 - 12) Glutethimide
 - 13) Phenocycladine
 - 14) Procyclidine
 - 15) Other controlled substances as defined in state or local law
 - 16) A prescription drug for which the employee does have or does not have a current, valid, personal prescription and which is not authorized or approved for use while operating a motor vehicle or other equipment.
 - 17) Any over-the-counter drug, which may impair job performance and safety.
- B. The presence of trace amounts of alcohol, cannaboids and/or over the counter drugs as evidenced by a drug or alcohol test, shall not be grounds for disciplinary action to the extent that job performance and/or the ability to perform safely is not lessened to any appreciable degree; except where the presence of these substances is in violation of an agreed upon treatment and/or return to work agreement.
- C. Voluntary disclosure of a drug or alcohol problem by an employee shall result in a referral under the Employee Assistance Program for an evaluation and recommendation.

Procedure:

- A. In the event there is reasonable cause to believe that an employee's job performance may be impaired by drugs or alcohol, the employee's supervisor shall question the employee with regard to the behavior. The supervisor shall directly observe the employee's behavior and document the behavior. Indications of impaired behavior include but are not limited to the following: staggering or irregular gait, the odor of alcohol on the breath, slurred speech, dilated or constricted pupils, inattentiveness, listlessness, hyperactivity, performance problems, illogical speech and thought process, poor judgment, or unusual or abnormal behavior. A reasonable cause to believe that an

employee's job performance may be impaired by drugs or alcohol may also be based on the following:

1. Involvement in an fatal or serious bodily injury accident or in an accident involving significant damage to property or equipment; or
 2. An observable phenomena, such as direct observation of drug/alcohol use or the physical symptoms of being under the influence of a drug/alcohol; or
 3. A pattern of abnormal conduct or erratic behavior; or
 4. An arrest and conviction of a drug related offense; or
 5. Information provided by reliable and credible sources that has been independently corroborated.
- B. When possible, a second managerial employee shall also observe the employee to verify that there is reasonable cause to believe that drug or alcohol consumption may be involved. A determination shall be made as to whether or not the employee's behavior is impaired to the point of being unable to perform his/her duties effectively and safely. The employee shall be relieved of his duties and placed on a leave of absence with pay status until a clear determination can be made as to the abuse or non-abuse of drugs or alcohol. A preliminary statement as to the reasons for the suspicion shall be given to the employee immediately upon notification of testing and written correspondence shall be provided within two (2) business days outlining the circumstances and conditions of such determination.
- C. If it is concluded that there is reasonable cause to believe that drug or alcohol consumption is involved, the supervisor or appropriate manager shall have a drug or alcohol test administered. Failure of an employee to take the test(s) may be cause for disciplinary action. The test(s) must be conducted within a reasonable time period after the observation of the problem behavior.

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

| | |
|---------------------------------|-----------|
| Marijuana metabolites | 50 ng/ml |
| Cocaine metabolites | 300 ng/ml |
| Opiate metabolites ¹ | 300 ng/ml |

| | |
|---------------|-------------|
| Phencyclidine | 25 ng/ml |
| Amphetamines | 1,000 ng/ml |

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

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

| | |
|------------------------------------|-----------|
| Marijuana metabolites ¹ | 15 ng/ml |
| Cocaine metabolites ² | 150 ng/ml |

Opiates:

| | |
|---------------|-----------|
| Morphine | 300 ng/ml |
| Codeine | 300 ng/ml |
| Phencyclidine | 25 ng/ml |

Amphetamines:

| | |
|------------------------------|-----------|
| Amphetamine | 500 ng/ml |
| Methamphetamine ³ | 500 ng/ml |

1 Delta-9-tetrahydrocannabinol-9-carboxylic acid

2 Benzoylecgonine

3 Specimen must also contain amphetamine at a concentration of ≥ 200 ng/mL.

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

- A. **Laboratory Results:** The laboratory will advise the City and the employee of any positive results. The City will be required to keep the results confidential to the extent provided by law.
- B. **Testing Program Costs:** The City shall pay for all costs involving drug and alcohol testing.
- C. **Rehabilitation Program:** Any employee who tests positive for illegal drugs shall be medically evaluated, counseled and treated for rehabilitation as recommended by an E.A.P. counselor. Employees who complete a rehabilitation program will be re-tested randomly once every quarter for the following twenty-four (24) months. An employee may voluntarily enter rehabilitation without a requirement or prior testing. The treatment and rehabilitation shall be paid for by the employee's insurance program. Employees will be allowed to use their accrued and earned leave for the necessary time off involved in the rehabilitation program. If an employee tests positive during the twenty-four (24) month period they shall be subject to disciplinary action.

- D. **Physicians Release:** Where appropriate, a signed physician's release may be required by the City before the employee is returned to work. Time lost due to an illness will be charged to sick leave. If the behavior that led to the initial investigation is not due to substance abuse but continues to hinder job performance, the City may require that employee to undergo further medical evaluation.
- E. **Immediate Termination:** If the test is positive, the employee may be terminated depending upon the circumstances of the situation.
- F. **Conflict With Other Laws:** This Policy is in no way intended to supersede or waive any constitutional or other rights that the employee may be entitled to under Federal, State or local statutes.

RECEIPT & ACKNOWLEDGMENT OF CITY OF ROSLYN PERSONNEL POLICIES

All employees should read the following, then sign, date and return the form to City Hall. The form will be placed in your personnel file.

Enclosed are the City of Roslyn's personnel policies. It is your responsibility to read these policies, as they will acquaint you with your employee benefits, City personnel practices and rules, and some organizational philosophy.

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

Unless specific rights are granted to you in employment contracts, civil service rules or elsewhere, all employees of the City are considered at-will employees and may be terminated from City employment at any time, with or without cause and with or without notice.

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

Please also understand that no supervisor, manager or representative of the City other than the Mayor has the authority to make any written or verbal statements or representations which are inconsistent with these policies.

I hereby consent to deduction from my final paycheck of any amounts advanced to me that remain unearned when my employment with the City ends, including unearned vacation leave.

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

I HAVE READ, UNDERSTAND, AND AGREE WITH THE STATEMENTS ABOVE.

Employee's Signature

Date



Mayor's Signature



Date

FIREARMS POLICY

It is the policy of the City of Roslyn to prohibit all employees while on City property ("City property" means all areas within the ownership and/or control of the City, and includes offices, buildings, parking lots, desks, cabinets, lockers, or storage areas.) and while performing City business from:


- Carrying in any manner any firearm, rifle or handgun, whether such person has a license or permit to carry such firearm or not, and whether such firearm is concealed or not.

The policy shall not apply to or affect the following:

- Law Enforcement Officers while in the performance of such duty.
- Any employee violating this policy may be subject to disciplinary action, up to and including termination.

Employee's Signature

Date



Mayor Scherer



Date