

PERSONNEL POLICIES

CITY OF MONTESANO

Adopted July 23, 2013

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The handbook is prepared so that employees will better understand how the City operates and what is expected of employees. It is a summary of the City's personnel policies and practices, and is intended as a general guide to show how the organization functions. We want to create a work environment that allows individuals to maximize their contribution to the organization and results in personal satisfaction. We believe that when consistent personnel policies are known and communicated to all, the chances are increased for greater job satisfaction.

We wish you success in your position and hope that your employment relationship with the City will be a personally rewarding experience.

CHAPTER 1. GENERAL

1.1 Introduction.

1.1.1 The City of Montesano (the "City"), which was incorporated in 1883 operates under a Mayor/Council form of government. Under this system, there are seven elected Council members and a Mayor. The Council members are elected at-large to serve consecutive four-year terms. Presently, the Mayor and the Council members hold the only elected positions within the City.

1.1.2 The designee is appointed by the Mayor with City Council confirmation and is responsible for the overall administration of the City's operations. Department heads are responsible to the Mayor through the Mayor or designee. Thus, our chain of command runs from the Mayor to designee, to the department heads, to supervisors to non-supervisory personnel.

1.2 Purpose/Scope.

1.2.1 This manual is a general informational guide to the City's current employment policies and practices. Any department standard operating procedures need to be consistent with these policies and approved in advance by the Mayor or Designee.

1.2.2 Unless specific benefits or rights to the contrary are granted to an employee through ordinances, individual employment contracts, civil service rules, or valid and effective collective bargaining agreements, employees are considered at-will employees and may be terminated from City employment at any time, with or without cause and with or without notice.

1.2.3 The City reserves the right to amend, delete, supplement, or rescind any of the City's personnel policies, as the City deems necessary and appropriate. The City also 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 citizens.

1.2.4 These personnel practices and policies apply to all city employees. These policies do not apply to elected officials and independent contractors. In the event of conflict between any of these policies and any ordinance or provision of a valid and effective collective bargaining agreement, or in cases where the application of these practices and policies would conflict with applicable civil service rules and regulations, the provisions of the ordinance labor contract or civil service rules will govern.

1.3 Equal Employment Opportunity.

The City is an equal employment opportunity employer. The City employs, retains, promotes, terminates and otherwise treats its employees on the basis of merit, qualifications, and competence, without regard to any individual's sex, race, color, religion, national origin,

pregnancy, age, marital status, sexual orientation, disability, or any other status protected by federal, state, or local law. The City provides reasonable accommodation for qualified, disabled employees and applicants as required by law. Any alleged act or complaint of discriminatory treatment by any City employee should be reported to the Mayor or designee for appropriate investigation and action.

1.4 Work Place Harassment.

1.4.1 Sexual or any other type of inappropriate verbal, physical, 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 should be sensitive to the feelings of others and must try not to act in a way that might be considered harassment by someone else.

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

1.4.2.1 Verbal (e.g., racial, sexual or ethnic jokes, stereotypes and insults).

1.4.2.2 Physical (e.g., sexually suggestive or unwelcome touching or obscene gestures).

1.4.2.3 Visual (e.g., insulting cartoons, sexually suggestive or lewd pictures or photographs).

1.4.3 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.

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

1.4.4.1 Submission to this conduct is either an explicit or implicit term or condition of employment;

1.4.4.2 Submission to or rejection of the conduct is used as a basis for employment decision affecting the person involved; or

1.4.4.3 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.

1.4.5 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 he/she 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. 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 or designee.

1.4.6 All complaints will be promptly and thoroughly investigated. Any employee who is found to have harassed another employee will be subject to appropriate disciplinary action, which could range from a disciplinary warning to termination.

1.4.7 No retaliation of any type shall result from truthful or good faith reporting of instances of harassment or cooperating in an investigation. Someone who intentionally lies or reports false information may become a subject of the investigation. Nothing should dissuade or discourage an employee from filing a complaint.

1.5 Work Place Violence.

1.5.1 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.

1.5.2 All employees are responsible for refraining from participating in violent actions and for reporting to their department head or the Mayor or designee 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 a manager should call 911 and leave the area as soon as possible.

1.6 Employee Personnel Records.

1.6.1 A personnel file for each employee is maintained by the Mayor or his/her designee, and access is generally limited to the employee, the employee's department head, the Mayor or designee, unless broader disclosure is required by law. Usually, an employee's personnel file contains the employee's name, title and/or position held, job description, department to which the employee is assigned, salary, changes in employment status, training received, performance evaluations, personnel actions affecting the employee, including discipline, and other pertinent information.

1.6.2 Each employee may periodically review his/her personnel file. An employee may place pertinent information in his/her personnel file with the approval of the Mayor or designee. An employee may request removal of irrelevant or erroneous information in his/her personnel file. If the City denies the employee's request to remove the information, the employee may file a written rebuttal statement to be placed in his/her file.

1.6.3 Personnel files are kept confidential to the maximum extent permitted by law. Except for routine verifications of employment, information from an employee's personnel file will not be released to the public, including the press, without a written request for specific information or a valid court order or administrative agency request.

1.7 References.

1.7.1 Usually the City does not give references, other than to confirm the dates of employment and last salary, without the employee's prior written consent. Any requests for references should be referred to Human Resources.

1.7.2 Portions of personnel files may be subject to release under the Washington Public Records Act, chapter 41.56 RCW. Except for routine verifications of employment information from an employee's personnel file, information from a personnel file will not be released to the public, including the press, without a written request for specific information or upon a valid court-order administrative agency request. In the event of such request or subpoena, the employee may take action as he or she deems appropriate to protect his or her privacy.

CHAPTER 2. HOURS AND ATTENDANCE

2.1 Employment Status Definitions.

2.1.1 Regular Full-Time Employee - An employee who regularly works a minimum of 40 hours a week on an annualized 2080 per year basis.

2.1.2 Regular Part-Time Employee - An employee who may work less than 40 hours a week on a continuing basis. Part-time employees are not eligible for City benefits. No part-time employees will receive benefits.

2.1.3 Non-exempt Employee - An employee who is not exempt from the minimum wage, overtime, and timecard provisions of the wage and hour laws. Such employees may receive an hourly wage or a salary and are eligible for overtime pay at the rate of one and one-half times the regular rate of pay for all hours worked in excess of 40 hours in the workweek. This follows FLSA work period from 12:01 AM Monday through 12:00 Midnight Sunday.

2.1.4 Exempt Employee - An employee who is exempt from the minimum wage, overtime and timecard provisions of the wage and hour laws. Exempt employees include supervisory, administrative, and professional employees who are paid on a salary basis. Some examples include the Mayor or designees and Department Directors. When employees are hired, they will be informed of exempt status.

2.1.5 Temporary/Seasonal Employee - An employee hired with a short-term expectation of employment to cover during periods of peak workload, extended employee absences and the like. Temporary employees generally may not be employed for more than six months. Temporary employees are not eligible for City benefits.

2.2 Working Hours.

2.1.1 A normal working schedule for full-time employees consists of 40 hours each workweek. In most circumstances, the standard workday is from 8:00 a.m. to 5:00 p.m. with one hour for lunch. Different work schedules, such as in the case of the police department, may be established by the City to meet job assignments and to provide necessary City services. Each employee's department head will advise his/her employees regarding their specific working hours.

2.1.2 Part-time and temporary employees work the hours specified by their department heads.

2.1.3 For most City employees, the established work period is 40 hours within a seven-day workweek.

2.3 Overtime.

2.3.1 Non-exempt employees are entitled to additional compensation, either in cash or compensatory time off, when they work more than the maximum number of hours during a work period.

2.3.2 When computing overtime, holidays, sick leave and vacation time are not counted as hours worked. Department of Labor volunteer included in time is not counted. (CBA)

2.3.3 Exempt employees do not receive overtime.

2.4 Compensatory Time.

2.4.1 Non-exempt employees entitled to overtime pay may elect, with prior approval, to receive compensatory time off instead of cash payment. This is approved on a case-by-case basis by the employee's department head and the Mayor or designee. If the compensatory time option is exercised, the employee is credited with one and one-half times the hours worked as overtime. (Contract will prevail.)

2.4.2 Exempt employees are not eligible to accrue or use compensatory time.

2.4.3 In most circumstances, accrued compensatory time should be used within the same calendar year it is accrued. Unless approved in advance by the Mayor or designee, accrued but unused compensatory time usually is paid to the employee at the end of each calendar year. (Roll Over Contract)

2.5 Attendance.

2.5.1 An exempt employee is paid a salary for performing his/her duties over a week or month. Under the Fair Labor Standards Act, employees may not be docked for absences of less than a day where they are absent from work for personal reasons, other than illness or disability. In other words, while you can require an exempt employee to use sick leave to go to the doctor or take his child to the doctor, you cannot dock an exempt employee for taking off early or coming in late. See 29 CFR 541.602 (b)(1).

2.5.1a. Punctual and consistent attendance is an essential function of every employee's job and a condition of continued employment. Employees are expected to work a complete workday. Each employee is expected to be at their place of work and be prepared to work at the designated starting and continue to work until the designated quitting time. Employees are not expected to be absent from work without making prior arrangements with their department head.

2.5.2 Employees unable to work or unable to report to work on time should notify their department head or his/her designee as soon as possible, ordinarily before the workday begins or within a reasonable time, as determined by the employee's department head, of the employee's usual starting time, and state the reason for being late or being unable to report for work. If an absence continues beyond one day, the employee is responsible for reporting in each day. Any unauthorized absence, including tardiness, will be considered an absence without pay and may be cause for disciplinary action, including possible termination.

2.5.3 Employees are expected to be at work even during inclement weather. Department heads may allow employees to be late or leave early during severe weather conditions; however, non-attendance is counted as an absence from work and may be charged against a non-exempt employee's accrued, but unused, vacation time, if any.

2.6 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 or department head 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.

2.7 Breaks and Meal Periods.

2.7.1 Employees are allowed a meal period which usually commences between two to five hours from the beginning of the employee's shift. In most circumstances, meal periods are scheduled by the employee's department head.

2.7.2 If an employee works three or more hours longer than the employee's normal workday, the employee is usually allowed at least one 30 minute meal period prior to or during the extended work period.

2.7.3 In most circumstances, the City tries to provide employees at least a ten-minute paid break period for each four hours of working time. To the extent practical, the City endeavors to schedule rest periods as near as possible to the midpoint of the workday, as long as the rest period does not interfere with City business or service to the public. Employees should not work more than three hours without having either a rest break or a meal break. If you are not getting your breaks, you should inform your department head. (Bargaining contracts will address)

2.8 Call Back.

2.8.1 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 disciplinary action, including possible termination. Employees called back to duty are paid their appropriate rate of pay for hours worked (the overtime rate, if applicable.) In accordance with our drug free workplace provisions an employee must be capable of responding to and performing while on call out.

2.8.2 Unless otherwise specified in a valid and effective collective bargaining agreement, non-exempt employees who leave work and are called back to work after completing their

regular day's shift in most circumstances, are paid for a minimum of one hour worked. Exempt employees are not eligible for call-out pay. Contract

2.8.3 An employee who is required to be available and subject to call may, depending on the circumstances, receive stand-by duty pay in accordance with state or federal law or a valid and effective collective bargaining agreement. Exempt employees are not eligible for stand-by pay.

2.8.3.1 In most circumstances, weekend stand-by duty begins at the completion of the employee's regular shift Friday evening and continues to the regular starting time on Monday morning.

2.8.3.2 Usually, holiday stand-by duty begins at the completion of the employee's regular work shift on the day immediately preceding the holiday and continues to the regular starting time on the day following the holiday.

2.8.3.3 In most circumstances, evening stand-by duty begins at the completion of the employee's regular work shift and continues to the regular starting time on the following day.

2.9 Time Reporting.

Maintaining accurate time records is essential in computing employee pay, ensuring compliance with laws and regulations, and providing accurate cost information for the City. Each employee is responsible for completing his/her own time card as required. The Department Head is responsible for ensuring that the time cards are maintained and submitted to the Finance Department. Falsification of time cards is grounds for disciplinary action, including possible termination.

CHAPTER 3. EMPLOYMENT PRACTICES

3.1 New Employee Orientation.

New employees usually participate in a new employee orientation to their departments and the City. Typically, new employee orientation includes information about the City's organization and services, safety work rules, personnel policies, departmental rules and procedures, completion of payroll forms and introduction to other City personnel.

3.2 Promotions and Transfers.

3.2.1 Full and part-time employees are eligible for promotion, transfer or voluntary demotion. To be considered for another position, an employee must possess the qualifications for the vacant position.

3.2.2 The City encourages current City employees to apply for vacant City positions for which they are qualified. Promotions and transfers are based on the department head's recommendation, work force requirements, performance evaluations, job descriptions and related City requirements.

3.2.3 A promotion is an appointment of an employee to another classification with a higher salary range with expanded responsibilities. Usually, upon promotion, an employee is paid the nearest higher step in the promoted employee's new salary range. A promoted employee may be demoted or terminated from the new position if the City determines, in its sole discretion, that the employee is not satisfactorily performing in the new position.

3.2.4 The City, in its sole discretion, may fill a vacant position by transferring a qualified employee to the position. An employee may request a transfer to a vacant position by notifying the Mayor or designee in writing.

3.3 Layoffs.

3.3.1 The City may layoff employees due to lack of work, lack of funds, or for other financial or organizational reasons. In determining who is to be laid off, consideration should be given to individual performance and the qualifications required for remaining jobs. Prior to such action, the City may endeavor to place affected employees into another available position for which they are qualified, as determined by the City, within the City. (CBA- Collective Bargaining Agreement would address seniority)

3.3.2 Prior to a layoff, the City will provide affected employees two week's notice of the pending layoff or pay in lieu of notice. (Contract indicates 30 days notice)

3.3.3 During the 12 month period following a layoff, the City may rehire a laid off employee if a suitable position becomes available for which the employee is qualified and the former employee has requested, in writing, to be considered for re-hire. An offer by the City to an employee to return to work shall be addressed to the last address left by the employee

on file with the City. If the employee does not respond within 10 calendar days of the date of mailing of the letter, the offer shall be deemed rejected. (Contract governs)

3.4 Reclassification.

If, based on the needs of the City, the duties and responsibilities of a particular position are substantially changed, the City may reclassify a position. If the reclassification places the position in a higher salary range, the employee's rate may be adjusted to the next higher step. If the reclassification places the position in a lower salary range, the employee's rate of pay may be adjusted to the pay step in the new range that is nearest to the employee's former rate of pay.

3.5 Resignation.

Employees are encouraged to submit written notice of resignation to their department head at least ten working days prior to the effective date of their resignation. The Mayor or designee may schedule an exit interview, if appropriate. When an employee resigns the employee is expected to return all City property, including uniforms, equipment and keys.

CHAPTER 4. COMPENSATION

4.1 Salary Classification and Grades.

4.1.1 Each job title within the City is classified, for salary purposes, into one of the City's classifications based on job qualifications, level of responsibility, difficulty, working conditions, skill, hazard, and amount of supervision required for the specific position. Each classification is assigned a particular salary or salary range in accordance with the City's salary and wage schedule, which is usually approved annually by the City Council.

4.1.2 Within available resources, the City's compensation plan is competitive with other comparable employers in similar job markets. Typically, the salary ranges of each classification should be representative of the skills and the responsibilities required and reflective of levels of authority and responsibility in the organization.

4.2 Employee Pay Rates.

4.2.1 Each employee's salary, along with the position's salary range, is reviewed periodically.

4.2.2 In most circumstances, employees are paid within the limits of the salary range to which their positions are assigned.

4.2.3 Usually, new employees start their employment at the minimum salary range for their classification. However, a new employee may be employed at a higher rate than the minimum when the employee's experience, training or proven capabilities warrant, or when prevailing market conditions require, in the City's sole judgment, a higher starting rate than the minimum.

4.2.4 Pay increases are contingent on satisfactory performance. (Pursuant to Contract Negotiations) If an employee's performance is unsatisfactory, a scheduled pay increase may be deferred for a stipulated period of time or until the employee's job performance is satisfactory.

4.2.5 From time to time the City Council may grant across the board pay adjustments (cost-of-living increases), raising the salaries of all positions by a specified amount within a defined group of classifications.

4.3 Paydays.

4.3.1 Employees are paid twice monthly, The first pay check will be received on the (5th) it will have overtime, compensation time, etc. The final pay period of each month will include all time earned and time taken off. This check will be received on the 20th. This information has to be turned into payroll by no later than the 1st day of each month. Although the employee will receive a check stub each pay period, the last check of each pay period will provide the employee a complete accounting of his/her earnings. These checks

will be deposited through automated clearing house methods. All new employees will use this method.

4.4 Payroll Records.

The official payroll records are kept by the City's Senior Deputy Clerk. Each department head is expected to turn in, on a monthly basis, a signed work record for each non-exempt employee within his/her department, noting hours worked, leave taken and overtime worked. The Mayor or designee signs work records for department heads.

4.5 Deductions.

Some regular deductions from the employee's earnings are required by law; other deductions are specifically authorized by the employee. The City withholds from the employee's paycheck those deductions required by law and any voluntary deductions authorized by the employee, such as union dues. Authorization must be provided by the employee in writing as per Washington law in order to make any deductions from an employee paycheck.

4.6 Paycheck Errors.

The City does its best to provide you with proper pay for all hours worked. Should you notice an error in your pay or an improper deduction, please bring it to the attention of Payroll right away so that we can check into it and correct it if appropriate. Should we discover an overpayment, it will be taken out of your next paycheck, or employee can choose an additional check

4.7 Travel Expense Reimbursement.

When employees of the City are required to travel on official business, the city shall pay reasonable amounts for transportation, meals, lodging, and miscellaneous approved expenses including required educational materials which remain the property of the City and other incidental business expenses (copies, faxes, telephone). An employee is expected to show good judgment and an appreciation for economy when incurring travel expenses.

4.7.1 Requests for travel reimbursement, including receipts, are submitted on an expense report form signed by the employee and the employee's department head.

4.7.2 All out-of-town travel must be authorized by the Department Heads. Requests for training, conferences, meetings, or other official functions which require overnight accommodations or travel outside the City, travel must be approved in advance by the Department head or Mayor or designee.

4.7.3 For travel that does not include an overnight stay the Mayor or designee or department head may approve the travel by signing the employee's reimbursement request.

4.7.4 An employee using a City procurement card for travel expenses needs to submit a fully itemized travel expense voucher upon the employee's return or within five days after the billing date, whichever is earlier.

4.7.5 Employees are responsible for paying any charges against the credit card not properly identified on the travel expense voucher or not allowed following any audit. As a condition of the use of a procurement card and by the employee's signature certifying receipt of these personnel rules, the employee agrees that the City shall have a prior lien against and the right to withhold any and all funds payable or to become payable to the employee up to an amount of any disallowed charges, along with interest at the same rate as charged by the company which issued the procurement card. The employee specifically authorizes such deductions by his/her signature on the signature page. Prior to commencing any deduction, the employee shall have a right to a simple due process hearing before the Mayor or designee regarding the nature of the disallowed charge. Employees are required to sign the monthly authorization for such deductions.

4.7.6 Any employee who has been issued a procurement card by the City may not use the card if any disallowed charges are outstanding and must surrender the credit card, upon request by the Mayor or designee.

4.7.7 When a City vehicle is used for travel, employees may use a City procurement card to purchase fuel. A fully itemized travel expense voucher should be submitted upon the employee's return, or within five days after the billing date, whichever is earlier. City procurement cards are not to be used to purchase fuel for privately owned vehicles. (The exception is if a motor pool or City vehicle is not available, the employee may determine to drive his/her personal vehicle. This will only be allowed upon preauthorization of travel arrangement approved by department head or Mayor or designee.

4.7.8 Expenses for the use of personally owned vehicles of employees or officers of the City in the course of City business, are reimbursed at the current rate as established by the U.S. Internal Revenue Service. The current rate can be found on the IRS website, <http://www.irs.gov/index.html>. Employees traveling to the same conference will travel together in the same vehicle, or split the amount of reimbursement. Whenever possible, use of City vehicles is encouraged. Parking expense is reimbursed.

4.7.9 The following types of travel expenses are allowed:

4.7.9.1 Transportation, lodging, meals and other related expenditures including reasonable tips not to exceed 15%. Transportation by airplane, train, ship, bus, or auto rental (City will pay for least expensive).

4.7.9.2 Some types of travel expenses may be prepaid, such as registration fees for conventions, conferences, tuition, training, airline tickets and certain lodging and meals, when those costs are part of a registration package. An approved Travel Authorization Request form should be submitted with the pre-payment request.

4.7.9.3 Usually, direct billing of travel expenses to the City, such as for meals and lodging, is allowed.

4.7.9.4 Employees will not be reimbursed for the following expenses for example: alcoholic beverages, expense of a spouse or other non-City employees or officers, personal entertainment, theft, loss or damage to personal property, barber or beauty parlor, airline or other trip insurance, personal postage, reading material, personal telephone calls, personal toilet articles, and valet or laundry service. If any prohibited expenses are charged to the City, the employee will be required to reimburse those expenses. (This should not happen.)

4.7.10 Meal Allowance: To qualify for meal allowance, the employee must be on City business outside the City of Montesano during regular meal hours. If an employee is attending a meeting or conference where meals are included, reimbursement for substitute meals will not be made, and should not be requested, except in the case of a bona fide religious or medical dietary reimbursement. Agendas for all conference or training must be attached to travel form. The maximum amount allowed for meal expenses is \$45.00 per day. Amounts over the daily allowance are the employee's expense. This rate does not apply where a meal is included in a conference registration package. However, if the employee needs to travel to the conference on the day prior to allow for registration and check-in, the meal allowance may include dinner the day before. Valid receipts are required for all meals that are not included in conference packages.

4.7.10.1 Day Travel - Any employee traveling on City business for day travel shall receive an allowance of up to \$45.00 combined: Breakfast = \$8.00 if travel period begins at or before 6:00 a.m.; lunch = \$14.00; dinner = \$23.00 if travel terminates at 7:00 P M. or later. Time of departure and arrival must be noted on the travel advance/reimbursement forms to be reimbursed for such meals.

4.7.10.2 The City will NOT pay a portion of per diem for meals included in the conference registration.

4.7.10.3 At the discretion of the Department Head or Mayor, meal expenses not associated with overnight travel may be reimbursed by the City. However, payments or reimbursements for meals not associated with overnight travel are taxable and reported as part of an employee's annual wages on the employee's W-2 form.

4.7.11 Lodging allowance: Employees required to be away from home for one or more nights will be reimbursed as per the IRS Publication 463. See:
<http://www.gsa.gov/Portal/gsa/cp/contentView.do?queryYear=2008&queryState=Washington&contentType=GSABASIC&contentId=17943>

Color map by County <http://www.ofm.wa.gov/resiyrce/travel/colormap.pdf>

Lodging shall be reimbursed on actual receipts. Lodging will be reimbursed at the single-occupancy rate, unless two or more employees are sharing accommodations. When an employee attends a conference or meeting at a specific hotel, the actual room rate (single-

occupancy) will be reimbursed. Documentation of the conference rate and receipts are required. We allow the option of a daily commute for out of town business. We pay the lesser of: The travel expense incurred in repeated commutes, or the amount that would have been allowable if employee stayed overnight. The City will pay the rate determined by the Per Diem rate for lodging listed below:

Color map by County <http://www.ofm.wa.gov/resources/travel/colormap.pdf>

Usually, the City reimburses lodging expenses based on actual expense incurred by the employee; however approval is required from the Mayor or designee.

http://www.gsa.gov/Portal/gsa/ep/contentView.do?queryYear=2008&queryState=Washington&contentType=GSA_BASIC&contentId=17943 Employees are expected to use good judgment in choosing reasonable lodging.

4.7.11.1 Employees may not use overnight lodging at City expense unless it is pre-approved by the department head.

4.7.11.2 In the event an employee takes his or her spouse to a conference, the City will reimburse the employee only for the single room rate. Lodging receipts are required.

4.7.12 Non-allowed Expenses

The City will not pay or reimburse costs for: liquor, theft, loss, or damage to personal property, expenses of spouse, family, or other persons not authorized to receive reimbursement under this policy, airline and other trip insurance, medical or hospital expenses not covered by medical benefits or workers compensation, fines for parking violations or traffic violations, personal telephone calls, personal entertainment and transportation, and personal care services.

4.7.13 Policy Administration

The Department head ensures compliance with policy and state law. Certain travel expenses must be approved in advance by the Department Head, which include overnight travel, cost efficient alternatives (the least expensive means of travel will be utilized), lodging and use of rental vehicle. Approval in advance by the Mayor is required for out-of-state travel and travel exceeding three workdays.

Advance Travel funds - Employees may receive a travel advance when travel expenses will be paid out of pocket and are approved by the Department Head. Employees must submit travel expense documentation in a timely manner to allow for accounts payable cycle, no later than the 1st of the month of expected travel.

City pays the actual cost of a meal, plus reasonable tip, in accordance with our travel policy, When documented by an itemized receipt and/or meeting itinerary, and meal is scheduled as part of a meeting and has a fixed price, or travel is outside the continental U.S., except lower mainland B.C. which is reimbursed at per diem rate.

All conference and training agendas will be submitted with reimbursement requests.

4.8 Compensation Upon Termination.

When an employee's employment with the City is terminated, the employee receives the following compensation:

- 4.8.1 Regular wages for all hours worked up to the time of termination, which have not already been paid;
- 4.8.2 Any overtime, compensatory time, or holiday pay due; and
- 4.8.3 A lump sum payment of any accrued but unused vacation time. (Pursuant to CBA)

CHAPTER 5. PERFORMANCE EVALUATIONS AND TRAINING

5.1 Performance Evaluations.

5.1.1 To achieve the City's goal to train, promote and retain the best qualified employee for every job, the City will conduct periodic performance evaluations for most positions. Performance evaluations are important to the employee to help develop an understanding of job duties. Administrators and Legislators(Council) can use the performance measurements to evaluate the level of services that are provided to and expected by the citizenry.

5.1.2 In most circumstances, employees will be evaluated by their department head at least once every 12 months, using departmental forms.

5.1.3 The evaluation is part of an employee's personnel record and may be a factor in determining the employee's conversion to regular status, whether the employee receives a wage increase, or is to be promoted, transferred, demoted, laid off, or terminated.

5.1.4 In some cases, performance evaluations may be used to identify training needs and potential for advancement. Usually, if an employee's performance is substandard, the department head will inform the employee of the necessary improvement expected.

5.2 Training Policy.

The City seeks, within the limits of available resources, to offer training to increase an employee's skills, knowledge and abilities directly related to City employment, to obtain or maintain required licenses and certifications, and to develop staff resources. Opportunities may include, but are not limited to: on-the-job training, in-house workshops, and seminars sponsored by other agencies or organizations.

CHAPTER 6. BENEFITS

6.1 Retirement Benefits.

All regular employees who meet the criteria established by state law are contributing members to one or more of the following retirement plans:

6.1.1 Washington State Public Employees Retirement System (PERS);

6.1.2 Law Enforcement Officers and Fire Fighters Retirement System (LEOFF); and/or

6.1.3 Social Security.

6.2 Insurance Benefits.

6.2.1 Employees are eligible to participate in the City's insurance programs in accordance with terms of those plans. Normally, the programs and criteria for eligibility are explained at the time the employee becomes eligible to join. The City reserves the right to make changes in the carriers and provisions of these programs when deemed necessary or advisable. (CBA)

6.2.2 Upon an employee's termination from City employment, at the employee's option and expense, the employee may elect to continue City health insurance benefits to the extent provided under COBRA. Continuation rights are not available if an employee is terminated for "gross misconduct."

6.3 Vacation.

6.3.1 Currently, unless otherwise provided by union contract or separate employment agreements, each regular full-time employee accrues vacation leave as follows:

Hours Accrued Per Employment				
Years of City Service	Months of City Service	Month	Year	Days
1 st & 2 nd	1 - 24	8.66	104	13
3 rd	25 - 36	9.33	112	14
4 th	37 - 48	10.00	120	15
5 th & 6 th	49 - 72	10.66	128	16
7 th & 8 th	73 - 96	11.33	136	17
9 th	97 - 108	12.00	144	18
10 th	109 - 120	12.66	152	19
11 th & 12 th	121 - 144	13.33	160	20
13 th & 14 th	145 - 168	14.00	168	21
15 th & 16 th	169 - 192	14.66	176	22
17 th & 18 th	193 - 216	15.33	184	23
19 th & 20 th	217 - 240	16.00	192	24
21 st +	241+	16.66	200	25

6.3.2 Only those days, which the employee is normally required to work, are counted in computing the vacation period to which the employee is entitled. Vacation time is not charged for holidays if the holiday occurs during vacation time taken by the employee.

6.3.3 Vacation accrual is calculated on a monthly basis beginning with an employee's date of employment. Vacation accrual continues during vacation time, recognized holidays and authorized paid sick leave. At the date of hire, and when necessary to obtain the services of an experienced employee, the Mayor or City Council may authorize an employee to begin his or her accruals on the basis of the stipulated years of service.

6.3.4 Part-time, casual, and temporary employees are not eligible for any vacation benefits. (Contract)

6.3.5 Vacation time is intended to provide the employee with a period of relaxation away from work. Vacation time is scheduled by the department head at the convenience of the City, but the City usually tries to accommodate the employee's requests. Where there are conflicting requests, the employee who requested the time off first will usually be given preference. Seniority may play a part in the determination.

6.3.6 Accumulated vacation time may not exceed 240 hours . In most circumstances, an employee will stop accruing additional vacation if s/he reaches 240 hours . However, a department head may allow an employee to accrue and take vacation time beyond the maximum, if approved by the Mayor or designee, in cases where City business prevented the employee from taking the vacation.

6.3.7 Employees may use accrued vacation leave as earned, if approved by the employee's department head in advance. Vacation will not be advanced prior to being earned.

6.4 Sick Leave.

6.4.1 Currently, regular full-time employees accrue sick leave at the rate of eight hours for each full month of service beginning with the date of employment. Part-time or temporary employees do not accrue sick leave benefits.

6.4.2 Employees do not accrue sick leave benefits during a leave without pay.

6.4.3 Usually, sick leave covers those situations in which an employee is absent from work due to:

6.4.3.1 Physical injury or illness to the employee;

6.4.3.2 The need to care for the employee's dependent children under the age of 18 who are ill;

6.4.3.4 Medical or dental appointments for the employee or dependent child, provided that the employee makes a reasonable effort to schedule such appointments at times which have the least interference with the workday;

6.4.3.5 Exposure to a contagious disease where on-the-job presence of the employee would jeopardize the health of others;

6.4.3.6 Use of a prescription drug, which impairs safe job performance;

6.4.3.7 Actual periods of temporary disability associated with pregnancy or childbirth;

6.4.3.8 Other reasons approved by the City Administration.

6.4.4 A doctor's certificate will be required before an employee returns to work if the employee is absent for more than three consecutive days, or in other circumstances as determined by the department head when abuse of sick leave privileges is suspected.

6.4.5 Employees need to immediately report, in compliance with department rules, their absence from work to their department head.

6.4.6 If all the employee's sick leave is used and shared leave is not available, the City may charge the employee's time off to the employee's accrued but unused vacation.

6.4.7 An employee assigned to temporarily fill a vacancy created by an employee on sick or disability leave (including maternity leave) is in such position subject to the return of the disabled employee. In certain circumstances, the returning employee may be returned to the position he/she held previously or another equivalent position (as determined by the City), if available. The employee temporarily assigned may be returned to his/her original position, or a comparable position, if available.

6.4.8 Employees who use all accumulated sick leave and vacation and require more time off work due to illness, disability, or injury may, depending on the circumstances, and with the City's prior approval, take shared leave, or leave without pay. After all leave has been exhausted, an employee may be terminated if he or she is unable to return to work and the employee's disability, if any, cannot be reasonably accommodated.

6.4.9 Employees are not paid for any accrued but unused sick leave upon leaving City service. (CBA)

6.5 Shared Leave.

6.5.1 The purpose of shared leave is to permit City employees, at no additional employee cost to the City other than the costs of administering the program, to come to the aid of a fellow City employee who is suffering from or has an immediate family member suffering from an acute or severe illness, injury, impairment, or physical or mental condition which has caused or is likely to cause the employee to take leave without pay or to terminate his or her employment.

6.5.2 The Mayor or designee, with the Mayor's approval, may permit an employee to receive shared leave under this section if:

6.5.2.1 The employee suffers, or has an immediate family member suffering from, an acute illness, injury, impairment, or physical or mental condition which is of an extraordinary or severe nature or the employee has been called to military service, and which has caused, or is likely to cause, the employee to go on leave without pay status or to terminate his or her employment with the City;

6.5.2.2 The employee has depleted or will shortly deplete his or her total accrued vacation, sick leave, compensatory time, holiday time, and/or other paid leave;

6.5.2.3 Prior to the use of shared leave, the employee has abided by the City's sick leave policy;

6.5.2.4 The employee has pursued and is found to be ineligible for state industrial insurance benefits; and

6.5.2.5 The use of shared leave will not significantly increase the City's costs, except for those costs which would otherwise be incurred in the administration of this program or which would otherwise be incurred by the employee's department.

6.5.3 The Mayor or designee, with the concurrence of the Mayor, shall determine the authorization of shared leave, if any, which any employee may receive under this section. The employee shall be required to provide appropriate medical justification and documentation both of the necessity for the leave and the time, which the employee can reasonably be expected to be absent due to the condition. To the extent possible, shared leave should be used on a consecutive day basis.

6.5.4 Employees may request the Mayor or designee to approve the transfer of a specified amount of accrued vacation leave to an employee who is authorized to receive shared leave as provided herein. Transfers shall be in increments of one day of leave. In no event shall a transfer of leave be approved which would result in an employee reducing his or her total vacation leave in a calendar year to less than ten days. The Mayor or designee shall not transfer vacation leave in excess of the amount specified in the request. All donations of leave shall be voluntary. The Mayor or designee shall determine that no significant increase in City costs will occur as a result of a donation of leave.

6.5.5 While an employee is on shared leave, he or she will continue to be classified as a City employee and shall receive the same treatment, in respect to salary and benefits, as the employee would otherwise receive if using vacation leave.

6.5.5.1 All salary benefit payments made to the employee on a shared leave shall be made by the department employing the person using the shared leave.

6.5.5.2 The employee's salary rate will not change as a result of being on shared leave. The total of the employee's salary and other benefits received may not exceed the

total of salary and benefits which the employee would have received had he or she been in a regular pay status.

6.5.6 Vacation leave shall be transferred on a dollar-for-dollar basis. The value of the leave shall be determined at the current hourly wage of the donor employee and the leave available to the receiving employee shall be calculated at the receiving employee's wage.

6.5.7 The City Clerk or designee shall be responsible for computing the values of donated leave and shared leave, and shall also be responsible for adjusting the accrued leave balances to show the transferred leave. The City Clerk or designee shall determine the appropriate fund transfers and budget amendments as needed for City Council action. The City Clerk or designee shall maintain all records of all leave time transferred in the event any unused time is returned at a later date.

6.5.8 The value of any leave transferred which remains unused shall be returned at its original value to the employee or employees who donated the leave. The Mayor or designee shall determine when shared leave is no longer needed. To the extent administratively feasible, the unused leave shall be returned to donor employees on a pro rata basis.

6.5.9 The Mayor or designee shall monitor the use of shared leave to ensure equivalent treatment for all employees of the City. Inappropriate use or treatment of the shared leave provision may result in the cancellation of the donated leave or shared leave.

6.5.10 The City in its sole discretion may cancel this program. Participation in the program shall be predicated upon a receipt from each affected bargaining unit of a written waiver by the appropriate union bargaining representative indicating that the union understands the program and agrees that the program shall not establish a past practice by the City or otherwise obligate the City to continue the program and acknowledging that the City may cancel the program at any time in the City's sole discretion.

6.6 Administrative Leave.

On a case-by-case basis, the City may place an employee on administrative leave with pay for an indefinite period of time, as determined by the Mayor or designee to be in the best interests of the City, such as during the pendency of an investigation or other administrative proceeding.

6.7 Military Leave.

The City provides military leave for employees while performing military service in accordance with federal and state law. Military service includes active military duty and reserve or national guard training. An employee must provide his/her department head with copies of his/her military orders as soon as possible after he/she receives those orders. Reinstatement upon return from military service is determined in accordance with applicable federal and state law. Leave for up to 15 days per year for reserve duty is paid.

6.8 Holidays. (CBA)

6.8.1 The following holidays are recognized by the City:

New Years Day	January 1
Martin Luther King's Birthday	3rd Monday in January
President's Day	3rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	1st Monday in September
Veteran's Day	November 11
Thanksgiving Day	4th Thursday in November
Day after Thanksgiving	Day after Thanksgiving
Christmas Day	December 25
Floating Holiday (2)	Personal choice of employee with concurrence of department head

6.8.2 Usually, any holiday falling on Saturday is celebrated on the preceding Friday and any holiday falling on Sunday is celebrated on the following Monday. If an employee is on an authorized leave with pay when a holiday occurs, the employee is paid for the holiday and that day is not charged against the employee's accumulated vacation or sick leave. To be paid for a holiday, an employee must be in paid status the scheduled workdays immediately before and following the holiday.

6.8.3 Non-exempt regular employees are paid for the holiday plus their regular rate of pay for any time worked on the holiday, as long as the employee's department head authorized the employee to work on the holiday.

6.8.4 Temporary employees are paid their regular straight-time rate of pay for hours worked on a holiday.

6.8.5 New employees hired prior to July 1 are entitled to a floating personal holiday for that year. New employees hired after that date do not receive a floating holiday in the year hired.

6.9 Other Leaves of Absence With Pay.

6.10.1 Bereavement Leave. Three days' leave may be granted for the death of an employee's immediate family or household member. "Immediate family" includes the employee's spouse, child, parent, sibling, parent-in-law, son or daughter-in-law. Additional leave may be approved beyond the allotted three days, but may not exceed a total of nine days. Any days (up to six) beyond the original three days will be charged, as determined by the Mayor or designee, to the employee's accrued, but unused sick leave or vacation, or if neither is available, will be unpaid.

6.9.2 Jury Duty. If an employee is called for jury duty or if, the employee receives his/her regular rate of pay while serving on jury duty, as long as the employee remits to the City any

compensation received from such duties, excluding compensation received for transportation and meals. An employee released from jury duty for part of a day should return to the regularly scheduled work day call his/her department head for instructions. An employee receiving a jury summons should inform his/her department as soon as possible so that arrangements may be made to cover for the employee.

6.10 Workers Compensation.

Regular employees who are injured on the job and file for Worker's Compensation may use accumulated sick and/or vacation time while the claim is being processed. Upon receiving payment from the Worker's Compensation carrier, the employee may sign the check over to the City, and any sick or vacation leave used by the employee will be reinstated to the employee's sick leave or vacation account on a pro-rated basis. Employees may use vacation or sick leave to supplement their time loss payments up to the equivalent of full straight time wages.

6.11 Education Training.

The City may agree to cover expenses to preauthorized, job related To be eligible, the employee must demonstrate that:

- The training is necessary for improving skills to perform or enhance present work or to qualify the employee for promotion;
- The money is budgeted in the operating budget;
- It is in the City's best interest to pay for this training; and
- City services may be improved by authorizing the training.

6.12 Membership in Professional and Technical Societies.

City employees are encouraged to participate in technical and professional societies. These activities are considered a benefit to the City and to the employee through additional knowledge or personal associations gained through the membership. The City, through the budgeting process, will select what fees and dues it might pay for its employees' membership in technical and professional societies. For any organization for which the City pays the dues, the City address should be used on all mail. All magazines and publications received as a part of that membership should be made available for all employees to use.

6.13 Professional and Technical Registration.

The City encourages professional and technical registration by providing the necessary experience under the direction of registered professionals, and assumes that each qualified individual will want to achieve professional status at the earliest opportunity. The City may pay fees for professional and technical certificates and licenses for its employees as determined by the City in its sole discretion. These requests should be sent to the Mayor or designee.(CBA will govern) Any gifts or tokens received must be returned to the Mayor or designee or Mayor.

CHAPTER 7.
DRUG AND ALCOHOL TESTING POLICIES
FOR EMPLOYEES WHO OPERATE COMMERCIAL VEHICLES

7.1 Purpose.

The purpose of these policies is to establish compliance with the Federal Highway Administration regulations requiring drug and alcohol testing for commercial driver's license holders. Regulations issued by the United States Department of Transportation mandate urine drug and evidential breath alcohol testing for employees, other than law enforcement personnel, in safety-sensitive positions, including those who are required to hold a commercial driver's license. This policy sets forth the City's alcohol and drug testing program and the testing and reporting requirements as required by those regulations.

7.2 Application.

These policies apply to all employees of the City, other than law enforcement personnel, who are required to have and maintain a commercial driver's license in order to perform the duties of the job. Contractors performing functions for the City involving the use of a vehicle requiring a commercial driver's license, are subject to specific alcohol and drug testing as required by federal regulations.

7.3 Definitions.

7.3.1 Collision - Collision means an occurrence involving a commercial vehicle on a public road which results in (1) a fatality; (2) bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or (3) one or more motor vehicles incurring disabling damage requiring the vehicle to be transported away from the scene by a tow truck or other vehicle.

7.3.2 Commercial Vehicle - A commercial vehicle is one that either: 1) has a gross vehicle weight of over 26,000 pounds (including combined weight if towed unit weighs over 10,000 pounds); 2) is designed to transport 16 or more persons, including the driver; or 3) is used to transport hazardous materials.

7.3.3 Illegal Drugs - Any drugs or substances defined as illegal by the U.S. Drug Enforcement Agency, the Washington State Board of Pharmacy, as defined in RCW 69.50, as presently enacted or hereafter amended, as well as so called "designer drugs" not approved for medical use by the U.S. Drug Enforcement Agency, the U.S. Food and Drug Administration or state law. The drugs that are included in these categories include, but are not limited to the following: as follows:

- alcohol;
- cannaboids/marijuana;
- cocaine;
- heroin;

- opium or opiates;
- phencyclidine (PCP);
- lysergic acid diethylamide (LSD);
- barbiturates;
- amphetamines or methamphetamines;
- methaqualone;
- mescaline;
- glutethimide;
- phenocyclidine;
- procyclidine;
- other controlled substances as defined in RCW 69.50.101;
- 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; or

7.3.4 Medical Review Officer (MRO) - The Medical Review Officer is the licensed physician responsible for receiving and interpreting laboratory results from the urine drug tests.

7.3.5 Safety Sensitive Position - Safety sensitive positions are positions associated with the driving of commercial vehicles.

7.3.6 Substance Abuse Professional (SAP) - A Substance Abuse Professional is a licensed physician, or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and drug-related disorders. The SAP is responsible for evaluating employees with positive test results.

7.4 Policy.

The City has a significant interest in the health and safety of its employees and the citizens of the City. In furtherance of that interest, the City will take those steps necessary to ensure that its employees perform their duties and responsibilities free of the influence of drugs and alcohol.

7.5 Information, Orientation and Training.

7.5.1 Current Employees. All employees will receive periodic information from the insurance agent or employer.

7.5.1.1 Effects and consequences of drug and alcohol use on personal health, safety, and the work environment.

7.5.1.2 Manifestations and behavioral clues indicative of drug and alcohol use and abuse.

7.5.1.3 Resources available to the employee in evaluating and resolving problems associated with the misuse of alcohol and use of controlled substances.

7.5.2 Supervisor/Managers All supervisor/managers who may make reasonable suspicion determinations will receive training that meets or exceeds DOT standards for training on the physical, behavioral and performance indicators of probable drug abuse and alcohol misuse.

7.5.3 New Hires and New Supervisors

7.5.3.1 All newly hired employees will be advised of this policy and provided with the information described in section 7.5.1. New supervisors will receive the training specified in Section 7.5.2. New supervisors will not make reasonable suspicion determinations until they receive such training.

7.5.3.2 All newly promoted supervisors will not make reasonable suspicion determinations until they participate in a supervisory training process to acquaint them with the physical, behavioral and performance indicators of probable drug use. Training in this area will meet or exceed DOT standards.

7.6 Prohibited Conduct.

The following conduct regarding alcohol and drug use or abuse is prohibited:

7.6.1 Alcohol Concentration: An employee may not report for or remain on duty requiring the performance of his/her duties while having an alcohol concentration of 0.02 or greater.

7.6.2 Alcohol Possession and On-Duty Use of Alcohol: An employee may not possess, consume or use alcohol while on duty (including consuming or using alcohol prior to reporting to work or during breaks or meal periods) or while operating a commercial vehicle.

7.6.3 Pre-Duty Use of Alcohol: An employee may not operate a commercial vehicle within four hours after using alcohol. An on-call employee who consumes alcohol within four hours of being called in must acknowledge the use of alcohol and may not report for duty. (CBA)

7.6.4 Alcohol Use Following an Accident: An employee required to take a post-accident alcohol test may not use alcohol for eight hours following the accident, or until a post-accident alcohol test is given, whichever comes first.

7.6.5 Use of Drugs: An employee may not report for duty or remain on duty, which requires driving a commercial vehicle, when the employee has used an illegal or legal drug or drugs, except when the use is pursuant to instructions of a physician who has advised the employee that the substance does not adversely affect the employee's ability to safely operate a commercial vehicle. Employees who are taking a prescription or over-the-counter medication that may impair their ability to perform their duties safely should provide written notice from a physician or pharmacist with respect to the effects of such substances.

7.6.6 Refusal to Submit to a Required Test: An employee may not refuse (7.8 and 7.11) to submit to a post-accident, random, reasonable suspicion, or follow-up alcohol or drug test as

directed by this policy. An employee who refuses to submit to testing as directed by this policy may be discipline up to and including termination.

7.6.7 Positive Drug Test: An employee may not report for duty or remain on duty requiring the performance of duties covered under this policy if the employee tests positive for drugs or alcohol.

7.6.8 Tampering with a Required Test: An employee may not tamper with, adulterate, alter, substitute or otherwise obstruct any testing process required under this policy.

7.6.9 Possession, Transfer or Sale: No employee may use, transfer or sell drugs or alcohol while on duty and working for the City.

7.7 Testing.

7.7.1 Pre-employment Drug Testing: All individuals who are hired by the City must pass a drug test as a post-offer condition of employment.

7.7.2 Reasonable Suspicion Testing: Employees are required to submit to a drug and/or alcohol test whenever City personnel reasonably suspect that the requirements of this policy may have been or are presently being violated. In most circumstances, referrals for testing are based on contemporaneous, specific observations. Such referrals are made by the employee's department head. (CBA)

Alcohol testing for reasonable suspicion is only conducted just before, during or after an employee operates a commercial vehicle. If removed from duty based on reasonable suspicion of alcohol use and an alcohol test is not administered within eight hours, the employee will not be allowed to perform or continue to perform covered functions until:

7.7.2.1 An alcohol test is administered and the driver's breath alcohol concentration measures less than 0.02; or

7.7.2.2 24 hours have elapsed following the determination that there is reasonable suspicion to believe that the employee has violated the requirements of this policy concerning the use of alcohol.

7.7.3 Post-Accident Testing: Following an accident involving a commercial vehicle, the driver is required to submit to alcohol and drug tests when the driver receives a citation under state or local law for a moving traffic violation, or where a fatality occurs as a result of the accident. Testing should occur as soon as possible, but may not exceed eight hours after the accident for alcohol testing and 32 hours after the accident for drug testing.

A driver who is subject to post-accident testing must remain readily available for such testing and may not take any action to interfere with testing or the results of testing. Drivers who do not comply with post-accident testing requirements will be considered to have refused to submit to testing and will be subject to disciplinary action for refusing to submit to testing.

7.7.4 Random Testing: Employees covered by this policy are subject to random, unannounced alcohol and drug testing. CBA

7.7.5 Return to Duty Testing: Employees who have violated the provisions of this policy, including those who have tested positive on a drug or alcohol test, and who are allowed to return to work, must test negative prior to being released for duty. A return to duty test following alcohol misuse may not exceed an alcohol concentration of 0.02.

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

7.7.7 Re-tests: Employees who test positive for drugs may request a second test of the remaining portion of the split sample within 72 hours of notification of a positive test result by the Medical Review Officer. If a re-test is requested by an employee, the employee is responsible for paying for the cost of the re-test.

7.7.8 Notification: Upon notification of selection for testing, the employee will be accompanied by his/her department head or other designated supervisory personnel to the collection site.

7.8 Refusal to Take an Alcohol or Drug Test.

No employee may refuse to submit to an alcohol or drug test as directed under this chapter. Refusal to submit to a test is considered the same as a positive test result. A refusal to submit includes, but is not limited to:

7.8.1 A failure to provide adequate breath for testing without a valid medical explanation after the employee has received notice of the requirement for breath testing as required by the City;

7.8.2 Failure to provide adequate urine for drug testing without a valid medical explanation after the employee has received notice of the requirement for urine testing as required by the City; or

7.8.3 Failure to cooperate in any part of the testing process or engaging in conduct that obstructs the testing process.

7.9 Securing Information from Previous Employers.

7.9.1 If a person is to be hired into a position subject to this policy and during the previous two years has worked as a driver of a commercial vehicle, that person must authorize as a condition of employment the request of all employers of the driver within the past two years to release information on the following:

7.9.1.1 Positive alcohol or drug tests and/or

7.9.1.2 Refusal to be tested.

7.9.2 This information will be obtained before the person is employed by the City. However, if the information has not arrived by the applicant's anticipated start date, and if the person has passed the pre-employment drug test, the person may be conditionally hired and the requested information obtained from the previous employers within 30 calendar days of the date of hire. If the information has not been received within the 30 calendar days, the person may not drive commercial vehicles until the information has arrived. If the information obtained from a previous employer indicates either a positive test or that a refusal to be tested occurred within the past two years, that person may be terminated, or:

7.9.2.1 Not be permitted to drive commercial vehicles unless subsequent information indicates that an evaluation by a Substance Abuse Professional was made and return to duty testing was administered; or

7.9.2.2 Be terminated.

7.10 Confidentiality and Record Retention.

All records related to drug and alcohol testing are maintained by the Mayor or designee or his/her designee in a secure location with controlled access. These records are kept separate from records pertaining to all other employees.

7.11 Consequences of Engaging in Prohibited Conduct or Positive Drug or Alcohol Tests.

7.11.1 Discipline: Employees are subject to appropriate disciplinary action up to and including termination of employment if:

7.11.1.1 The employee tests positive for a drug or drugs; prescriptions that could inhibit or alter performance, or a controlled substance;

7.11.1.2 Results from an alcohol test indicate a blood alcohol level of 0.02 or greater; and/or,

7.11.1.3 The employee has engaged in prohibited conduct as outlined in Section 7.6.

The City will endeavor to advise an employee, regardless of any disciplinary action taken, of resources available to the employee in evaluating or resolving problems associated with drug use or alcohol misuse.

7.11.2 The following provisions apply to those employees who are not terminated for violating the provisions of this policy:

7.11.2.1 Positive Test Result and/or Engaging in Prohibited Conduct: If an employee tests positive for drugs or has an alcohol test that indicates a blood alcohol level of .04 or greater from a random, reasonable suspicion or post-accident test, or engages in prohibited conduct as outlined in Section 7.6, the employee will be immediately removed from duties requiring the driving of a commercial vehicle. The employee is not permitted to return to work unless he/she:

- Has been evaluated by a qualified Substance Abuse Professional; and,
- If recommended by a Substance Abuse Professional, has properly followed any rehabilitation prescribed; and,
- Has a verified negative result on a return-to-duty alcohol (<0.02) and/or drug test.

Upon completion of a recommended rehabilitation program and successful return to work, an employee is subject to follow-up random testing for up to 60 months as recommended by the Substance Abuse Professional and the City, with a minimum of six such unscheduled tests within the first 12 months of returning to duty.

7.11.2.2 Alcohol Concentration of 0.02 but less than 0.04: Employees having a breath alcohol concentration of at least 0.02 but less than 0.04, shall be removed from duty requiring the driving of a commercial vehicle for at least 24 hours.

7.12 Employee Assistance Program/Voluntary Referral.

The City supports employees who volunteer for treatment of alcohol or drug abuse. Employees are encouraged to seek treatment voluntarily. In most instances, any employee who comes forth and notifies the City of alcohol or drug abuse problems usually may be given the assistance extended to employees with any other illness. However, any such program may not interfere with the tests required by these rules. For example, a driver may not identify himself/herself as unfit to drive after having been notified of a random or reasonable suspicion test and expect to avoid the consequences of a positive test or a refusal to test. In addition, voluntarily seeking assistance does not excuse any failure to comply with all of the provisions of this policy or other requirements of the City.

Sick leave, vacation leave or leave of absence without pay may be granted for treatment and rehabilitation as with other illnesses. Confidentiality of information will be maintained as much as possible at all times.

**CHAPTER 8.
EMPLOYEE RESPONSIBILITIES
AND CONDUCT**

8.1 General.

8.1.1 City employees are expected to represent the City to the public in a professional manner, which is courteous, efficient and helpful. Employees must maintain a clean and neat appearance appropriate to their work assignment, as determined by their position and department head. The City may furnish or pay for clothing required by the City.

8.1.2 Since the proper working relationship between employees and the City depends on each employee's on-going job performance, professional conduct and behavior, the City has established certain minimum standards of personal conduct. Among the City's expectations are: Basic tact and courtesy towards the public and fellow employees; adherence to City practices, procedures, safety rules and safe work practices; compliance with directions from management; preserving and protecting the City's equipment, grounds, facilities and resources; and providing orderly and cost efficient services to its citizens.

8.2 Outside Employment and Conflicts of Interest.

8.2.1 Employees shall not, directly or indirectly, engage in any outside employment or financial interest which may conflict, in the City's opinion, with the best interests of the City or interfere with the employee's ability to perform his/her assigned City job. Examples include, but are not limited to, outside employment which:

8.2.1.1 Prevents the employee from being available for work beyond normal working hours, such as emergencies or peak work periods, when such availability is a regular part of the employee's job;

8.2.1.2 Is conducted during the employee's work hours;

8.2.1.3 Utilizes City telephones, computers, supplies, or any other resources, facilities or equipment;

8.2.1.4 Is employment with a firm which has contracts with or does business with the City; or

8.2.1.5 May reasonably be perceived by members of the public as a conflict of interest or otherwise discredits public service.

8.2.1.6 Using the City's name, account or credit to purchase merchandise for outside employment.

8.2.1.7 Using City assets or labor for outside employment.

8.2.1.8 Employees are required to submit the employment disclosure form. This form will be placed in the employee's personnel file with acknowledgment signatures of both parties.

8.2.2 An employee who chooses to have an additional job, contractual commitment or self-employment, may do so provided he/she obtains prior approval from his/her department head and the Mayor or designee. The employee has the obligation to report any change in circumstance regarding employment or contract to the Mayor or designee Mayor or designee. This reporting obligation is a job requirement.

8.2.3 Any outside employment that could potentially interfere with emergency call-out situations must be reported to the employee's department head. If, after accepting outside employment, situations arise which could interfere with the employee's job, the employee shall immediately report those situations to his/her department head.

RESOLUTION NO.878

A RESOLUTION RELATING TO GOVERNMENTAL OPERATIONS,
CONFIRMING CERTAIN REQUIREMENTS IN RELATION TO OUTSIDE
EMPLOYMENT BY CITY EMPLOYEES.

R E C I T A L S:

1. In years past questions have arisen in relation to the impacts of City employees undertaking either outside employment or operating independent businesses.

2. While the City does not prohibit employees from having a second job, that job must not affect the employee's work hours, performance, interfere or conflict with the employee's regular duties, raise any ethics concerns, nor necessitate long hours that may have an impact on the employee's working effectiveness.

3. Further, there is a concern that a conflict of interest will exist if an employee benefits or it reasonably appears an employee benefits in any way from outside employment because of the employee's position with the City

4. There is a desire to make clear the conditions under which such outside activity, whether as an employee of another employer or as the operator of a business, may be carried out and the sanctions which may be imposed.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS BY THE CITY COUNCIL OF THE CITY OF MONTESANO, THE MAYOR SIGNING IN AUTHENTICATION THEREOF:

SECTION I: General Standard: Employees of the City should not have secondary employment, whether as an employee of another employer or as the

operator of the independent business, which creates a conflict of interest, whether actual or by appearance. For purposes of this resolution, an employee shall be deemed an individual who, as the result of her or his employment, is a member of the State Retirement System and is entitled to receive health insurance benefits under City coverage.

SECTION II: Procedure:

1. Employees who have or who are contemplating secondary employment or self-employment are required to submit the employment disclosure form, a copy of which is attached to this resolution as Exhibit #1, to the Mayor or her or his designee. The written report should identify the secondary employer or self-employer, the nature of the duties to be performed, and the anticipated hours the employee will be working. This reporting form will be placed in the employee's personnel file with acknowledgment signatures of both parties.

2. An exemption from the reporting requirement set forth in Section I may be permitted where the outside employment occurs for the purposes of obtaining internship or certification for education or training with prior written approval of the Mayor or his or her designee.

SECTION III: Sanction for Violation:

In the event the employee does not comply, he or she may be disciplined. Such discipline may include termination.

SECTION IV: Distribution:

A copy of this resolution shall be provided to every current employee of the City and is also to be provided to every person who subsequently becomes an employee of the City. A written acknowledgment of receipt of a copy of this resolution shall be placed in the employee's personnel file.

SECTION V: Effective Dates:

1. As to any covered employee whose employment is not subject to the provisions of an existing collective bargaining agreement, the provisions of this resolution shall go into effect as of 12:01 am of the day following adoption by the Council.

2. As to any covered employee whose employment is subject to the provisions of an existing collective bargaining agreement, the provisions of the resolution shall go into effect upon the later of [a] thirty calendar days after the date of adoption by the Council, or [b] such concurrence as may be required by any collective bargaining agreement.

PASSED THIS _____ DAY OF _____, 2012, by the
City Council of the City of Montesano, and signed in authentication thereof
this _____ day of _____, 2013.

CITY OF MONTESANO:

KENNETH ESTES, Mayor

ATTEST:

KRISTY POWELL, Clerk-controller

APPROVED AS TO FORM:

DANIEL O. GLENN, City Attorney

8.3 Gifts and Gratuities.

Employees may not accept any gift or gratuity from any vendor or agent with whom the City transacts business. Employees may not use their official position or accept gifts and gratuities for personal gain.

8.3.1. Items of nominal value provided for advertising purposes such as pens, calendars, or items received at a conference, are acceptable. Employees should make every effort to use such items in the workplace rather than at home.

8.4 Conflicts of Interest.

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

8.5 Political Activities.

8.5.1 City employees may participate in political or partisan activities of their choosing provided that City resources and property are not utilized, and the activity does not adversely affect the responsibilities of the employees in their positions. Employees may not campaign on City time or in a City uniform or while representing the City in any way. Employees may not allow others to use City facilities or funds for political activities.

8.5.2 Any City employee who meets with or may be observed by the public or otherwise represents the City to the public, while performing his/her regular duties may not wear or display any button, badge or sticker relevant to any candidate or ballot issue during working hours. Employees shall not solicit, on City property or City time, for a contribution for a partisan political cause.

8.6 No Smoking.

Pursuant to State and Federal law for health and safety considerations, the City prohibits smoking by employees in all City facilities, including City-owned buildings, vehicles, and offices or other facilities rented or leased by the City, including individual employee offices. Employees may smoke outside only in designated smoking areas. Employees using the smoking area must keep it neat and clean.

8.7 Use of City Equipment. Refer to City vehicle policy

8.7.1 Use of City phones for local personal phone calls should be kept to a minimum; long distance personal use is prohibited. Other City equipment, including vehicles, should be used by employees for official City business only. An employee's misuse of City services, telephones, vehicles, equipment or supplies can result in disciplinary action.

8.8 Non-Solicitation.

8.8.1 It is the City's desire to conduct its operations in an orderly and efficient manner. The City believes its employees and the public should have the opportunity to work and receive City services without interference from persons who are pursuing a purpose not related to the City's normal business.

8.8.2 With this in mind, the City does not allow non-employees to come onto City property or buildings to solicit employees or other members of the public or to distribute literature or other materials for any purpose at any time. Furthermore, employees are prohibited from soliciting or distributing any form of literature or other materials during work time or in work areas. 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. Work areas do not include the employee lunchroom.

8.9 Employment of Relatives.

Relatives will not be hired if such employment would result in one relative supervising another; auditing the work of another; or otherwise working in a relationship that would create actual or perceived conflicts of interest or favoritism. If one employee becomes related to another employee through marriage and this results in a prohibited employment relationship, one of the employees must resign or transfer. The Mayor may terminate an employee who is related to another employee but shall consult with the affected employees and allow them to decide which one of them will resign, prior to taking final action.

"Relative" is defined as any family relationship resulting from birth, marriage or adoption, as well as any person cohabiting with another employee. Also, if two employees work in the same department or supervise each other have or develop a dating, familial, or other close or intimate relationship after employment shall notify their supervisor if it creates the appearance of a conflict of interest

8.10 Employee Parking.

Employees are requested to be courteous, watch vehicle doors, and drive safely in City parking lots. The City assumes no responsibility for vehicles or their contents in these parking areas.

8.11 Personal Property.

Employees may bring and use their personal property (i.e. pictures, awards, knick-knacks, etc.) at work; however, by bringing such items to work the employee assumes all risk of loss due to theft, breakage, or any other type of damage to such property. Personal items that may be offensive to others, including items that may violate the City's harassment or discrimination policies, may not be brought into the workplace.

Technology Resources Use Policy

8.12

To remain competitive, better serve our customers and provide our employees with the best tools to do their jobs, City of Montesano makes available to our workforce access to one or more forms of electronic media and services, including but not limited to: computers, software, printers, copiers, files, databases, cellular phone, pager, email, telephones, voicemail, fax machines, external electronic bulletin boards, wire services, online services, intranet, internet and the World Wide Web.

City of Montesano encourages the use of these media and associated services because they can make communication more efficient and effective and because they are valuable sources of information about vendors, customers, technology, and new products and services. However, all employees and everyone connected with the organization should remember that electronic media and services provided by the City are City property and their purpose is to facilitate and support City business. All computer users have the responsibility to use these resources in a professional, ethical, and lawful manner.

To ensure that all employees are responsible, the following policy has been established for using email and the internet. No policy can lay down rules to cover every possible situation. Instead, it is designed to express the City of Montesano philosophy and set forth general principles when using electronic media and services.

Time wasting will not be allowed on personal items such as notebooks, smart phones, and laptops and the use of these items for personal entertainment or benefit should take place only at designated breaks or lunch.

8.12.1 Authorization

Access to the City of Montesano technology resources is within the sole discretion of the Department Manager. Generally, employees are given access to the City's various technologies based on their job functions. Only employees whose job performance will benefit from the use of the City's technology resources will be given access to the necessary technology. Additionally, employees must successfully complete City approved training and sign the "Employee Agreement On Use of Email and The Internet" before being given access to the Montesano technology resources.

8.12.2 Prohibited and Inappropriate Communications

Electronic media cannot be used for knowingly copying, transmitting, retrieving, or storing any prohibited and inappropriate communication. Examples of prohibited and inappropriate use include but are not limited to:

- Discriminatory or harassing
- Derogatory to any individual or group
- Obscene, sexually explicit, pornographic, defamatory or threatening; (Activities of the Police Dept. related to criminal investigations, or authorized personnel investigations by a Department Manager would not constitute a prohibited or inappropriate use.)
- In violation of any license governing the use of software;
- Engaged in for any purpose that is illegal or contrary to City of Montesano policy or in a manner contrary to the best interests of the City, in any way that discloses confidential or proprietary information of the City or third parties, or for personal or pecuniary gain; or
- Protected by copyrights laws unless the employee has the author's permission or is accessing a single copy only for the employee's reference
- Using information technology resources to assist a campaign for or against a candidate for nomination or election to a political office, or any other political activity.

8.12.3 Professional Considerations

It is important to maintain a proper spirit and tone to your communications over the system. Content must comport with the same standards as expected in any other form of written or verbal communication occurring in a business setting where documents are subject to public disclosure. Therefore, communications should be able to withstand public scrutiny without embarrassment to the City. The following guidelines are suggested:

- Make your communications positive, constructive, complete, factual
- Avoid expressing opinions or views not reflective of official City policy
- Don't write when angry and edit before sending
- Be careful with humor - they can't see you wink
- Always avoid sarcastic humor
- Never use all caps - that is perceived as "SHOUTING"
- Avoid belaboring disagreements in email - there is a time for face-to-face meetings
- Always guide your recipient in responding by stating what you need and by when

- Pay attention to grammar and spelling, both to protect your own reputation and intelligence, and to avoid irritating your recipients who are distracted by careless mistakes.

8.12.4 Personal Use

The computers, electronic media and services provided by City of Montesano are for business use to assist employees in the performance of their jobs. Limited personal use of information technology is permitted subject to the following limitations: use does not result in or subject the city to additional cost or liability, interfere with business productivity or performance, pose additional risk to security, reliability or privacy, cause or tend to cause damage to the City's reputation or credibility, or conflict with the intent or requirements of any City policy or work rule. Such use shall also be reasonable, as determined by management, and shall not occur during regularly scheduled employee work hours but is permitted before and after work hours and during scheduled work breaks. Exempt employees that do not have a regular schedule are allowed reasonable use of information technology resources.

Employees should ensure that no personal correspondence appears to be an official communication of the City of Montesano. Employees may be perceived as representatives of the City and, therefore damage or create liability for the City. All outgoing messages, whether by email, facsimile, internet transmission, or any other means, must be accurate, appropriate, and work related.

The City assumes no liability for loss, damage, destruction, alteration, disclosure, or misuse of any personal data or communications transmitted over or stored on the City's technology resources. The City accepts no responsibility or liability for the loss or non-delivery of any personal electronic mail or voicemail communications or any personal data stored on any City property. The City strongly discourages employees from storing any personal data on any of the City technology resources.

8.12.5 No Expectation of Privacy

- a) The City owns all data and information stored on its network and systems (including computers, email, voicemail, and internet usage logs) and reserves the right to inspect and monitor any and all such communications at any time, with or without notice to the employee, to ensure compliance with the law, this policy and other City policies, or to investigate misconduct, to locate information, or for any other business purpose. There is no right to privacy in the use of City technology resources.

City of Montesano does routinely gather logs for most electronic activities or monitor employee communications directly, be it:

- i) Telephone Use and Voicemail: Records are kept of all calls made from and to a given telephone extension. Although voicemail is password protected, an authorized administrator can reset the password and listen to voicemail messages.

- ii) Electronic Mail: Electronic mail is backed-up and archived. Although electronic mail is password protected, an authorized administrator can reset the password and read electronic mail.
 - iii) Desktop Facsimile Use: Copies of all facsimile transmissions sent and received are maintained in the facsimile server.
 - iv) Document Use: Each document stored on City computers has a history, which shows which users have accessed the document for any purpose.
 - v) Internet Use: Internet sites visited, the number of times visited, and the total time connected to each site is recorded and periodically monitored.
- b) Passwords do not confer any right of privacy upon any employee of the City. Employees are expected to maintain their passwords as confidential. Employees must not share passwords and must not access coworkers' systems without express authorization.

Deleting or erasing information, documents, or messages maintained on the City's technology resources is, in most cases, ineffective. All employees should understand that any information kept on the City's technology resources may be electronically recalled or recreated regardless of whether it may have been "deleted" or "erased" by an employee. Because the City periodically backs-up all files and messages, and because of the way in which computers re-use file storage space, files and messages may exist that are thought to have been deleted or erased. Therefore, employees who delete or erase information or messages should not assume that such information or messages are confidential.

Employees may be provided desks, lockers, and other office area for their use. Employees have no expectation of privacy in these areas. In order to retrieve files, assure proper work flow, and for many other proper administrative reasons, the City reserves the right to go through desks, lockers and other portions of the office that are for legitimate public purposes. There are limited exceptions. Employees' cars, appropriately are private areas as well as handbags, and briefcases, unless the briefcase is one which has been supplied by the city for use.

8.12.6 The Internet and On-line Services

The City provides authorized employees access to on-line services such as the Internet. The City expects that employees will use these services in a responsible way and for business-related purposes only. Under no circumstances are employees permitted to use the City's Technology Resources to access, download, or contribute to the following:

- gross, indecent, or sexually-oriented materials
- sports sites
- job-search sites

- entertainment sites
- peer-to-peer services
- gambling sites
- games, humor
- illegal drug-oriented sites
- personal pages of individuals

Additionally, employees must not sign “guest books” at Websites or post messages to Internet news groups or discussion groups at Websites. These actions will generate junk electronic mail and may expose the City to liability or unwanted attention because of comments that employees may make. The City strongly encourages employees who wish to access the Internet for non-work related activities to get their own personal Internet access accounts.

8.12.7 Participation in Online Forums

- a) Employees should remember that any messages or information sent on City-provided facilities to one or more individuals via an electronic network – for example, Internet mailing lists, bulletin boards, and online services – are statements identifiable and attributable to City of Montesano.
- b) City of Montesano recognizes that participation in some forums might be important to the performance of an employee’s job. For instance, an employee might find the answer to a technical problem by consulting members of a news group devoted to the technical area.

8.12.8 Software

To prevent computer viruses from being transmitted through the City’s computer system, unauthorized downloading of any unauthorized software is strictly prohibited. Only software registered through City of Montesano may be downloaded. No employee may load any software on the City’s computers, by any means of transmission, unless authorized in advance by City of Montesano’s system administrator.

8.12.9 Security/Appropriate Use

- a) Employees must respect the confidentiality of other individuals’ electronic communications. Except in cases in which explicit authorization has been granted by City management, employees are prohibited from engaging in, or attempting to engage in:
 - Monitoring or intercepting the files or electronic communications of other employees or third parties;
 - Hacking or obtaining access to systems or accounts they are not authorized to use;
 - Using other people’s log-ins or passwords; and
 - Breaching, testing, or monitoring computer or network security measures.
- b) No email or other electronic communications can be sent that attempt to hide the identity of the sender or represent the sender as someone else.

- c) Electronic media and services should not be used in a manner that is likely to cause network congestion or significantly hamper the ability of other people to access and use the system.
- d) Anyone obtaining electronic access to other companies' or individuals' materials must respect all copyrights and cannot copy, retrieve, modify or forward copyrighted materials except as permitted by the copyright owner.
- e) The City has installed a variety of programs and devices to ensure the safety and security of the City's technology resources. Any employee found tampering or disabling any of the City's security devices will be subject to discipline up to and including termination.

8.12.10 Encryption

Employees can use encryption software supplied to them by the systems administrator for purposes of safeguarding sensitive or confidential business information. Employees who use encryption on files stored on a City computer must provide their supervisor with a sealed hard copy record (to be retained in a secure location) of all of the passwords and/or encryption keys necessary to access the files.

8.12.11 Department Manager May Implement More Restrictive Policies

Nothing in this policy is intended to limit the ability of a Department Manager to adopt policies for their departments that are more restrictive than the prohibitions provided herein.

8.12.12 Confidential Information

The city is very sensitive to the issue of protection of trade secrets and other confidential and proprietary information of both the City and third parties ("Confidential information"). Therefore, employees are expected to use good judgment and to adhere to the highest ethical standards when using or transmitting Confidential information on the City's technology resources.

Confidential information should not be accessed through the City's technology resources in the presence of unauthorized individuals. Similarly, Confidential information should not be left visible or unattended. Moreover, any Confidential information transmitted via technology resources should be marked with the following confidentiality legend:

"This message contains confidential information. Unless you are the addressee (or authorized to receive for the addressee), you may not copy, use, or distribute this information. If you have received this message in error, please advise (EMPLOYEE'S NAME) immediately at (EMPLOYEE'S TELEPHONE NUMBER) or return it promptly by mail."

8.12.13 Violations

Any employee who abuses the privilege of their access to electronic media including but not limited to email or the Internet in violation of this policy will be subject to corrective action, including possible termination of employment, legal action, and criminal liability.

8.12.14 Procedures

Procedures for accessing the voicemail, Email and Internet system, as well as the guidelines for how to properly send and retain information, may be obtained by contacting city administration.

The Voicemail/Email/Internet policies and procedures should be reviewed by each employee on a semi-annual basis. It is the responsibility of each employee to review and adhere to this policy.

Questions concerning the use of the Voicemail/Email/Internet system should be directed to the systems administrator. Questions concerning the improper use of the system should be directed to the employee's immediate supervisor, and if not satisfied with the response, to the systems administrator.

EMPLOYEE AGREEMENT ON USE OF EMAIL AND THE INTERNET

I have read, understand, and agree to comply with the foregoing policies, rules, and conditions governing the use of the City's computer and telecommunications equipment and services. I understand that I have no expectation of privacy when I use any of the telecommunication equipment or services. I am aware that violations of this guideline on appropriate use of the email and Internet systems may subject me to disciplinary action, including termination from employment, legal action and criminal liability. I further understand that my use of the email and Internet may reflect on the image of City of Montesano to our customers, competitors and suppliers and that I have a responsibility to maintain a positive representation of the City. Furthermore, I understand that this policy can be amended at any time.

DATED: _____

EMPLOYEE

CITY

Authorized Signature

Authorized Signature

Print Name and Title

Print Name and Title

8.13 Contact with News Media.

The Mayor or designee, or Department Head are responsible for all official contacts with the news media during working hours, including answering of questions from the media. The Mayor or designee may designate specific employees to give out procedural, factual or historical information on particular subjects.

8.14 Driver's License Requirements.

8.15.1 As part of the requirements for certain specific City positions, an employee may be required to hold a valid Washington State Driver's license.

8.15.2 If an employee has any change in license status, or is in any other way not current, valid and in the employee's possession, the employee shall promptly notify his/her department head. The employee will be immediately suspended from driving duties. The employee may not resume driving until proof of a valid, current license is provided to his/her department head.

8.15.3 Depending on the duration of license suspension, revocation or other inability to drive, an employee may be subject to disciplinary action, including possible termination, termination for failure to maintain required job certifications or requirements, or may be suspended or disciplined for failure to promptly report the loss of drivers license.

8.15 Safety.

8.16.1 The City endeavors to use reasonable efforts to provide a safe working environment which protects employees and the public from injury. Every employee is responsible for maintaining a safe work environment and following the City's safety rules. Each employee is expected to promptly report all unsafe or potentially hazardous conditions to his/her department head. The City will endeavor to remedy problems as quickly as possible.

8.16.2 In case of an accident involving a personal injury or property damage, regardless of how serious, employees need to immediately notify their department head.

8.16.3 Employees should exercise caution in the performance of duties and shall follow and adhere to published safety regulations and controls. If a City vehicle or mobile equipment is involved in an accident within the City limits, the City Police Department should be promptly notified, and an accident report form should be completed.

8.16 Substance Abuse.

8.16.1 The City will discipline or terminate employees possessing, consuming, selling, using, or being under the influence of, alcohol, illegal drugs, or other controlled substances during work hours, including break times and meal periods. The City may also discipline or terminate an employee who exhibits an on-going dependence on 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. The City is

committed to supporting employees who undergo treatment and rehabilitation for alcohol or other chemical dependency. The City reserves the right to discipline employees for violations of the policy as well as failures to promptly report prescription drug use. This information will be maintained as confidential medical information.

8.16.2 Employees who voluntarily seek treatment may use accrued sick leave to attend a bona fide treatment or counseling program. The City may condition continued employment on the employee's successful completion of treatment or counseling programs and future avoidance of alcohol or other controlled substances.

8.16.3 An employee may be required to submit to alcohol, drug or controlled substance testing when the employee's work performance causes a reasonable suspicion that the employee is impaired due to current intoxication, drug or controlled substance use or in cases where employment has been conditioned upon remaining alcohol, drug or controlled substance free following treatment. Refusal to submit to testing, when requested, may result in disciplinary action, including possible termination.

8.16.4 Employees using any prescription or over the counter drugs which might impair their ability to safely perform their jobs will notify their department head. At the option of the department head, an employee may be reassigned to less hazardous duty or be required to use accrued sick leave if impaired work performance might pose a threat to the public confidence or to the safety of the employee or others.

8.16.5 Employees must notify the City within five days of any conviction for a drug violation.

8.16A Procedures for Drug or Alcohol Testing of City employees other than Commercial Drivers

8.17A.1 Supervisory Responsibility If a supervisor has reasonable grounds to believe that an employee is under the influence of alcohol or drugs when reporting for work or during the work shift, the supervisor must verify the employee's condition and relieve the employee of his/her duties until the matter is resolved.

8.16A.2 Observation If a supervisor observes an employee who seems to be under the influence of alcohol or drugs, he/she should, if practical, seek the opinion of at least one additional supervisor, the Mayor or designee or the department manager.

For purposes of this policy, reasonable grounds to believe that an employee is impaired and/or under the influence of drugs or alcohol include a combination of various factors such as slurred speech, red eyes, dilated pupils, incoherence, unsteadiness on feet, smell of an alcoholic beverage or marijuana emanating from the employee's body, inability to carry on a rational conversation, carelessness, erratic behavior, inability to perform the job, or other unexplained behavioral changes. The supervisor shall document these observations in writing and forward his/her report to the department manager within 24 hours of the incident. A copy of this document will be provided to the employee upon request.

8.16A.3 Referral for Testing If the supervisor determines that reasonable grounds exist to require a drug test, the supervisor shall direct the employee to accompany the supervisor to a testing site designated by the City for a drug screening and blood alcohol test

to determine fitness for duty. The department manager shall be notified before the supervisor and employee leave city premises for the drug testing site. The Mayor or designee shall be notified of the incident, in writing, within 48 hours.

The employee should be informed that the tests will be conducted on city time, paid for by the city, and are part of his/her job responsibilities. The employee should be informed that refusal to take the test may result in disciplinary action up to and including dismissal. Additionally, an employee who refuses to take the test should be informed that he/she will be sent home without pay for at least the rest of the work day.

Employees will be required to authorize release of test results to the City's designated test services provider and to the employer. Refusal to authorize release of test results to the city may result in disciplinary action up to and including dismissal. The test services provider will contact the Mayor or designee with the results.

The supervisor should accompany the employee back to the worksite pending the results. The supervisor shall notify his/her department manager immediately upon returning to the work site.

Tests which are found to be positive will be verified by an additional test. The City's designated test services provider will ensure adequate chain-of-custody for sample collection and testing.

8.16A.4 Test Results Employees who test positive shall be considered unfit for work and shall be relieved from duty that day. It is the responsibility of the Mayor or designee to notify the employee. The employee should not be allowed to drive to the hospital. The employee shall be advised not to drive home. Employees who comply with the testing procedures of this policy will be on paid leave on "City Business" until the status of the tests and the circumstances surrounding the impairment are determined.

8.16A.5 Discipline / Treatment If tests determine that the employee is under the influence of alcohol or drugs on the job, the Mayor or designee shall contact the supervisor within 24 hours of test results notification. The Mayor or designee and/or the supervisor shall, within 48 hours of receiving the test results, contact the employee to provide the employee an opportunity to respond to the test results.

Following the employee's response opportunity, the Mayor or designee and the supervisor shall meet to discuss the appropriate level of disciplinary action for recommendation to the department manager. The degree of disciplinary action depends on the factual circumstances and the severity of the infraction.

It is the responsibility of the Mayor or designee, in conjunction with the immediate supervisor, to evaluate the circumstances and facts thoroughly and objectively.

Any disciplinary action shall be in accordance with provisions of the City Personnel Policies and procedures Manual. If discipline is necessary, the discipline to be taken shall be recommended by the department manager to the Mayor or designee. The Mayor or designee shall then act on the recommendation.

8.16A.6 **Sale or Transfer of Drugs** A supervisor who observes an employee using alcohol or drugs; or an unauthorized employee selling, purchasing, transferring, while on the job should take prompt action. Observations about the employee's behavior, as well as the discussions and contacts with him/her, should be documented as soon as practicable. The supervisor should report such observations to his/her own supervisor and appropriate disciplinary action should be taken in accordance with the procedures outlined in this policy.

In cases involving the unauthorized sale, purchase or transfer of illegal drugs or controlled substances at the workplace, the supervisor is required to contact the Montesano Police Department immediately.

8.17 **Suggestions.**

All employees are encouraged to make suggestions which will improve the efficiency of City operations or employee job satisfaction. Even ideas for other departments are encouraged. Suggestions may be written or verbally given to the employee's department head at any time. The department head will then discuss the idea with the appropriate person or group and the Mayor or designee.

8.18 **Dispute Resolution Procedures. Collective Bargaining Agreement**

The City recognizes that sometimes situations arise in which an employee feels that he/she has not been treated fairly or in accordance with City rules and procedures. For this reason the City provides its employees with procedures for resolving disputes.

8.18.1 Step 1: An employee should first try to resolve any problem or complaint with his/her supervisor.

8.18.2 Step 2: When normal communication between an employee and the supervisor is not successful, or when an employee disagrees with the application of City practices, policies, or procedures, the employee should attempt to resolve the problem with his/her department head. The department head should respond to the employee, in writing, within five to seven working days after meeting with him/her, if possible.

8.18.3 Step 3: If the employee is not satisfied with the response from his/her department head, the employee may submit the problem, in writing, to the Mayor or designee within ten working days after receiving the department head's response. The written complaint must contain, at a minimum:

8.18.3.1 A description of the problem;

8.18.3.2 A specific practice, guideline, or procedure, which the employee believes, has been misapplied;

8.18.3.3 The date of the circumstances leading to the complaint or the date when the employee first became aware of those circumstances;

8.18.3.4 The remedy sought by the employee to resolve the dispute.

8.18.4 The Mayor or designee may meet with the parties, either individually or together, and will endeavor to respond in writing to the aggrieved employee within ten working days of any such meeting, if possible. Such determination will be final and binding.

8.18.5 Certain employees may have more than one source of dispute resolution rights, i.e., the City's Civil Service rules, a valid and effective collective bargaining agreement, and this process. Employees represented by a bargaining unit or who are covered under civil service rules should follow procedures set out in their respective labor contracts or civil service rules, where applicable. In all other cases, the procedures described in this section should be used. Under no circumstances does an employee have the right to utilize both this process and any other complaint or appeal procedure that may be available to an employee.

8.19 Litigation.

From time-to-time the City may be involved in legal actions. The only persons authorized to receive legal summons and lawsuit filings for the City are the Mayor, or designee and the City Clerk during business hours, who, upon receipt are responsible for promptly notifying the City Attorney and the City's insurance carrier.

No other persons or employees are authorized or allowed to accept service on behalf of the City. Any unauthorized person should so advise the process server.

CHAPTER 9. WHISTLEBLOWER POLICY

9.1 Policy.

The City (1) encourages reporting by its employees of improper governmental action taken by City officers or employees and (2) protects City employees who have reported improper governmental actions in accordance with the City's policies and procedures.

9.2 Definition of Improper Governmental Action. Any action by a City officer or employee:

9.2.1 That is undertaken in the performance of the officer's or employee's official duties, whether or not the action is within the scope of the employee's employment; and

9.2.2 That (1) is in violation of any federal state, or local law or rule, (2) is an abuse of authority, (3) is of substantial and specific danger to the public health or safety or (4) is a gross waste of public funds.

Improper governmental action does not include personnel actions, including employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, re-employments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of civil service rules, alleged violations of labor agreements or reprimands.

9.3 Procedures for Reporting.

City employees who become aware of improper governmental actions should first raise the issue with their supervisor or department head. If requested by the supervisor or department head, the employee shall submit a written report to the supervisor or department head, or to some person designated by the supervisor or department head, stating in detail the basis for the employee's belief that an improper governmental action has occurred. Where the employee reasonably believes the improper governmental action involves his or her supervisor or department head, the employee may raise the issue directly with the Mayor or designee and Mayor.

In the case of an emergency, where the employee believes that damage to persons or property may result if action is not taken immediately, the employee may report the improper governmental action directly to the appropriate government agency with responsibility for investigating the improper action. Emergency means a circumstance that, if not immediately changed, may cause injury or damage to persons or property.

The department head and the Mayor or designee, as the case may be, will endeavor to take prompt action to assist the City in properly investigating the report of improper governmental action. City officers and employees involved in the investigation are required to keep the identity of reporting employees confidential to the extent possible under law, unless the employee authorizes the disclosure of his or her identity in writing. After an investigation has been completed, the employee reporting the improper governmental action should be

advised of a summary of the results of the investigation, except that personnel actions taken as a result of the investigation may be kept confidential.

City employees may report information about improper governmental action directly to the appropriate government agency with responsibility for investigating the improper action if the City employee reasonably believes that an adequate investigation was not undertaken by the City to determine whether an improper governmental action occurred, or that insufficient action has been taken by the City to address the improper governmental action or that for other reasons the improper governmental action is likely to reoccur.

City employees who fail to make a good-faith attempt to follow the City's procedures in reporting improper governmental action do not receive the protections provided by the City in these procedures.

9.4 Protections Against Retaliatory Actions.

City officials and employees are prohibited from taking retaliatory action against a City employee because he or she has in good faith reported an improper governmental action in accordance with these policies and procedures.

Retaliatory action means any adverse change in the terms and conditions of a City's employee's employment.

Employees who believe that they have been retaliated against for reporting an improper governmental action should advise their department head, the Mayor or designee. The Mayor or designee and/or department head will endeavor to take appropriate action to investigate and address complaints of retaliation.

If the employee's department head, the Mayor or designee, do not satisfactorily resolve a City employee's complaint that he or she has been retaliated against in violation of this policy, the employee may obtain protection under this policy and pursuant to state law by providing a written notice within 30 days after the occurrence of the alleged retaliatory action to the City Council that:

- (a) specifies the alleged retaliatory action and
- (b) specifies the relief requested.

City employees are required to provide a copy of their written notice to the Mayor or designee. The City will endeavor to respond within 30 days to the charge of retaliatory action.

After receiving either the response of the City or 30 days after the delivery of the charge to the City, the City employee may request a hearing before a state administrative law judge to establish that a retaliatory action occurred and to obtain appropriate relief provided by law. An employee seeking a hearing shall deliver the request for hearing to the Mayor or designee

within the earlier of either 15 days of delivery of the City's response to the charge of retaliatory action, or 45 days of delivery of the charge of retaliation to the City for response.

Upon receipt of request for hearing, the City may apply, within five working days, to the State Office of Administrative Hearings for an adjudicative proceeding before an administrative law judge:

Office of Administrative Hearings
PO Box 42488
Olympia, WA 98504-2488
(360) 664-8717
(800) 558-4857 (Toll-free)
(360) 664-8721 (Fax)

The City will consider any recommendations provided by the administrative law judge that the retaliator be suspended with or without pay, or dismissed.

9.5 Responsibilities.

The Mayor or designee is responsible for implementing the City's policies and procedures (1) for reporting improper governmental action and (2) for protecting employees against retaliatory actions. This includes ensuring that this policy and these procedures (1) are posted where employees will have reasonable access to them, (2) are made available to any employee upon request, and (3) are provided to all newly-hired employees. Department heads and supervisors are responsible for ensuring the procedures are implemented within their areas of responsibility. Violations of this policy and these procedures may result in appropriate disciplinary action, including possible termination.

CHAPTER 10. DISCIPLINE AND TERMINATION

10.1 Discipline.

10.1.1 All employees are expected to exercise good judgment, loyalty, common sense, dedication, and courtesy in the performance of their duties. The primary mission of every employee is to provide courteous, orderly, efficient, and economic delivery of services to the citizens of the City.

10.1.2 Acts, errors, or omissions which, in the City's sole judgment, discredit the public service, violate City policies or practices or impair the provision of orderly services to the citizens of the City may result in discipline, including possible termination.

10.1.3 The Mayor or designee and department heads have full discretion and authority to impose disciplinary action in accordance with City policies and the circumstances of the particular case.

10.1.4 Unless otherwise specified by ordinance, a written employment contract, a valid and effective collective bargaining agreement or by Civil Service, all employees are employed on an at-will basis. While the City recognizes the benefit in some cases of using progressive discipline, the need for disciplinary action is usually evaluated on a case-by-case basis and the City is not required or obligated to use progressive discipline before imposing a particular type of disciplinary sanction, including possible termination.

10.1.5 In the event that discipline is necessary, any or all of the following types of disciplinary actions may be used, depending on the particular situation:

10.1.5.1 Oral Warning. An oral warning is a counseling session between the employee's department head and the employee on the subject of the employee's conduct and performance, or his/her failure to observe a guideline, rule, regulation, or administrative instruction. It is intended to increase an employee's efficiency and value to the City by changing the employee's conduct, attitude, habits, or work methods. Following the counseling session the department head should document the oral warning.

10.1.5.2 Reprimand. A reprimand is a formal written disciplinary action for misconduct, inadequate performance, or repeated lesser infractions. Written reprimands are placed in the employee's personnel file. Written warnings should include:

- A statement of the facts;
- A statement of the discipline being given, if any;
- If appropriate, the employee's explanation and reason for the violation.

The required corrective action on the part of the employee. If appropriate, a written and definite period of disciplinary probation during which the employee must clearly demonstrate improvement; and a statement indicating further disciplinary action, up to and including termination, may follow if correction is not achieved.

The warning should be signed by the employee's direct supervisor, the employee and the City department head involved. Copies of written warnings should be forwarded to the Mayor or designee. After review with the employee, a copy of the written warning should be given to the employee and a copy should be placed in the employee's personnel file.

10.1.5.3 Suspension. A suspension is a temporary, unpaid absence from duty which may be imposed as a penalty for significant misconduct or repeated lesser infractions. A suspension is a severe disciplinary action which is made part of the employee's permanent record. In each case of disciplinary suspension, a written memo should be prepared indicating:

- The event or events which lead to the suspension;
- The duration of suspension;
- A statement indicating required corrective action on the part of the employee;
- If appropriate, the employee's explanation or comment; and
- A statement indicating that it is a "final warning" and further indicating that the employee will be discharged upon the occurrence of another infraction or unless corrective action is taken within the stated time.

The memo may be signed by the employee and any other person who may be present at the discussion. The memo should be signed by the employee's department head and a copy forwarded to the Mayor or designee. After review with the employee, a copy of this memo should be given to the employee, and a copy should be entered into the employee's personnel file.

Suspensions with pay, where the employee is placed on administrative leave, may be utilized by the City pending the results of an investigation or disciplinary action.

10.1.6 Termination. When a supervisor feels that the nature of a violation warrants termination, or if the termination is a result of the disciplinary procedure where the desired corrective action was not achieved, the supervisor should prepare a written report to his/her department head and the Mayor or designee. The written report should include:

- 10.1.6.1 The reason(s) for the termination;

10.1.6.2 Information on any previous warnings or disciplinary actions that may be relevant;

10.1.6.3 A brief summary of the employee's past work record and length of employment with the City; and

10.1.6.4 Any other relevant information.

In certain circumstances, before a final decision is made regarding a possible termination or suspension without pay, the City may convene a pre-termination meeting.

In the event the City convenes a pre-termination meeting, the employee will be notified of the reason for the pending termination and given a brief summary of the reasons for the potential personnel action as well as the range of discipline under consideration. The employee will be given an opportunity to respond to the charges either orally or in writing and to explain why the city should not go ahead with the personnel action. This opportunity for response may be waived if, after timely notice, the employees fail to appear. The employee, at his/her election, may choose to have a representative attend to assist the employee. The pre-termination hearing is a brief informal process. Although the City's explanation of its evidence should be sufficient to inform the employee of the basis for termination, this procedure should not be construed to limit the City at any subsequent hearing or proceeding from presenting a more detailed and complete case, including the presentation of witnesses and/or documents not introduced at the termination meeting.

Unless otherwise specified by ordinance, written employment contract, a collective agreement or by Civil Service, all employees are employed on an at-will basis and may be terminated at any time from City employment with or without cause subject only to the procedural rights they may have to a pre-termination meeting. (CBA)

10.2 Rules of Conduct.

10.2.1 In the interest of the City and the public, it is desirable, whether off-duty or on-duty, that an employee's conduct reflect favorably on the employee, his/her fellow employees and the City. Off-duty misconduct may result in discipline when there is a "nexus" or connection between what they did off duty and their on-duties and responsibilities.

10.2.2 The City places as few restraints on employee personal conduct as possible. The City relies on each employee's good judgment and sense of responsibility as the principal source of guidance for conducting day-to-day duties and responsibilities. However, for the protection of the City's business interests and other employees, certain rules of conduct have been established. The rules are formalized here for each employee's information and to minimize the likelihood of any employee, through misunderstanding or otherwise, becoming subject to disciplinary action.

10.2.3 These rules of conduct do not change an employee's status as an at-will employee, nor do they guarantee or imply progressive discipline will be used when the City determines discipline is warranted.

10.2.4 The following is a partial list of offenses that may lead to discipline, up to and including termination.

10.2.4.1 Theft, misappropriation or removal of City property or the property of employees, clients or members of the public;

10.2.4.2 Material falsification of any application for employment or any report, record, time card or City records;

10.2.4.3 Soliciting and/or accepting payment, gifts or any item of value for services performed during the regular workday while working for the City;

10.2.4.4 Material alteration, destruction or waste of City property, facilities, records or equipment, wherever located or the destruction of another employee's property;

10.2.4.5 Violation of the substance abuse or drug testing policies;

10.2.4.6 Giving or taking a bribe of any nature as inducement for obtaining or retaining a job or position;

10.2.4.7 Disorderly conduct, or insubordination. Insubordination includes, but is not limited to:

- Neglect of duty or refusal or failure to obey orders or instructions in the line of duty; and
- Use of abusive, insulting or obscene language to any supervisor or other employee.

10.2.4.8 Threatening, intimidating, coercing or interfering with supervisors or other employees;

10.2.4.9 Deliberate attempts to injure another employee or fighting on City property;

10.2.4.10 Sleeping during work hours; (CBA-F.F./EMS)

10.2.4.11 Unauthorized possession of firearms, explosives or any dangerous weapons while performing City work;

10.2.4.12 Participating in an unauthorized work stoppage or slowdown;

10.2.4.13 Recklessness resulting in a serious accident while on duty whether on City property or while driving a City vehicle;

10.2.4.14 Workplace harassment or other unlawful discrimination directed toward another employee or other individual in the workplace;

10.2.4.15 Use of City property or time for personal financial gain;

10.2.4.16 Ignoring safety rules or common safety practices or contributing to unsanitary or unsafe working conditions;

10.2.4.17 Failure to report occupational injuries or accidents, including motor vehicle accidents, promptly to the employee's department head;

10.2.4.18 Engaging in activities other than assigned work during working hours and/or while operating City equipment, without approval in advance by the employee's department head;

10.2.4.19 Acting in an insulting, rude or insolent manner towards any citizen or other person while working for the City, or while operating City equipment or on City premises;

10.2.4.20 Failure to exercise the care and attention to one's work as required by the circumstances;

10.2.4.21 Unexcused or excessive absences, tardiness, or abuse of sick leave;

10.2.4.22 Leaving work before the end of the shift or not being ready to begin work at the start of the shift or working overtime without permission from the employee's department head;

10.2.4.23 Unauthorized possession or use of any City property, equipment or materials;

10.2.4.24 Violation of any City Policy or Procedure.

10.2.5 These are only samples of the types of conduct that may result in disciplinary action. These rules of conduct do not change an employee's status as an at-will employee, nor do they guarantee or imply progressive discipline will be used when the City determines discipline is warranted.

CHAPTER 11 ETHICS POLICY

11.1 **Purpose:** The City of Montesano conducts its business fairly, impartially, in an ethical and proper manner, and in compliance with all laws and regulations.

11.2 **Policy and Procedure:** The City of Montesano is committed to conducting its business with integrity underlying all relationships, including those with citizens, customers, suppliers and communities, and among employees. The highest standards of ethical business conduct are required of the City of Montesano employees in performance of their responsibilities. Employees will not engage in conduct or activity that may raise questions as to the honesty, impartiality or reputation or otherwise cause embarrassment to the city. Employees will avoid any action, whether or not specifically prohibited in the personnel policies, which might result in or reasonably be expected to create an appearance of:

Using public office or public position for private gain.

Giving preferential treatment to any person or entity.

Losing impartiality.

Adversely affecting the confidence of the public in the integrity of the company.

Every employee has the responsibility to ask questions, seek guidance, report suspected violations and express concerns regarding compliance with this policy. The City of Montesano will maintain a program to communicate to employees its commitment to integrity and uncompromising values. The intent of the City will be to inform employees of policies and procedures regarding ethical business conduct and assist them in resolving questions and in reporting suspected violations. Retaliation against employees who use these reporting mechanisms to raise genuine concerns will not be tolerated.

This policy constitutes the standard of ethical conduct required of all employees. Managers are responsible for supporting their implementation and monitoring compliance.

CHAPTER 12

Procurement Card Procedures

12.1 Background Information

The City of Montesano Procurement Card (P-Card) program has been established to provide a convenient, efficient means to purchase commodities from vendors and reduce costs associated with the purchasing process. The City of Montesano has opted to use the US Bank program.

The program is designed to empower employees to purchase items needed for City business and is considered an enhancement to the purchasing process and a delegation of the purchasing authority. The use of a P-Card is a privilege that has been granted to the employees. Certain responsibilities are associated with this privilege.

The Finance Department is responsible for the management of the program and ensures that Departments follow all state and City laws, rules, and policies relating to the purchasing function. Each department is responsible for the management of its cardholder's accounts.

The P-Card program has a number of unique controls that do not exist in a traditional credit card environment. These controls ensure that the cards are used only for specific purchases and within specific monthly dollar limits. In addition, verification by each cardholder and by the Approving Manager is required before the bill is submitted for payment.

The P-Card is to be used only for City business transactions and must not be used for personal purchases. Failure to comply with this restriction will result in revocation of the cardholder's P-Card.

12.2 Definitions

Approving Manager-An employee, authorized by the department director, who is assigned the responsibility of approving transactions.

Billing period-the month during which transactions are posted. The City of Montesano's billing period ends on the 6th of each month. At the end of the billing period, all transactions are transferred to the Finance Department.

Cardholder-A City of Montesano employee who is issued a P-Card.

P-Card Administrator-An employee who administers the P-Card program and serves as the liaison between the City of Montesano cardholders and US BANK.

P-Card Statement-The individual cardholder's monthly statement that lists all transactions made during the billing period.

Procurement Card-A Visa issued by US Bank.

Transaction-A purchase or charge to an account.

Transaction Limit-Monthly Transaction Limit-the maximum amount of all transactions during the billing period.

Violation-any misuse of a P-Card whether specifically defined in these policies or not, may be considered a violation and may result in cancellation/revocation of the card. Additional employment related penalties may be imposed.

12.3 General Information

All P-Cards issued will have the "City of Montesano" embossed on the second line of the card. The first line will reflect the cardholder's name or the group name. If a cardholder's name appears on the card, only that person is authorized to use that card. **It is not permitted to allow anyone other than the Cardholder to use a card to make purchases.** Failure to comply with this restriction will result in revocation of the cardholder's P-Card, as well as potential discipline, up to and including discharge.

The P-Card does not replace requirements to comply with existing State or local procurement laws and regulations; it is designed to be an enhancement to the purchasing and payment processes. Except as indicated in Section 6 Unauthorized or Inappropriate P-Card Use, the P-Card may be used to purchase products not otherwise covered under contract. The monthly maximum credit limit on all cards is up to \$5,000.00, or the spending limit set by City ordinance. Each time the P-Card is used, the merchant will check via the telecommunications network to verify the cards single purchase dollar limit and monthly transaction limit. When an approval code is received it will appear on the sales draft. The City of Montesano will receive a P-Card statement of purchases after the billing period has ended.

The following condition must be met when using the P-Card:

Each purchase may be comprised of multiple items, but the total cannot exceed the transaction limit assigned to the P-Card.

Cardholders must comply with the City's purchasing policies and procedures when using the P-Card. Questions regard the specific use of the P-Card should be directed to the P-Card Administrator.

12.4 Obtaining a Procurement Card

Cardholders or custodians will be required to sign the Cardholder Agreement Form (See Attachment) when they pick up their new card.

Cardholders are responsible for card security and should report loss or theft of the P-Card immediately to US Bank Toll Free number 1-800-344-5696.

12.5 Authorized Procurement Card Use

Procurement Cards may be used at any vendor that accepts VISA credit Cards (with the exception of the types of transactions that are unauthorized or inappropriate for P-Card use.

Cardholders must comply with the City's purchasing policies and procedures when using the P-Card. Examples of appropriate uses include: materials, equipment. Supplies and services.

For all P-Card purchase transactions, the cardholder must obtain a vendor's register receipt, sales draft, packing slip, or email receipt which includes all the following information:

- Indication of the P-Card number, expiration date and the cardholder's name.

- Date and amount of purchase.
- Detailed list of items purchased and the cost of each item
- Vendor's name and other identification.

These receipts will be used to reconcile monthly P-Card statements and will be submitted to the P-Card Administrator.

Cardholders are responsible for receipt of goods and/or materials purchased with the P-Card and to resolve delivery problems, discrepancies, and/or damaged goods issues directly with the vendor.

12.6 Unauthorized or Inappropriate P-Card Use

12.6.1 Unauthorized Purchases

Cardholders must comply with the City's purchasing policies and procedures when using the P-Card. Examples of unauthorized use include:

Personal purchases of ANY kind; (Cardholders who violate this restrictions WILL have their card revoked and may be subject to other disciplinary action.)

- Cash advances through banks or ATM's
- CASH REFUNDS
- Airline Tickets -Without Permission
- Employment Agencies
- Purchases that violate established City standards or contractual agreements.

A. Inappropriate use:

Any unusual activity from an outside source that occurs on a card must be immediately reported to the P-Card Administrator for resolution.

The City of Montezano reserves the right to cancel any P-Card at any time for violation of these policies. As this is a commercial card account, the City is liable for all transactions on the Procurement Cards. Unauthorized use by a cardholder may result in revocation of the card and/or other disciplinary action. Cardholders shall be personally responsible for any unauthorized expenditures and will be required to repay expenditures that are considered in violation of these policies.

12.7 Meal Purchases Guidelines

- Itemized meal receipts are required. The final sales draft showing only the total will NOT be sufficient.
- Meals for non-city employees are NOT permitted on the P-Card.
- Alcohol is NOT permitted

- Per IRS guidelines only a 15% tip is allowed. Cardholders are responsible for tips which exceed 15%

When submitting a meal purchase receipt for reconciliation, the following is required:

- Name and public purpose of meeting or description of issues discussed.
- Date of meeting
- Names of individuals who consumed the meal.

12.8 Returns and Exchanges

The cardholder or custodian is responsible for contacting the vendor when goods, equipment or services purchased with the P-Card are not acceptable (incorrect, damaged, defective, etc.) and for arranging a return for credit or exchange.

If items are returned for credit, the cardholder or custodian is responsible for obtaining a credit receipt from the vendor and retaining that receipt with the supporting documentation.

If items need to be exchanged, the cardholder or custodian is responsible for returning the items to the vendor and obtaining a replacement as soon as possible.

12.9 Reconciliation Process

12.9.1 Receipts:

- Cardholders must attach all receipts to their statement and transaction log when submitting their monthly transactions. The BARS code must be on the transaction log and it must be signed by the employee.
- Cardholders will be required to submit all receipts to the Clerk's Office for auditing purposes. Receipts must be attached to each cardholder statement.
- Cardholders are responsible for submitting all receipts with their statements. If a cardholder has lost or misplaced a receipt, they are responsible for obtaining a copy of the receipt from the merchant. The City will not pay for transactions that do not have proper receipts and a transaction log attached. The cardholder will be financially responsible for payment of all transactions that do not have property documentation.
- If the merchant cannot provide a duplicate receipt to take the place of receipts that have been lost, the cardholder will be required to pay for the items. If the receipt should re-appear after payment has been made to US Bank, the Cardholder can submit a business expense reimbursement claim.
- In cases where receipts are not available for services that are directly billed to the credit card (i.e. monthly subscription charges, etc.) proper documentation must be provided.

The FINANCE DEPARTMENT will review all instances of lost receipts and repeat occurrences may result in suspension of P-Card.

12.10 Lost or Stolen Cards

In the event of a lost or stolen P-Card, immediately notify Utility Billing Clerk or Mayor or designee. If appropriate the Police Department should be notified depending on the situation, e.g. robbery, burglary, etc. The following telephone number may be used to contact US Bank for immediate cancellation of card:

24 Hour Customer Service (Cardholder Support)
800-344-5696
Fax 701-461-3463

Fraud Department
800-523-9078

12.11 Termination of Employment

The cardholder must turn in their P-Card to their Department at time of termination. The Approving Manager should report the termination of employment to the administrator. The card will then be destroyed.

CHAPTER 13 CITY VEHICLES

13.1 Purpose

The purpose of this policy is to establish standard requirements and procedures for City of Montesano employees who are assigned a City-owned vehicle in the course of providing City services and/or conducting City business. This policy is intended to ensure the safety and well-being of City employees; to facilitate the efficient and effective use of City resources; to minimize the City's exposure to liability; to monitor the use of City-owned vehicles; and to comply with Internal Revenue Service regulations relating to City vehicle usage.

13.2 Definitions

13.2.1 **Vehicle** shall mean every motor vehicle designated for transportation of persons or special equipment vehicles, including but not limited to: sedans, pick-up, tractors, backhoes, and any other motorized equipment.

13.2.2 **Take Home Vehicle** shall mean any City vehicle which an employee drives home or to any location not associated with their duties with the City.

13.2.3 **Assigned Vehicle** means a City owned or leased vehicle assigned to a department or City employee for City business.

13.2.4 **May** is permissive and not mandatory.

13.2.5 **Shall** is always mandatory and never permissive.

13.3 Policy

City owned vehicles shall be exclusively for the conduct of municipal business. Operating a City vehicle is a privilege and should be treated as such. Misuse of this privilege should not be tolerated by City employees. Use of a City vehicle should always lead to positive perceptions by our citizens. Use of a vehicle shall be authorized by the Mayor or designee where the normal operation of a City department requires the transportation of employees, materials, and/or other equipment in order to effectively and efficiently accomplish the work responsibilities of a department and/or the City.

13.4 Take Home Vehicle

13.4.1 No motor vehicle owned by the City may be taken home by any City employee except under the following circumstances:

- Authorization to take home a City-owned vehicle is granted by the department head or designee and based on a demonstrated need for such vehicle to be taken home to serve the public interest; and
- It can be supported by data demonstrating the actual number and nature of emergency responses in the prior 6 months; or

- In a particular case that the City incurs greater costs by not allowing the vehicle to be driven to the employee's residence supported by mileage data and assignment duties; or
 - Due to an isolated incident or peculiar circumstances, it is impractical or impossible to return such vehicles to its designated parking area.
- 13.4.2 Authorization to regularly take home a City-owned vehicle may be granted to a full-time employee for a demonstrated need based on at least one of the following criteria:
- The employee has been designated as the director of a City department
 - The vehicle is assigned to a sworn law enforcement officer of the City of Montesano Police Department or an employee of the City of Montesano Fire Department, pursuant to their department's current take home car program requirements. These requirements shall not be amended without approval of the Mayor and Council.
- 13.5 Use of City Vehicles**
- 13.5.1 Assigned vehicles shall be used in the conduct of municipal business. The City reserves the right to search those vehicles at any time, for any purpose. Employees have no expectation of privacy in City vehicles.
- 13.5.2 Employees authorized to take a vehicle home, subject to Section 13.4, shall drive the vehicle to and from work by the most direct route, without deviation. When an assigned vehicle is not in business use, it shall be properly secured, and where possible, parked in a private drive or parking area.
- 13.5.3 Only City employees are authorized to operate City vehicles.
- 13.5.4 The personal use of take home vehicles is not allowed even though that personal use may not result in additional cost to the City. Any deviation from the direct route to and from work to conduct personal business will be considered personal use and not be considered in the course and scope of employment.
- 13.5.5 Employees shall report any accident, theft, or malicious damage involving a City vehicle to their supervisor and the appropriate personnel within the City Police Department, regardless of the extent of damage, lack of injuries, or cause. Such reports shall be made as soon as possible but no later than forty-eight hours after the incident. Employees are expected to cooperate fully with authorities in the event of an accident.
- 13.5.6 City employees involved in accidents while not in the "course and scope of employment" are responsible for all liabilities arising from the accident. The Mayor, or their department head or designee, should determine if the accident occurred during the course of employment.
- 13.5.7 If an employee is using a personal vehicle for City business (approved by appropriate management), the employee shall maintain (the necessary levels of) automobile insurance.

- 13.5.8 City vehicles shall not be used for transportation to and from work by any employee residing outside the established Montesano City urban service area without written approval by the Mayor or designee.
- 13.5.9 City and/or personal vehicles operated for City business shall be operated in a safe and courteous manner at all times. City and/or personal vehicles operated for City business shall be required to comply with the laws and ordinances concerning operation of motor vehicles and rules of the road and shall not be operated by any individual using or under the influence of drugs and/or alcohol, and are likewise prohibited from using prescription or over the counter medication which may impair their ability to safely operate a vehicle.
- 13.5.10 Seat belts for the driver and any passenger shall be fastened at all times.
- 13.5.11 An employee who operated an assigned vehicle or private vehicle for City business shall have a valid Washington state driver's license and/or commercial vehicle endorsement. The employee is responsible for reporting any changes altering their driving privileges to the mayor or designee.
- 13.5.12 An employee who is operating a City vehicle or private vehicle on City business is required to pay for moving and/or parking citations for which he/she is responsible and shall report them to their supervisor.
- 13.5.13 Assigned and take-home vehicles shall not be used on a part-time job or driven to and from a function not associated with the City organization.
- 13.5.14 Employees shall not perform any maintenance, including washing or waxing, on City vehicles on off-duty time. All maintenance shall be performed only while on duty.
- 13.5.15 Smoking is not permitted in City owned vehicles.
- 13.5.16 Operators of a City-owned vehicle should safeguard the vehicle at all times. Operators should never leave vehicles unattended with the ignition key in the lock or anywhere in the vehicle. The operator should also ensure that when away from the vehicle the vehicle is locked.
- 13.5.17 The City is not responsible for the loss of any personal property within a City owned vehicle or personal vehicle operated for City business.
- 13.5.18 City employees shall refrain from using cell phones while driving an assigned vehicle.
- 13.5.19 Passengers may be transported in City vehicles only to the extent that their conveyance is directly related to official business.

13.5.20 Stickers, insignia, or other identification marks displayed on the vehicle and identifying the vehicle as the property of the City are the only marks permitted. No other insignia is permitted without written permission of the Mayor.

13.5.21 All other City vehicles shall be available on a pool basis for the conduct of municipal business to officers and employees under rules and regulations as the Mayor or designee may prescribe.

13.5.22 City vehicles shall be provided to City departments to be used by duly licensed and authorized employees in the furtherance of approved City programs and projects.

13.6 Compliance with Internal Revenue Service (IRS) Regulations

13.6.1 Use of a City vehicle to commute between home and work may constitute a fringe benefit for federal tax purposes under U.S. Internal Revenue Service regulations. It is therefore required to be reported as auto fringe benefit compensation unless the vehicle is a qualified non-personal use vehicle. Per U.S. Department of Treasury Regulations, a qualified non-personal use vehicle is any vehicle the employee is not likely to use more than minimally for personal purposes because of its design. Examples of qualified non-personal use vehicles cited by the Treasury include clearly marked police vehicles, fire vehicles, and dump trucks.

13.6.2 Employees who use their personal vehicle for approved City business purposes will receive a mileage allowance equal to the IRS optional mileage allowance for such usage.

13.6.3 For employees who fall within the provisions of the fringe benefit IRS regulations, the City will comply with the IRS regulations regarding the reporting of income. To ensure compliance, the following requirements shall be instituted:

- Employees will keep track of all miles by keeping a log containing date, mileage (beginning and ending), destination, business purpose miles and commuting miles.
- Maintain mileage logs, which shall be approved each pay period by the department head or designee, and shall record the number of commutes.
- The reports shall be maintained by each individual department.
- This information is subject to the public records law and shall be made available upon request.

13.7 Penalties - Violations

13.8 13.7.1 Any violation of Section 13.4 - 13.5.20 may be grounds for suspension of vehicle use privileges and/or suspension or dismissal of employment.

CITY OF MONTESANO SMALL AND ATTRACTIVE ITEMS POLICY AND PROCEDURE

The following policies and procedures documents a small and attractive system designed to ensure controls over items that might not be noticed immediately after their disappearance or replacement. The intent of this policy is to obtain accountability over items that not meet the criteria of a fixed asset and would NOT be noticed immediately upon disappearance or replacement.

1. POLICY

It is the policy of the Council of Governments to maintain accountability over all tangible items that may have the likelihood of disappearing without being noticed. The Office Coordinator shall maintain records to be verified by a physical inventory at least once a year and provide such list to the Executive Director for monitoring difference between years.

PURPOSE

A small and attractive items system gathers information allowing investigation of items missing that would otherwise not be noticed. The system should provide adequate stewardship over its resources through control and accountability.

A. GENERAL

A small and attractive item that is priced under the \$100.00 criteria for fixed assets and has a life expectancy of more than one year. This item also is not likely to be missed immediately upon disappearance and could be replaced without suspicion during voucher audits. Examples include, but are not limited to: cameras, guns, shop tools, ect.

B. RESPONSIBILITY OF THE CLERKS OFFICE

The Clerk's Office Coordinator will prepare a list at least annually of the small and attractive items. This list will be provided to the Executive Director by January 31st each year for monitoring.

If an item is deleted, the Clerk's Office will note the reason And/or means of disposal, i.e. surplus sale.

C. ASSEST IDENTIFICATION

The list will contain the serial number, model number or other identifying information.

Whenever feasible, each piece of property will be engraved or marked with the City identification name. Such markings will be remove or obliterated only when the item is sold, scrapped, cannibalized or otherwise disposed of.

2. PROCEDURES

A. ADDITIONS

The departments may acquire property via purchase, construction, donation or lease. Regardless of how it is acquired, when the property is received, they will add it to their small and attractive data base listing and mark the item with the Council's name .

DELETIONS

Items previously acquired will eventually be disposed of and need to be deleted from the list. Deletion may be required due to a sale of the asset, scrapping, mysterious disappearance (lost or stolen), or involuntary conversion (fire, flood, etc).

The department controlling the item is the only one in position to trigger removal from the list.

Items disappearing mysteriously may require additional reports to the police department and insurance company. Deletions brought about as a result of natural disasters would require reporting to the insurance provider for an eventual reimbursement claim.

B. TRANSFERS

Occasional transfers of property between individuals will occur. The original controlling individual is accountable for all item(s) and for initiating a notice of transfer.

C. LOST OR STOLEN ASSETS

Whenever an item has disappeared and all efforts have failed to recover it, the department head shall notify the Mayor or designee. Thirty days after notification, if the item hasn't been found, a report will be made to the Police Department.

**CITY OF MONTESANO PERSONNEL POLICIES
RECEIPT AND ACKNOWLEDGMENT**

This confirms that I: _____

- have received and read the City's Personnel policies dated _____, _____, and
- understand and agree that these policies are not an agreement or contract for employment; and
- understand that no one in the City has the authority to enter into any agreement for employment for a specified period of time or to make other representations or agreements inconsistent with these policies unless it is in writing signed by the Mayor; and
- understand that the policies and procedures contained may be revised and updated by the City from time to time; and
- understand that these policies revoke and supersede any prior handbooks, statements of employment policies, guidelines and procedures, or employment manuals, handbooks, or other documents issued by the City; and
- Understand that, unless otherwise provided by a law, civil service rules, or collective bargaining agreement, my employment with the City is at-will.

Employee's Signature

Date