

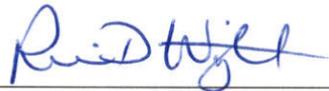


Employee Policy Manual

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Approved by Mayor Ronnie Wright on the 10th day of December 2025, pursuant to authority delegated under OHMC 2.34.050.



Mayor Ronnie Wright

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INTRODUCTION

1.0 DEVELOPING AND PUBLISHING POLICIES, PROCEDURES, TASKS AND FORMS

A. PURPOSE

For a consistent and standardized practice of who develops, approves or publishes City policies, procedures, tasks and forms.

B. DEFINITIONS

1. Policy – A management decision governing how employees conduct City business.
2. Procedure – The sequence of steps taken by a team to complete an action, process or project.
3. Task – The sequence of steps taken by one person to complete an action, project or process.
4. Form – A document that users fill with data.
5. Reference – A document to augment any of the above, for example schematics, technical instructions, lists, flow charts, etc.
6. Guide – A collection of documents (policies, procedures, tasks, forms and references) specific to a service area. Example: Purchasing Guide.
7. Desk Manual – A collection of documents (policies, procedures, tasks, forms and reference) specific to a position. Example: Administrative Assistant, Police Officer, Firefighter, or other specific position.

C. POLICY

1. The City of Oak Harbor maintains one City-wide Policy Manual
All City policies, procedures, tasks, and forms must be written and catalogued as outlined in this policy.
2. The Mayor and/or City Administrator approves all City-wide Policies
After review by the Human Resources (HR) Director and appropriate Department Director(s), the Mayor and/or City Administrator approve all City-wide policies, not requiring City Council approval, before they are published.
3. Department Directors approve Departmental Policies, Procedures, Tasks and Forms
Department Directors:
 - Approve policies, procedures, tasks and forms for their department(s) in consultation with Human Resources (HR).
 - Create policies and procedures for applicable department accreditation.
 - Approve City-wide policies or procedures, tasks and forms related to their department or area of responsibility in consultation with HR.
 - Recommend City-wide policies to the HR Director and/or City Administrator.
 - Include the Finance Director for any changes that are anticipated to generate a greater than \$25,000 annual fiscal impact.

D. PROCEDURE

1. Documents Must Be Formatted in the Recommended Method
 - The City uses a specific method of writing policies, procedures, tasks and forms.
 - This method must be used except for a legitimate business need, such as to meet federal, state, or local requirements, and accreditation standards.
2. Communications Officer Oversees Publishing of Policies
 - The Communications Officer reviews all policies, procedures, tasks, forms and reference documents adhere to our standards for writing, formatting, and cataloguing.
 - The Communications Officer and/or HR department collaborate to create standards, templates, and style guides to be used and referenced City-wide for consistency.
3. HR Notifies the Unions of New or Revised Draft Personnel Policies
 HR notifies unions of new or revised City-wide or operational policies not less than thirty (30) days before implementation to confirm there is no duty to bargain the impact (RCW 41.56).

| Action by | | Action |
|--------------------|----|---|
| <i>Employee</i> | 1. | Drafts policy, procedure, task or form. |
| <i>Employee</i> | 2. | Checks with stakeholders (such as Manager, Director or City Administrator) regarding content. |
| <i>Employee</i> | 3. | When the content is finalized and ready for review, Notifies the HR Analyst. |
| <i>HR Analyst</i> | 4. | Schedules a meeting for the employee with the HR Director to: review and finalize formatting and language assign number. |
| <i>HR Director</i> | 5. | Reviews with Legal (if applicable). |
| <i>HR Analyst</i> | 5. | Routes for approval signatures (HR, Finance, City Administrator or Mayor, and Legal). |
| <i>HR Analyst</i> | 6. | HR verifies union notification has occurred (if applicable) with finalized document. |
| <i>HR Analyst</i> | 7. | Publishes document with Communications Officer. |

1.01 PURPOSE AND SCOPE OF EMPLOYEE POLICY MANUAL

A. PURPOSE

This manual is intended to implement the City Council’s policy on City employment as set forth in [Oak Harbor Municipal Code \(OHMC\) Chapter 2.34.020](#). Any conflict between policies and the OHMC shall be resolved in favor of the OHMC.

B. POLICY

This manual summarizes the City’s basic personnel policies and is intended to serve as a resource for employment with the City.

C. PROCEDURE

Personnel policies may change as laws change, as the City grows or as needed to better serve City residents or personnel. The City, through authority delegated to the Mayor, reserves the right to modify, revoke, suspend, or terminate the policies set forth in this Employee Policy Manual (EPM or “manual”) at any time without prior notice to employees. However, union representatives for the respective bargaining units representing City employees shall be given no less than thirty (30) days’ notice before being applied to confirm there is no duty to bargain the impact (RCW 41.56).

D. DISCLAIMER

It is important to understand that these policies do not constitute an employment contract or a promise of employment conditions between the City and its employees. The City Council sets employment policies and neither this manual nor any other City employee or official can make specific promises to an employee concerning their employment unless the City Council adopts an ordinance, resolution or motion to that effect.

E. SCOPE

This manual applies to all covered (as defined in Oak Harbor Municipal Code (OHMC) 2.34) employees of the City of Oak Harbor. In cases where these policies conflict with a City ordinance, state or federal law, a valid and effective collective bargaining agreement, or an individual written employment contract, the terms of the law or contract shall prevail over the terms of this manual.

F. REFERENCE

If a position is covered by a collective bargaining agreement (CBA) or union contract agreed upon with the International Association of Firefighters, Local 4504 (IAFF), the Oak Harbor Police Association (OHPA), or Teamsters Union, Local No. 231, a represented employee should refer to that contract as the exclusive source of information. In absence of an applicable CBA article or section for reference, employees should refer to the EPM (*contract then manual*).

If a position is covered under Civil Service Rules, and if an item is not covered by a CBA, an employee should refer to the Civil Service Rules as the exclusive source of information. In absence of an applicable CBA section or Civil Service Rule to reference, then an employee should refer to the EPM (*contract, rules, then manual*).

No elected official, Supervisor, Manager or representative of the City has the authority to modify or waive these policies.

Please note that in addition to the policies included in the Manual, individual Departments or work groups may have standard operating procedures or other work rules in writing that pertain to employment with the City. Those rules and procedures supplement the personnel policies included in this Manual, and tend to be specific to certain departments or work groups.

GENERAL EMPLOYMENT POLICIES

2.01 EQUAL EMPLOYMENT OPPORTUNITY (EEO)

A. POLICY

The City of Oak Harbor is an equal opportunity employer. The City believes the participation of individuals of diverse ages, races, religions, cultures, abilities and personalities will add to professional development and organizational success. All employees and potential employees will be recruited, selected, trained, promoted, compensated and, if necessary, disciplined or terminated without regard to sex, race, religion, marital status, honorably discharged veteran or military status, age, national origin, sexual orientation, color, creed, ancestry, disability or any other basis prohibited by law.

B. PROCEDURE

It is against the City's policy for any employee to discriminate against an applicant for employment or another employee protected by applicable discrimination laws. When such discrimination or harassment is detected in the workplace, the City will take aggressive, prompt, and fair measures to eradicate the misconduct. To this end the City, upon confirming the existence of discrimination or harassment prohibited by this Policy, shall take disciplinary action against those responsible for the discrimination or harassment up to and including termination of employment. Refer to Appendix "A" of this manual for the Nondiscrimination/Anti-Harassment Complaint Procedure.

2.011 JUSTICE, EQUITY, DIVERSITY, AND INCLUSION (JEDI)

The City of Oak Harbor values diverse perspectives, life experiences, and differences. The City encourages people of all backgrounds to come grow with us, including individuals of color, immigrants, refugees, women, people with disabilities, veterans, or members of the lesbian, gay, bisexual, transgender, queer or questioning, intersex, asexual, non-binary, pansexual, and gender fluid community (LGBTQIA+). We are committed to being equitable and fair in providing access to opportunities for all.

2.02 AMERICANS WITH DISABILITIES ACT (ADA)

A. POLICY

The City complies with the [Americans with Disabilities Act \(ADA\)](#) of 1990 and the ADA Amendments Act of 2008, all applicable state and local fair employment practices laws, and is committed to providing equal employment opportunities to qualified individuals with disabilities. Consistent with this commitment, the City will provide reasonable accommodation to qualified employees with a disability if the reasonable accommodation would allow the individual to perform the essential functions of the job, unless doing so would create undue hardship on the City's business, operations, or a direct threat to the health or safety of others.

B. PROCEDURE

Please contact HR if an employee would like to request any reasonable accommodation. HR will provide the complete policy and procedure to work through an interactive process with the employee (and their health care provider, as needed) to evaluate the need for reasonable accommodation and options for providing reasonable accommodation.

The City's ADA policy and procedure includes:

- Procedure for Employees
- Procedure for Identifying Reasonable Accommodations for Employees
- Procedure for Applicants
- Procedure for the Public (for Board or Commission meetings)
- Procedure for Grievances (Complaints)

2.03 REASONABLE ACCOMMODATION OF RELIGIOUS BELIEFS

A. POLICY

The City respects the religious beliefs and practices of all employees and will make, upon request, accommodation for such observances when reasonable accommodation is available that does not create undue hardship on the City's business, operations, or a direct threat to the health or safety of others.

B. PROCEDURE

If an employee believes they need accommodation for religious reasons, please contact HR. HR will provide the complete policy and procedure to work through an interactive process to evaluate the need for reasonable accommodation and options for providing reasonable accommodation.

2.04 PROHIBITION OF UNLAWFUL HARASSMENT

A. POLICY

The City of Oak Harbor is committed to ensuring that the practices and conduct of all its employees comply with the requirements of federal and state laws against unlawful harassment. It is the policy of the City of Oak Harbor that all employees have the right to work in an environment free from unlawful harassment based upon their race, color, religion, creed, sex, national origin, age, marital status, pregnancy and maternity status, sexual orientation and gender identity, veterans' status, genetic information, disability, and any other class status protected by federal, state, or local law. Any unlawful harassment of employees by their co-workers or Supervisors will not be tolerated by the City of Oak Harbor.

B. DEFINITIONS

For this policy, "sexual harassment" is unwelcome behavior of a sexual nature that affects terms and conditions of employment. Sexual harassment includes (1) sexual advances and other verbal

or physical conduct where submission to the advances or conduct is made a term or condition of employment or is used as the basis for employment decisions and (2) unwelcome verbal or physical conduct of a sexual nature that interferes with an employee's work or creates a hostile, intimidating, or offensive work environment.

Some examples of behavior that could constitute or contribute to sexual harassment include, but are not limited to:

1. Unwelcome or unwanted flirtations, propositions, or advances. This includes patting, pinching, brushing up against, hugging, cornering, kissing, fondling, putting one's arm around another, or any other similar physical contact considered unacceptable by another individual.
2. Requests or demands for sexual favors. This includes subtle or blatant expectations, pressures, or requests for any type of sexual favor accompanied by an implied or stated promise of preferential treatment or negative consequences concerning an individual's employment.
3. Verbal abuse or kidding, that is sexually oriented and considered unacceptable by another individual. This includes comments about an individual's body or appearance when such comments go beyond an isolated innocuous compliment; off-color jokes or offensive language; or any other tasteless, sexually oriented comments, innuendoes, or offensive actions, including leering, whistling, or gesturing.
4. Participation in fostering a work environment that is generally intimidating, hostile, or offensive because of unwelcome or unwanted sexually oriented conversation, office décor, suggestions, requests, demands, physical contacts, or attention.

For the purpose of this policy, "other harassment" (nonsexual) is defined as verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of such individual's protected status or characteristics such as their race, color, religion, gender, national origin, age, marital status, sexual orientation, or disability or any other status that is protected that:

1. Has the purpose or effect of creating an intimidating, hostile, or offensive work environment; or
2. Has the purpose or effect of unreasonably interfering with an individual's work or performance; or
3. Otherwise adversely affects an individual's employment opportunities.

All issues noted above can take place on or off duty if it involves the work group (i.e. a collection of people within a workplace who collaborate to achieve specific goals, tasks, or projects).

C. EXAMPLES

Some examples of behavior that could constitute or contribute to harassment include, but are not limited to:

1. Using epithets, slurs, or negative stereotypes;
2. Threatening, intimidating, or engaging in hostile acts that relate to protected status or characteristics such as those referred to above;
3. Jokes or pranks that refer to or denigrate a protected status; or
4. Placing on walls, bulletin boards, or elsewhere on the City premises or circulating in the workplace written, electronically transmitted or graphic material that denigrates or shows hostility or aversion toward a person or group because of a protected characteristic.

D. COMPLAINT PROCESS

An employee who feels harassed should immediately tell the offending individual how they feel and ask them to stop. If that does not work or if the employee is uncomfortable confronting the offending individual, the employee should report the incident promptly to their Supervisor, an available Supervisor, the Human Resources Department, or through the Ethics & Compliance Hotline: **(833) 765-7923** or online through: oakharbor.ethicspoint.com. A complaint can be made verbally or in writing. Refer to Appendix "A" of this Manual for the Nondiscrimination/Anti-Harassment Complaint Procedure.

E. RESPONSIBILITY

The City of Oak Harbor Mayor or City Administrator shall be responsible for disseminating information on the City of Oak Harbor Policy Against Unlawful Harassment and for working with the HR Director to develop training programs and guidelines for preventing sexual or other forms of harassment, and for investigating and resolving allegations of harassment.

All officers, Supervisors, and Managers (generally, “Supervisors”) are assigned responsibility for implementing this policy, ensuring compliance with and knowledge of its terms, and for taking immediate and appropriate corrective action if they witness inappropriate behavior or receive a complaint. Supervisors must open and maintain channels of communication to permit employees to raise concerns of sexual or other workplace harassment without fear of retaliation, stop any observed harassment, and treat harassment matters with sensitivity, confidentiality, and objectivity.

A Supervisor’s failure to carry out these responsibilities may result in disciplinary action up to and including discharge.

2.041 CONFLICT RESOLUTION

A. POLICY

The City of Oak Harbor is committed to providing guidance on how conflicts and other issues should be handled in the workplace to resolve differences and to prohibit retaliation against employees who raise concerns. Conflict resolution happens when an employee and a Supervisor resolve a work-related problem. Problems, misunderstandings and frustrations may arise in the workplace, and it is the City’s intent to be responsive to its employees and their concerns.

Therefore, an employee who is confronted with a problem may use the procedure described below to resolve or clarify his or her concerns. The purpose is to provide a quick, effective and consistently applied method for a nonSupervisory employee to present his or her concern to management and have those concerns internally resolved.

Conflict resolution is used for work-related problems to build stronger relationships, to reduce tension, to increase understanding, and to problem solve or clarify concerns.

B. PROCEDURE

Step 1: Discuss Work-Related Problem with Supervisor

- a. Initially, employees should bring their concerns or complaints to their immediate Supervisor. If the complaint involves the employee's Supervisor, the employee should schedule an appointment with that Supervisor to discuss the problem that gave rise to the complaint within fifteen (15) working days of the date the incident occurred.
- b. The immediate Supervisor should respond in writing to the complaint within fifteen (15) days of the meeting held with the complainant employee.

Step 2: Written Complaint and Decision

- a. If the discussion with the immediate Supervisor does not resolve the problem to the mutual satisfaction of the employee and the Supervisor, or if the Supervisor does not respond to the complaint, the employee may submit a written complaint to the employee's Department Director. Employees may request assistance with writing their complaints from the Human Resources (HR) department.

The employee's Department Director should forward a copy of the complaint to the HR department for accurate tracking and regulatory compliance reporting.

The submission of the written complaint is due within fifteen (15) working days of the response from the Supervisor. The complaint should include:

- The problem and the date when the incident occurred.
 - Suggestions on ways to resolve the problem.
 - A copy of the immediate Supervisor's written response or a summary of his or her verbal response and the date when the employee met with the immediate Supervisor. If the Supervisor provided no response, the complaint should state this.
- b. Upon receipt of the formal complaint, the Department Director must schedule a meeting with the employee within fifteen (15) working days to discuss the complaint. Within approximately fifteen (15) working days after the discussion, the Department Director should issue a decision both in writing and orally to the employee filing the complaint.

Step 3: Appeal of Decision

- a. If the employee is dissatisfied with the decision of the Department Director, the employee may, within fifteen (15) working days, appeal this decision in writing to the HR department.
- b. The HR department may call a meeting with the parties directly involved to facilitate a resolution. The HR department may gather further information from parties involved. All individuals involved, other than representatives of the HR department, may not discuss the situation with any other employee or with the employee complaining.

C. GUIDANCE

If an employee fails to appeal from one level to the next level of this procedure within the time limits set forth above, the problem should be considered settled on the basis of the last decision, and the problem should not be subject to further consideration.

Because problems are best resolved on an individual basis, the conflict resolution procedure may be initiated only by individual employees and not by groups of employees. All complaints must be made in good faith.

Nothing in this policy shall be construed to limit the City's right to impose appropriate disciplinary action for any conduct it considers to be disruptive or inappropriate. The circumstances of each situation may differ, and the level of disciplinary action may also vary, depending on factors such as the nature of the offense, whether it is repeated, the employee's work record and the impact of the conduct on the organization.

2.05 WORKPLACE VIOLENCE (WPV)

A. POLICY

The City of Oak Harbor is committed to providing a safe workplace for its employees, guests, contractors, vendors, and the public. Violence, intimidating behavior or threats of violence will not be tolerated. Violations of this policy may result in disciplinary action, up to and including termination of employment.

B. PROHIBITED CONDUCT

The City of Oak Harbor strictly prohibits threatened or actual workplace violence. This includes, but is not limited to, any of the following conduct in or around City premises or the workplace or otherwise related to City employment.

1. Bullying;
2. Threatening or causing injury to a person;
3. Using or threatening to use a weapon while on any City premises;
4. Abusing or damaging property;
5. Using obscene or abusive language or making gestures in a threatening manner;
6. Speaking in a threatening manner;

7. Because of the potential for misunderstanding, joking about or parodying any of the above misconduct is also prohibited.

C. WEAPONS PROHIBITED

City employees are prohibited from possessing dangerous weapons on City property, premises and in City vehicles. This includes, but is not limited to, weapons for which employees have a valid permit. For this policy, “dangerous weapons” include firearms and others as indicated in RCW 9.41.250, as now enacted or hereafter amended. Further, the City reserves the right to inspect, with or without notice, all employees' work areas, packages and other items that come onto the City's premises. The City further reserves the right to inspect all City property with or without notice. An employee caught possessing a weapon in a manner that conflicts with this policy, will be disciplined, up to and including termination. Police Services are exempt from this policy.

D. DEFINITION

“City premises” means all areas under City ownership and/or control, including, but not limited to: buildings, offices, vehicles, work areas, lounges, parking lots, desks, cabinets, lockers and storage areas. The City reserves the right to search all City premises and employee property brought onto City premises when the City determines that such a search is a reasonable and necessary precaution for workplace health and safety.

E. PROCEDURE

Any WPV incident or incidents indicating a potential for violence are to be reported by an employee to their Supervisor and/or HR as soon as possible. Incident reports are to be completed as appropriate. If management determines that an employee has violated this policy, the employee will be subject to discipline up to and including termination, as deemed appropriate by the City. The City shall handle specific concerns with customers or other public parties as it determines under its policies and procedures.

F. IMMINENT DANGER/VIOLENT INCIDENT PROCEDURE

Any employee who reasonably believes that a situation with an aggressive employee, guest, contractor, vendor or other party is likely to become violent and may put the employee or others in imminent danger at the work site, should promptly leave the work area and report to their Supervisor and/or HR. Depending on the circumstances, the employee may first call/text 9-1-1. No disciplinary action shall be taken against any employee who leaves a work area when the employee has a reasonable belief that an emerging situation with an aggressive person is likely to turn violent at that time at the work site. The Supervisor should take immediate action by calling/texting 9-1-1 (if warranted) and contacting HR. The timing and circumstances of the return by the employee to the work area should be coordinated by the employee with HR, the Mayor, City Administrator, and/or Department Directors.

All incidents, including potential incidents, of WPV should be reported within twenty-four (24) hours or as soon as possible following the occurrence. An incident report must be completed and

sent to HR for all incidents. Employees involved with a workplace incident may be subject to disciplinary action subject to discharge.

G. SAFETY AND SECURITY

Staff safety and security is one of the City of Oak Harbor's highest priorities. The City will make every reasonable effort to provide for the safety and security of its property, its employees, and visitors to its premises.

All City safety and security policies and rules must be adhered to at all times. To prevent inappropriate outsider access, City solicitation and access rules must be strictly followed. It is especially important that building safety and security rules and procedures are specifically enforced at all times (e.g., doors locked after hours).

All personal property brought onto the City's premises, such as vehicles, packages, briefcases, backpacks, purses, bags and wallets are subject to inspection. In addition, the City may inspect the contents of lockers, storage areas, file cabinets, desks and workstations at any time and may remove all City property and other items that are in violation of City of Oak Harbor rules and policies.

Employees working in sensitive or high security positions must meet any applicable security clearance requirements, such as positions in the Police and Fire Departments and those requiring access to Naval Air Station Whidbey Island. These security requirements may include background checks, fingerprinting, bonding or other special security measures. Failure or inability to meet or comply with any applicable security clearance requirement is grounds for termination of employment, or rejection of an applicant.

Employees are expected to exercise reasonable care for their own protection and for their personal property while on City premises and while away from the premises on business. The City of Oak Harbor assumes no responsibility for loss, damage or theft of personal property.

Failure to comply with these requirements may lead to disciplinary action, up to and including discharge, as deemed appropriate by the City.

H. INDICATORS

This list of behaviors is not comprehensive. If an employee notices any of the following behaviors that may indicate potentially violent behavior, it's important to share the Employee Assistant Program (EAP), report any concerns to their Supervisor and to HR. The following indicators of potentially violent behavior may include:

- Increased use of alcohol and/or illegal drugs.
- Unexplained increase in absenteeism, vague physical complaints.
- Noticeable decrease in attention to appearance and hygiene.
- Withdrawal from engagement or productivity.
- Resistance and overreaction to changes in policy and procedures.
- Repeated violations of organizational policies.
- Increased severe mood swings.

- Noticeably unstable, emotional responses.
- Explosive outbursts of anger or rage without provocation.
- Suicidal; comments about “putting things in order.”
- Behavior that may suggest paranoia (e.g., “everybody is against me”).
- Increasingly frequent mentions of problems at home.
- Escalation of domestic problems into the workplace.
- Talk of severe financial problems.
- Talk of previous incidents of violence.
- Empathy with individuals committing violence.
- Increase in unsolicited comments about firearms, other dangerous weapons, and violent crimes.

2.051 ANTI-BULLYING

A. POLICY

The City of Oak Harbor promotes a healthy workplace culture where all employees are able to work in an environment free of bullying behavior. The City of Oak Harbor considers workplace bullying unacceptable and will not tolerate it under any circumstances. Any employee found in violation of this policy will be disciplined in accordance with the City’s discipline policies.

This policy does not preclude individuals who believe they are being subjected to bullying conduct from promptly advising the offender that his or her behavior is unwelcome and requesting that such behavior immediately stop.

B. DEFINITIONS

The City defines bullying as repeated inappropriate behavior, either direct or indirect, whether verbal, physical or otherwise, conducted by one or multiple individuals against another or others, that harms, intimidates, offends, degrades, or humiliates an employee at the place of work and/or in the course of employment.

C. EXAMPLES

Bullying may be intentional or unintentional. The City considers the following types of behavior examples of bullying, which may be in-person, in any form of communication, or technology:

1. Verbal bullying: Slandering, ridiculing or maligning a person or his or her family; persistent name calling that is hurtful, insulting or humiliating; using a person as punchline of jokes; abusive and offensive remarks.
2. Physical bullying: Pushing, shoving, kicking, poking, tripping, assault or threat of physical assault, damage to a person’s work areas or property.
3. Gesture bullying: Nonverbal threatening gestures; staring, glaring, or glances that can convey threatening messages or nonverbal demonstrations of hostility.
4. Exclusion: Socially or physically excluding or disregarding a person in work-related activities.

D. PROCEDURE

The City encourages all employees to promptly report any instance of bullying behavior. Any reports of this type will be treated seriously, investigated promptly and impartially following the Nondiscrimination/Anti-Harassment Policy and Complaint Procedure. Employees who believe they have experienced conduct that they believe violates this policy, or who have concerns about such matters, should report their complaints verbally or in writing to their Department Director, the HR Director, or through the Ethics and Compliance hotline at (833) 765-7923 or online through oakharbor.ethicspoint.com before the behavior becomes severe or pervasive. Individuals should not feel obligated to report their complaints to their immediate Supervisor first before bringing the matter to the attention of one of the other designated representatives identified above.

The City requires any Supervisor who witnesses any bullying, irrespective of reporting relationship, to immediately report this conduct to the HR Director. The City further encourages all employees to formally report any concerns of assault, battery, or other bullying behavior of a criminal nature to the local Police Department.

2.06 IMPROPER GOVERNMENTAL ACTION (WHISTLEBLOWER POLICY)

A. POLICY

The City of Oak Harbor, in compliance with the Local Government Employee Whistleblower Protection Act, RCW 42.41.050, encourages employees to disclose any improper governmental action taken by City officials or employees without fear of retaliation. This policy also safeguards legitimate employer interests by encouraging complaints to be made first to the City, with a process provided for speedy dispute resolution.

1. Improper Governmental action is any action by a City officer or employee that is:
 - a. Undertaken in the performance of the official's or employee's official duties, whether or not the action is within the scope of the employee's employment, and
 - b. In violation of any federal, state, or local law or rule, is an abuse of authority, is of substantial and specific danger to the public health or safety, or is a gross waste of public funds.
 - c. Improper governmental action does not include personnel actions including employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, re-employments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of collective bargaining or civil service laws, alleged violation of labor agreements or reprimands. In addition, employees are not free to disclose matters that would affect a person's right to legally protected confidential communications.
2. Retaliatory Action is any material adverse change in the terms and conditions of an employee's employment.

B. PROCEDURE

1. Employees who become aware of improper governmental action should follow these procedures:
 - a. Bring the matter to the attention of the HR Director or the City Attorney, if non-involved, in writing that states in detail the basis for the employee's belief that an improper action has occurred. This should occur as soon as the employee becomes aware of the improper action. Where the employee believes the improper action involves the HR Director, the employee may raise the issue directly with the Mayor and/or City Administrator.
 - b. The Mayor or City Administrator or their designee shall promptly investigate the report of improper government action. After the investigation is completed (within thirty (30) days of the employee's report), the employee shall be advised of the results of the investigation. City of Oak Harbor officers and employees involved in the investigation shall keep the identity of reporting employees confidential to the extent possible under law, unless the employee authorizes the disclosure of their identity in writing. After an investigation has been completed, the employee reporting the improper governmental action shall be advised of a summary of the results of the investigation. To the extent allowed under the Public Record Act (PRA), personnel actions taken as result of an investigation may be kept confidential.
2. An employee who makes a good faith effort to follow this policy is entitled to protection against retaliation pursuant to RCW 42.41.030.
3. In case of an emergency, where the employee believes that damage to persons or property may result if action is not taken immediately, the employee may bypass the above procedure and report the improper action directly to the appropriate government agency responsible for investigating the improper action. Outside agencies to which reports may be made include, but are not limited to, the following:

Island County Prosecuting Attorney's Office
Washington Attorney General
Washington State Auditor
Department of Labor & Industries
Washington State Patrol
Washington Department of Natural Resources
4. Employees may report information about improper governmental action directly to an outside agency if the employee reasonably believes that an adequate investigation was not undertaken by the City to determine whether an improper governmental action occurred, or that insufficient action was taken by the City to address the improper action or that for other reasons improper action is likely to recur.
5. It is unlawful for local government to take retaliatory action because an employee, in good faith, provided information that improper government action occurred.

- a. An employee who believes that retaliation has occurred for reporting an improper government action should provide a written complaint to the HR Director within thirty (30) days of the occurrence of the alleged retaliatory action. If the HR Director is involved, the notice should go to the Mayor and/or City Administrator. The written charge must specify the alleged retaliatory action, and the relief requested.
- b. The Mayor and/or City Administrator shall investigate the complaint and respond in writing within thirty (30) days of receipt of the written charge.
- c. After receiving the response of the City of Oak Harbor or thirty (30) days after the delivery of the charge to the City of Oak Harbor, the employee may request a hearing before a state administrative law judge to establish that a retaliatory action occurred and to obtain appropriate relief provided by law. An employee seeking a hearing should deliver the request for hearing to the City of Oak Harbor Mayor and/or City Administrator within the earlier of either fifteen (15) days of delivery of the City of Oak Harbor's response to the charge of retaliatory action, or forty-five (45) days of delivery of the charge of retaliation to the City of Oak Harbor for response.

2.07 HIRING AND RECRUITMENT

A. POLICY

It is the policy of the City of Oak Harbor that employees shall be selected on the basis of knowledge, skill, ability, merit and fitness to perform the duties of the position for which the employee is hired. The City is an equal opportunity employer and shall not discriminate against any employee or applicant for employment on any ground prohibited by state or federal law including race, creed, color, national origin, sex, marital status, sexual orientation, age, honorably discharged veteran or military status, or the presence of any sensory, mental or physical disability, or the use of a trained dog guide or service animal by a person with a disability; as provided by state or federal law ([OHMC 2.34.070](#)).

B. PROCESS

The purpose is to provide a system of recruitment to fill vacant positions with the most qualified candidates.

The first step in the process is for the Director to confirm with Finance that the position has been authorized and included in the budget. The next step is to clearly define what the needs are for the position and determine the skill set of the ideal candidate in coordination with HR. The final step is to confirm the candidate's skill set and experience clearly meet the qualifications and ability to meet the needs of the position.

Variations in the process may occur dependent upon circumstances. The timeline for recruitment may take approximately one to three (1-3) months.

The recruiting process for leadership positions in the City may include the following:

- Preparation for posting
- Job posting
- Application process
- Use of an outside recruitment agency
- Panel interviews which may include Councilmembers and/or community members
- Informal meet and greets with staff
- Social event
- City Administrator/Mayor interviews
- Selection and negotiation
- Council confirmation

C. BACKGROUND CHECKS

For both internal and external candidates, HR may obtain job-related, pre- or post-employment screenings and/or evaluations including, but not limited to, a criminal background check, a credit check, a physical/psychological evaluation, motor vehicle driving records and any other job-related assessment or information. The purpose of performing these checks is to evaluate the qualifications and suitability of a job candidate for the particular position for which the candidate is being considered. Conducting background checks will help ensure the safety of the public as well as a safe working environment.

The City is committed to ensuring that its background checking procedures comply with all applicable laws. The City complies with the federal Fair Credit Reporting Act (FCRA), federal and state equal opportunity laws and all other applicable legal authority that affects the performing of pre-employment background checks.

D. BACKGROUND CHECK PROCEDURE

The following procedures will be followed:

1. The City will perform pre-employment background checks on all candidates for employment prior to hire, provided that the scope of the background check may be tailored to the position sought. In addition, if an employee changes positions within the City, any additional background checks required for that position which have not previously been performed will be performed.
2. All candidates will be advised that a background check will be required, and candidates will be required to sign appropriate authorizations prior to the performing of any pre-employment background checks.
3. Candidates who provide false or misleading information in their application and/or authorization may be eliminated from any further consideration or may be terminated at any time if the misrepresentation is discovered after employment commences. Candidates are expected to provide accurate and complete information and not to omit material information needed to make a decision.

4. A background check will not encompass consideration of a candidate's credit history unless required by law, or unless such information is substantially job related and the City's reasons for consideration of credit information are disclosed to the candidate through the job posting recruitment process and/or conditional offer of employment.
5. A conditional offer of employment must be extended to conduct pre-employment background checks before a candidate is officially offered a position. All job offers should be conditioned upon satisfactory completion of the pre-employment background checks.
6. All candidates shall be individually reviewed and decisions made with respect to employment based upon the totality of the candidate's qualifications and the results of the pre-employment background checks.
7. A candidate will not be rejected based on a criminal record unless exclusion is job-related and consistent with business necessity. This determination will be based on the following factors:
 - a. The nature and gravity of the offense(s) committed;
 - b. The amount of time that has passed since the offense was committed; and
 - c. The nature of the job for which the candidate is being considered.
8. Where appropriate, if the City determines that a candidate's criminal record should preclude employment in the position sought, the candidate will be notified and afforded an opportunity to demonstrate why the criminal record should not preclude employment.
9. Prior to taking any adverse action, appropriate notices will be sent to the candidate pursuant to federal and any state FCRA laws.
10. The results of a pre-employment background check will be kept confidential in HR, and information will be shared only with City personnel who have authorization from the employee and legitimate business need to know.
11. For volunteers and for employees whose job duties change, periodic background checks will be completed.
12. For volunteers or employees who are seasonal or for employees holding positions, roles, or duties involving vulnerable adults/children, that fall under the Washington State Child and Adult Abuse Information Act (RCW 43.43.830-845), and for those employees who drive City vehicles, annual background checks will be completed.

E. OFFERS OF EMPLOYMENT

Conditional offers of employment are extended pending successful completion of any pre-employment assessments or background screening requirements.

A sufficient budget in the applicable department must be available for any offers of employment. Any offers of employment that may include benefits beyond the basic offer, such as relocation assistance, must be approved in the department's budget by Finance.

The OHMC requires certain positions, including City Administrator and Directors, excluding the HR Director, to be offered employment and the employment contract to be confirmed by the City Council.

Candidates must be able to provide documentation for employment verification in the United States, and the City is unable to provide any work permits or sponsorship opportunities to individuals.

F. MISREPRESENTATION IN APPLICATION MATERIALS

Any applicant supplying false or misleading information during the application process is subject to having their application rejected. Misrepresentations, falsifications, or material omissions in any of the information or data submitted to the City during the course of recruitment may result in the City's exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

2.071 CIVIL SERVICE

As set forth in [OHMC 2.34.025](#), the City of Oak Harbor hiring and recruitment process may fall under the authority of the Civil Service rules and system, specifically, for City Firefighters and City Police.

The Civil Service Rules may include but are not limited to:

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|-----------------------------------|-------------------------------|
| 1. General Provisions | 12. Service Credit |
| 2. Administration and Operations | 13. Transfer-Reduction |
| 3. Secretary-Chief Examiner | 14. Layoff |
| 4. Definitions | 15. Leaves of Absence |
| 5. Rule-Making | 16. Resignation |
| 6. Classification | 17. Discipline and Discharge |
| 7. Applications and Applicants | 18. Pre-disciplinary Hearing |
| 8. Examinations | 19. Hearings |
| 9. Registers and Eligibility | 20. Retirement and Disability |
| 10. Certification and Appointment | 21. Miscellaneous |
| 11. Probation | |

2.08 TRANSFERS/PROMOTIONS/RECLASSIFICATIONS

A. POLICY

Transfers. The City of Oak Harbor may, at its discretion, require, initiate or approve employee transfers to either a temporary or regular position to accommodate the organization's business needs or for legitimate, business-related, non-discriminatory reasons from one position to another, or from one location to another. Any potential negative repercussions or unattractive attributes for the impacted employee must be assessed and documented, such as transfers for training opportunities or career advancement.

Promotions. The City of Oak Harbor may, at its discretion, offer an existing employee a promotion to a higher-level position, when appropriate. The City may first consider current employees with the necessary qualifications and skills to fill vacancies above entry level, unless management determines that outside recruitment is in the City's best interest.

All employees are encouraged to seek advancement opportunities and to obtain promotion and career guidance from their Department Director and the HR Department.

B. PROCEDURE

1. Employees reclassified or transferred to a position within the same salary range will continue to receive their existing rate of pay.
2. Employees reclassified, transferred, or promoted to a position in a higher salary range will be placed on Step 1 of the new salary range OR the step closest that provides an increase in pay.
3. Employees reclassified or transferred to a position in a lower salary range may be paid at their former rate. At management's discretion, employees may be paid at a rate within the lower salary range of the new position.
4. Transferred, promoted, or reclassified employee's anniversary date used to determine eligibility for step increases will be adjusted to match that of the date of transfer, promotion, or reclassification.
5. Transferred, promoted, and reclassified employees will be subject to a probationary period as described under 2.09 Probationary Periods.
6. At the discretion of management, transferred, promoted, or reclassified employees who are unable to perform satisfactorily and/or successfully complete the probationary period in their new position may be returned to their original position and pay or to a comparable position and pay if a vacancy exists. If a comparable position is not available, Employee shall be laid off as provided under section 2.16 Separation From Employment.

2.09 PROBATIONARY PERIODS

A. POLICY

The City of Oak Harbor carefully monitors and evaluates all new employees and all current employees transferred or promoted to a new job during an initial probationary period. Newly hired, transferred or promoted employees should also use this probationary period to ensure that the new position is satisfactory ([OHMC 2.34.140](#)).

B. GUIDELINES

Unless stated otherwise in a collective bargaining agreement or other written contract, the probationary period(s) will generally be set at the time of hire. Probationary periods will generally follow the guidelines set forth below:

1. For an individual who is not a city employee and was hired into a full-time position or a part-time position which is twenty (20) hours per week or more: the first twelve (12) months following hire.
2. For an individual hired into a part-time position which is less than twenty (20) hours per week: the first twenty-four (24) months following hire.
3. For a current employee promoted, reclassified, or transferred to a new position: the first six (6) months following the date of transfer or promotion.

C. PROCEDURE

During this time if it is determined that the placement is not working out satisfactorily, the employee's behavior, conduct, or experience will be documented, and the employee may be terminated or returned to a prior position (if available) at any time without cause or advance notice. An employee's probationary period may be extended up to six (6) months if deemed appropriate in light of absences, performance issues, or other considerations.

New employees will normally be reviewed at six (6) months during the probationary period to determine if they are meeting employment requirements, at twelve (12) months near the end of their probationary period, and then annually during every year of employment.

Transferred or promoted employees will normally be reviewed near the end of their six (6) month probationary period and then annually during every year of employment

Employees will be allowed to continue in their position if the Department Director approves and the employee receives a satisfactory evaluation by the end of their probationary period or the end of their extended probation period.

2.10 EMPLOYEE CLASSIFICATIONS

A. POLICY

For a variety of reasons, it is helpful to define the working classification of each employee employed by the City. Each position has a job description which will be provided to the employee by HR at the time of hire. Employment classifications relate to the nature of the job responsibilities, work schedule and participation in City benefit programs.

B. DEFINITIONS

The City recognizes the following employee classifications:

1. Full-time. A regular employee working in a regularly budgeted position allocated at least thirty-two (32) hours (0.8 FTE) per week to forty (40) hours (1.0 FTE) per week is generally eligible for City-provided employee and dependent healthcare coverage.
2. Part-time. An employee working in a regularly budgeted position allocated to work at least twenty (20) hours (0.5 FTE) per week to thirty-two (32) hours (0.8 FTE) per week

whose hours may be regular or irregular is generally eligible for City-provided employee healthcare coverage but must pay for dependent healthcare coverage.

- An employee who is part-time regularly scheduled to work less than twenty (20) hours per week (0.5 FTE) is not generally eligible to City-provided benefits.
- 3. Casual. An employee working a minimum of four (4) hours per week up to a maximum of sixteen (16) hours per week, as needed and scheduled or on-call per week. A casual status employee is limited to thirty (30) hours or less of compensated employment in a month. All casual employment is paid at the City's lowest non-represented salary range. If unable to maintain between 4-16 hours per week or failure to work any hours within a thirty (30) day period, may result in termination from casual employment. Casual status does not guarantee regular hours and is limited to less than seventy (70) hours per month.
- 4. Seasonal. A seasonal employee works variable hours, either regularly or irregularly, to meet the City's service needs. Seasonal employment may not exceed four (4) months of full-time work plus a fifth month of up to seventy (70) hours (a total of 763 hours within a twelve-month period). Seasonal employees generally do not receive City benefits unless specifically budgeted. Typical seasonal periods include April–August, May–September, or June–October. Seasonal employees must take an annual break in service of about six (6) continuous months. If a seasonal employee works seventy (70) or more hours in any five (5) months during two (2) consecutive years, they may become eligible for WA DRS benefits.
- 5. Probationary. An employee who has not yet completed their probationary period.
- 6. Regular. An employee who has successfully completed their probationary period and is retained in a fully budgeted position in the biennial budget.
- 7. Temporary. An individual hired on a temporary basis. Temporary employees shall not be eligible for City-provided benefits or accrue seniority. Temporary employment shall not exceed a maximum of one (1) year. Temporary employees may be eligible for Public Employees' Retirement System (PERS) benefits dependent upon duration of appointment and hours worked.
- 8. Elected City Officers. An elected Mayor and elected Councilmembers form a Mayor-Council form of government. All legislative and policymaking powers are vested in the city council. The administrative authority, including a veto power, is vested in the Mayor. Compensation of elected officers is determined through the Salary Commission and elected city officers are eligible for City-provided benefits. A Mayor or Councilmember shall hold within the City government no other public office or employment except as permitted under the provisions of RCW 42.23.
- 9. Interns. A form of on-the-job training in coordination with an employee participating in an educational internship program, receiving credit through an institution of higher education, or through an approved employment program partnership. Intern opportunities may be voluntary, contracted by invoice, or on the City payroll.

10. Volunteers. Individuals who provide services to the City on a voluntary basis and whose compensation is limited to reimbursement for reasonable expenses incurred in the performance of services as a volunteer. Volunteers are not employees and are not eligible for health coverage.

C. EXEMPT AND NON-EXEMPT

In addition to the foregoing classifications, all employees classified as Fair Labor Standards Act/Washington Minimum Wage Act exempt or non-exempt can be seen as:

1. Salaried Exempt. Exempt employees must be paid their full salary for any week in which they work at all, regardless of the hours worked and are not eligible for overtime pay. Deductions from pay are permissible when an exempt employee is absent from work for one (1) or more full days for personal reasons, sickness or disability. Deductions for partial day absences are permitted when an employee is eligible for FMLA, and the partial day absences are due to leave taken according to that law. Federal regulations under the Fair Labor Standards Act (FLSA), allow deductions from an employee’s accrued leave for partial-day absences.
2. Salaried Non-Exempt. Non-exempt employees are paid by the hour and are eligible for overtime pay at time and one half their “regular rate” of pay for each hour over forty (40) hours during the applicable work period.

| EXEMPT vs. NON-EXEMPT | |
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| <p>The Fair Labor Standards Act (FLSA) defines the rules and regulations around exempt and non-exempt classifications. To be exempt, a job must meet both requirements of a two-prong test. One prong is based on pay and the other prong is based on duties. The pay test requires employees to meet a predetermined amount of weekly pay set by the FLSA. The duties test requires the job to fall into one of three (3) categories: Executive, Administrative, or Professional. If both tests are not met, then the job is classified and paid as non-exempt.</p> <p>HR conducts these reviews and determines the exempt or non-exempt status of a job. The City takes great risk if they misclassify a job as exempt when it does not meet the two tests. A misclassification may cause the City to have to pay back wages to an employee for unpaid overtime. The best employment action is to classify a position as non-exempt.</p> | |
| <p>NON-EXEMPT</p> <p>PAY: Paid an hourly pay rate for actual hours worked.</p> <p>OVERTIME: Any hours worked over 40 in a work week is considered overtime and is paid at 1.5 times the employee’s hourly pay rate.</p> <p>FLEX TIME: May only flex time within the workweek, which is Monday through Friday.</p> | <p>EXEMPT</p> <p>PAY: Paid a salary each pay period. Actual hours worked does not impact pay.</p> <p>OVERTIME: Not eligible for overtime pay.</p> <p>FLEX TIME: May flex time within the pay period (14 days). For example, may work 35 hours one work week and 45 the next work week. Remember the work week is Monday</p> |

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| <p>TIMEKEEPING: Need to record actual hours worked each day on their timecard. For example, if an employee works six (6) hours today and eight (8) hours tomorrow that is what the employee timecard should reflect.</p> <p>LEAVE: Vacation, sick, bereavement, or other paid leaves are not included into the calculation of total hours worked and therefore do not impact the calculation of overtime.</p> <p>COMP TIME: Comp Time in lieu of overtime is paid at 1.5 hours per overtime hour worked and is placed into a bank for the employee to use later. It is a department decision to offer this or not.</p> | <p>through Friday.</p> <p>TIMEKEEPING: Despite the number of hours actually worked, pay remains the same. This means if over 80 hours are worked in a pay period, then the amount paid does not change. Any hours worked over 80 hours are not recorded on the timecard.</p> <p>LEAVE: It is expected that exempt employees work a minimum of 80 hours in a pay period or use paid leave accruals to make the employee whole to 80 hours.</p> |
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D. NON-UNION AND UNION

| NON-UNION vs. UNION | |
|--|--|
| NON-UNION | UNION |
| <ol style="list-style-type: none"> 1. The City can change wages, benefits, and working conditions unilaterally at any time, usually as a result of a classification and compensation study. 2. If an employee wants an increase in compensation an employee must wait for their scheduled annual step increase and/or present their case to a Supervisor or Manager to obtain justification and budgetary approval. 3. If an employee is are unfairly disciplined, and they're not eligible to be represented by a union steward or delegate and may request assistance through HR. 4. If an employee doesn't like something at work, they may provide suggestions to Supervisors/management, HR or City leadership. 5. Non-union employees are not eligible for premiums, incentives, and other terms related to compensation not outlined in the City's policy. | <ol style="list-style-type: none"> 1. Wages, benefits, and working conditions are negotiated and protected by a legal contract. 2. A contract spells out how much each worker earns. 3. Unions negotiate raises, members vote on it, and if they feel it's unfair, they may vote it down. 4. If a union member is unfairly disciplined, unions provide due process and representation. 5. If an employee doesn't like something at work, they can work together with their leader, HR, or the union to propose to change it through contract negotiations. 6. Union employees are eligible for overtime compensation, compensatory time, premiums, incentives, and other terms related to compensation such as standby duty, call-back, special assignment, etc. |

E. PROCEDURE

If an employee has any questions regarding their classification or exempt/non-exempt status, please contact Human Resources. *For scheduling and pay procedures, refer to sections 4.04 Overtime, 4.07 Time Records, and 4.08 Pay Procedures.*

2.11 PERSONAL/FAMILY RELATIONSHIPS (NEPOTISM)

A. POLICY

The City recognizes the potential for problems, both real and perceived, where employees with close personal relationships and/or relatives work for a common employer. As a result, applicants for employment with the City who have a close personal relationship with or are related to a current employee or elected official may be employed by the City in compliance with [WAC 162-16-250](#). After disclosure to HR of their relationship that may create a conflict of interest with being employed by the City, the City will not allow working relationships that may create a conflict of interest (refer to section 3.03 C for Conflict of Interest) where:

1. One of the parties would have authority (or practical power) to supervise, appoint, remove or discipline the other.
2. One party would be responsible for auditing the work of the other and/or approving leave requests and timecards for or on behalf of their own family member
3. Where other circumstances exist that would place the couple in a situation of actual or reasonably foreseeable conflict between the employer's interest and their own.
4. Where in, order to avoid the reality or appearance of improper influence or favor, or to protect its confidentiality, the employer must limit the employment of close relatives of policy level officers of customers, competitors, regulatory agencies, or others with whom the employer deals.

The circumstances above provide practical, business-related reasons for denying employment when family relationships are implicated.

B. PROCEDURE

Current employees who enter into a close personal relationship, or become relatives, during their employment should inform HR immediately if any of the above situations are created (See Ethics Policy 3.03). The HR Director will make any final determination as to whether or not a situation of conflict exists.

2.12 SAFETY PROGRAM, ACCIDENT PREVENTION, AND INJURY REPORTING

A. POLICY

The goal of the City's Safety Program follows the [Association of Washington Cities \(AWC's\) WorkSafe Employer](#) goal for "Every Employee, Home Safe, Every Night". The safety program, accident prevention, and injury reporting is every employee's responsibility. Every employee is responsible for maintaining a safe work environment and following the City's safety policies including the Accident Prevention Program (APP) and the Comprehensive Emergency

Management Plan (CEMP). Employees must promptly report all unsafe or potentially hazardous conditions to the employee's Supervisor or the department safety committee representative. The City will make every effort to remedy problems as quickly as possible.

Employees who are provided safety clothing or equipment for their personal protection are required to wear or utilize it in accordance with applicable regulations and procedures. Failure to do so may result in disciplinary action up to and including termination. Additionally, individual departments may communicate and share rules or procedures to address any safety issues unique to that work group, and employees must observe those rules or procedures as outlined.

B. PROCEDURE

If an employee is injured while on the job, no matter how minor, the employee shall **immediately** notify their Supervisor, director or HR about the injury to promptly complete appropriate forms. If an employee is on workers' compensation or under the care of a healthcare provider in which driving is not permitted, the employee will be placed on light, modified, or transitional duty assignment until fully cleared to return to work.

C. PRIVACY

The City retains the right to inspect the employee's lockers, work areas, desks, packages, computers and other work equipment and tools when there is a concern for the health, safety, or security of city employees and/or members of the public. City employees have no expectation of privacy in furnishings or equipment provided to employees by the City including, but not limited to, desks, lockers, work areas, equipment and tools.

D. SAFETY PROGRAM

The City's safety program goal is to lower risks for on-the-job injuries. The focus is on injury prevention to keep employees safe before an accident happens. The City conducts quarterly Central Safety Committee meetings and safety polices are included in the Accident Prevention Program (APP).

The APP may include but is not limited to:

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| 1.1 Commitment to Safety | 2.6 Crystalline Silica |
| 1.2 Safety and Health Responsibilities | 2.7 Respiratory Protection Program |
| 1.3 General Safety Rules | 2.8 Fall Protection Program |
| 1.4 New Employee Orientation | 2.9 Bloodborne Pathogens |
| 1.5 Reporting Accidents & Safety Hazards | 2.10 Ergonomics |
| 1.6 Accident Investigation Procedures | 2.11 Outdoor Heat Exposure |
| 1.7 Safety Committee | 2.12 Wildfire Smoke |
| 1.8 First Aid/CPR | 3.1 Material Handling and Lifting |
| 1.9 Emergency Preparedness | 3.2 Housekeeping |
| 1.10 Safety Bulletin Board | 3.3 Slips, Trips and Falls |
| 2.1 Personal Protective Equipment (PPE) | 3.4 Electrical Hazards |
| 2.2 Hazard Communication Program | 3.5 Ladders |
| 2.3 Hearing Conservation Program | 3.6 Machinery |
| 2.4 Lock-out/Tag-Out Program | 3.7 Forklifts |
| 2.5 Confined Space Entry Program | 3.8 Aerial Lifts |

- 3.9 Welding
- 3.10 Hand Tools – Care and Use
- 3.11 Power Tools
- 3.12 Motor Vehicle Driving

- 3.13 Vehicle Accident Reporting Procedure
- 3.14 Workplace Violence
- 3.15 Safety Training
- 3.16 Facility Inspection

E. ACCIDENT PREVENTION

Every position description with the City of Oak Harbor includes a work environment and physical demands section with a Safety Statement in compliance with AWC’s Work Safe Employer criteria. The Safety Statement is:

Employees should ensure compliance with all applicable safety practices and policies, including those established by [Occupational Safety and Health Administration/Division of Occupational Safety and Health \(OSHA/DOSH\)](#) regulations and the City’s APP. This includes, but is not limited to, actively identifying, and correcting potential hazards that may affect employee and public safety, including those identified by co-workers. Leading by example to promote a positive culture of workplace safety through everyday action, emphasizing safe completion of work throughout all aspects of developing and carrying out work plans.

F. INJURY REPORTING

Employees shall immediately notify their Supervisor, director or HR to complete the appropriate forms immediately, or within twenty-four (24) hours.

G. TRAININGS

If training is mandatory or required for the position, every attempt possible should be made for training to be scheduled during normal work hours and paid at regular straight time. Any training that may result in overtime, must be pre-approved by the Department Director.

For mandatory subject, online training is required every two to three (2-3) years and in-person training is required every five (5) years (ADA, EEO, Harassment/Discrimination/Retaliation, BBP).

CPR and First Aid. Employees may be offered CPR and First Aid training. Certain positions may require this certification.

Blood Borne Pathogen (BBP) Training. The BBP Exposure Control Plan identifies positions by job title that may be exposed to pathogens and require training. Employees should refer to the published BBP Exposure Control Plan to determine if their position requires the training.

The BBP Exposure Control Plan may include but is not limited to:

- Definitions
- Hepatitis B Vaccination Information
- Hepatitis A Vaccination Information
- Identified Classifications
- Infection Control Policy

1. Classification of Work
2. Infection Control Procedures
3. Communication, Education, and Training
4. Exposure Reporting, Documentation and Medical Management
5. Administration

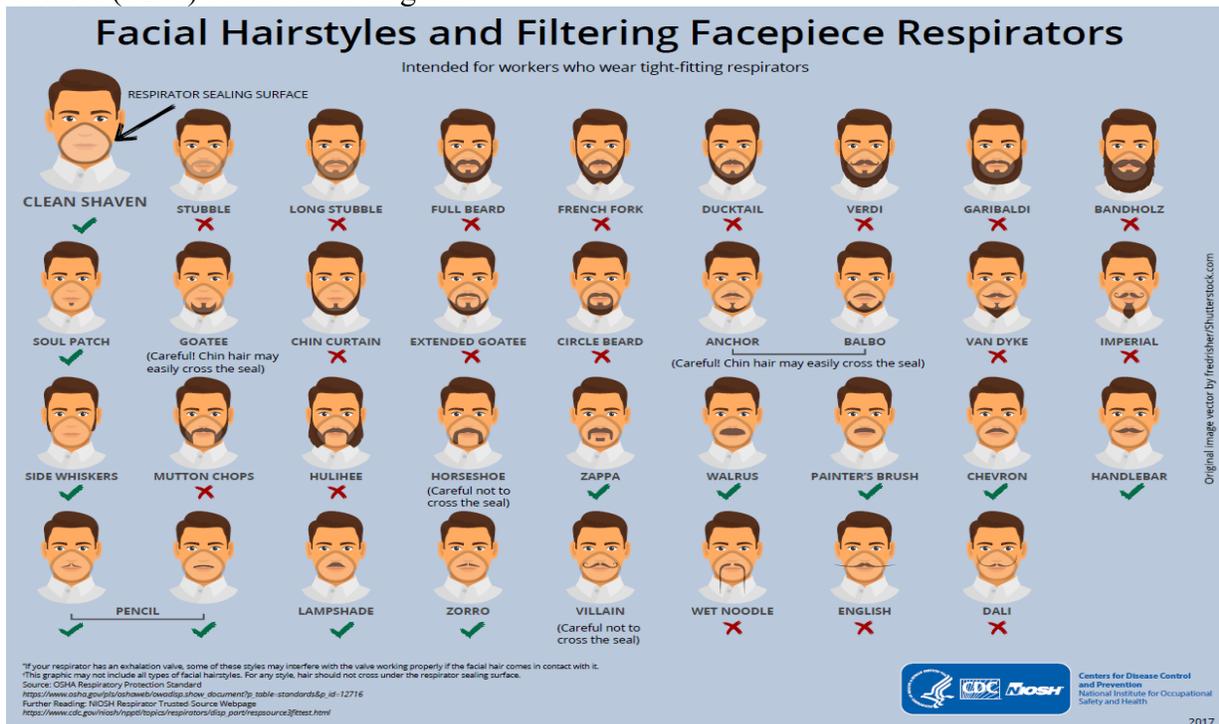
Hepatitis A or B Vaccinations. Employees who may be exposed to Hepatitis A or B, as indicated in their job description, have the option to receive Hepatitis A and/or B vaccinations. Most vaccinations are covered under the City’s medical health insurance benefits. For employees not covered under the City’s medical health insurance, vaccinations are eligible for expense reimbursement through HR. Employees will be advised during orientation of the risks of exposure and will be given the opportunity to accept or decline the vaccinations.

Hearing Conservation. Employees who may be exposed to noise or at risk for hearing loss are required to complete annual audiometric testing, use hearing protectors, complete required training, conduct monitoring, and follow recordkeeping requirements.

Ergonomic Assessments. Employees may be offered training to show the importance of practicing ergonomics in their workspace. Employees may participate in complimentary workplace ergonomic assessments coordinated through HR.

Respiratory Protection. Employees who may be exposed to respiratory hazards, as indicated in their job description, are required to complete annual fit testing paid for by the City. Employees should refer to the Respiratory Protection Policy and Procedure for specific requirements.

To prepare for the annual fit testing, we encourage employees to refer to the Center for Disease Control (CDC) clean shave diagram:



2.13 PERSONNEL RECORDS

A. POLICY

The City maintains personnel files for each employee. Those files may include, but are not limited to, the employee's application and resume, performance evaluations, disciplinary records, leave and accommodation records, payroll records and employment agreements.

The HR Department is responsible for overseeing record-keeping of all personnel information and identifying information to be collected, stored and secured.

B. PROCEDURE

Employees have a responsibility to keep their personnel records up-to-date and shall notify the HR Department of any changes including:

1. Employee name, including last name when changed due to marriage or divorce;
2. Employee mailing and physical address;
3. Employee telephone number;
4. Number of dependents; and/or
5. Persons to be notified in case of emergency.

Employees who have a change in the number of dependents or marital status should complete a new form W-4 for income tax withholding purposes.

Employees should forward copies of all training certificates received from outside conferences or vendors to the HR Department to be placed in the employee personnel file.

C. FILE REVIEW

The HR management system (HRMS) referred to as NEOGOV, provides current employees with immediate online access to their entire personnel record. With reasonable notice, former employees (employed within three (3) years of the date of the request) may inspect their personnel record and may request a copy in accordance with our Public Records Request process (RCW 42.56). A five (5) day notice will be provided with a timeline of when the records will be produced. Inspections of personnel records by former employees must be requested in writing or by email to the HR Department and will be scheduled at a mutually convenient time. All inspections must be conducted in the presence of a designated member of the HR Department.

Employees who believe that file documents are incomplete, inaccurate, or irrelevant may submit a request for file revisions to the HR Department via email. If the request is not granted, the employee may place a written rebuttal statement in the file.

Only Supervisory and management employees who have an employment-related need-to-know reason about another employee may inspect the files of that employee. The inspection must be approved by the HR Department and be in the presence of a designated member of the HR Department.

D. PERSONNEL RECORD RETENTION

Personnel files keep together a variety of employment records with different functions and purposes, all related to a single employee. Confidential restricted records routinely/commonly placed in a personnel file and the minimum retention period(s) may include the following:

1. Employee Health Records (Routine) (DAN GS 03042 and GS 03054): Six (6) years after separation.
2. Employee Medical and Exposure Records (DAN GS 03039): Thirty (30) years after separation.
3. Employee Payroll (DAN GS 03031 and GS 03033): Six (6) years after end of fiscal year or six (6) years after separation.
4. Employee Work History (DAN GS 03042): Six (6) years after separation.
5. Law Enforcement Personnel Records (DAN LE2022-010): Ten (10) years after separation.

2.14 PERFORMANCE EVALUATIONS

A. POLICY

City of Oak Harbor will complete performance evaluations of all its employees annually using the guidelines set forth below.

Completing performance evaluations improves employees' performance by recognizing efficiency, productivity, good teamwork, and other positive attributes, and informing employees of those areas where improvement is needed and expected. Performance evaluations are an opportunity to reward those employees who have performed well over the evaluation period. Future decisions regarding promotions, raises, and other rewards are dependent on good performance, as measured and documented during the evaluation process.

Performance evaluations are also an opportunity to identify employees who have performance and conduct issues, and counsel those employees whose performance over the evaluation period fell below expectations. Future decisions regarding discipline or separation may result from poor performance, which is also expected to be measured and documented during the evaluation process.

The performance evaluation is an opportunity to communicate with employees regarding professional goals, and means to improve performance and job satisfaction.

While the performance evaluation can be a time consuming and occasionally stressful process, the benefits to the employer, Supervisor, and employee include increased job satisfaction, increased level of performance, and increased productivity and efficiency.

B. PROCEDURE: FREQUENCY AND TIMING OF EVALUATIONS

1. Non-probationary employees. Each non-probationary employee will receive a performance evaluation annually. The employee's immediate Supervisor will complete

the performance evaluation process at the beginning of each calendar year and will turn the evaluation in to the HR Department within the timeframe specified by the HR Department. Each Supervisory employee is responsible for evaluating their direct reports.

The performance of Supervisors will, in part, be based on their ability to complete performance evaluations in a timely, valid, and professional manner.

2. Probationary employees. Probationary employees will receive a performance evaluation every six (6) months . The purpose of evaluating a probationary period in more frequent intervals is to ensure that the probationary employee's performance and conduct are meeting the expectations that have been established to the position. Any significant concerns that the Supervisor has regarding the probationary employee's ability and propensity to succeed should be communicated and documented, and acted upon as part of the evaluation process.
3. An annual performance evaluation is not necessary for seasonal or limited term temporary employees or if a probationary or promotional performance evaluation was completed in the previous three (3) months.

2.15 PROFESSIONAL AND PERSONAL REFERENCES

A. POLICY

All inquiries regarding current or former City employees are to be referred to HR.

B. PROCEDURE

No employee should provide any professional reference information regarding another current or former City employee. Refer any professional reference requests to HR to respond to such requests, or coordinate with the appropriate Supervisor to respond, to ensure legal considerations are observed.

Providing professional reference information (meaning that an employee identified themselves as a City employee and/or commenting on the job performance of a current or former employee) without coordinating with and obtaining authorization from HR is a violation of City policy and could result in discipline, up to and including termination of employment.

C. PERSONAL REFERENCES

This section is not meant to prohibit an employee from providing a personal reference. A personal reference would be based on an individual's personal relationship and knowledge of that individual not associated with employment to the City.

2.16 SEPARATION FROM EMPLOYMENT

A. POLICY

As set forth in OHMC Chapter 2.34.150, termination of employment with the City may be for a number of reasons including, but not limited to, resignation, discharge, retirement or layoff. The separation date is the last day the employee physically worked, was on approved compensated leave, or on a continuous unpaid leave of absence. To separate from service is to terminate all employment with the City as an employer (WAC 415-02-115). A member is not eligible to retire with Washing State Department of Retirement Systems (DRS) until the first of the month following the month of separation.

B. PROCEDURE

To resign or retire in good standing with the City, the City requires that at least two (2) weeks' notice be given. The notification should be in writing and provided to either their Supervisor, Department Director or the HR Department.

Employees intending to retire should notify their Department Director and HR of their intent to retire at least thirty (30) days prior to the date of retirement. Proper notification will give the City the opportunity to adjust workloads and other plans with the least amount of interruption to City operations.

Absence due to extenuating circumstances, failure to provide required prior notice may result in ineligibility for rehire and a resignation not in good standing.

In certain circumstances, a resignation may be accepted and implemented immediately upon receipt.

At the time of separation, unused accrued vacation time limited to a maximum of four hundred (400) hours will be paid out to the employee with their final paycheck.

Upon separation from employment, any City assets will be returned and collected, the employee network access and email account will be deactivated, a standard out of office added to the email account, and any City software or internet-based applications will be deactivated. The City phone extension and cell phone (if applicable) will be forwarded to a generic City phone number until the vacant position is filled.

C. WASHINGTON STATE DEPARTMENT OF RETIREMENT SYSTEMS (DRS)

Create an online account with [DRS](#) to apply for retirement online. DRS encourages all soon-to-be retirees to complete an application online, ideally thirty (30) to ninety (90) days before retirement. Sign-up for an account and request an official benefit estimate to begin the application process. A more detailed checklist of the DRS process is available at [DRS: Retirement Planning Checklist \(wa.gov\)](#).

D. RE-EMPLOYMENT

An employee who terminates their employment with the City in good standing may be considered for re-employment. A former employee who is re-employed will be considered a new employee from the date of re-employment, unless the break in service is less than three (3) months, in which case the employee will retain accumulated seniority.

In certain circumstances an employee who retires may be eligible for rehire and will only be eligible to work a minimum of 866 hours per calendar year to prevent any impact to their retirement benefits.

E. LAYOFF

A layoff is a separation from employment initiated by the City. Layoffs may occur for reasons such as: lack of work, lack of funding and changes in the organization. In the event a layoff becomes necessary, the City of Oak Harbor will make every effort to communicate information about the layoff as soon as possible to employees.

EMPLOYEE CONDUCT

3.01 STANDARDS OF CONDUCT AND PERFORMANCE

A. POLICY

The City of Oak Harbor strives to provide outstanding public service, and expects excellence from each and every employee. Each employee was selected to work for the City based on the belief that they would be able to fulfill that expectation.

It is important to establish certain expectations regarding employee performance and conduct to ensure efficient City operations, and for the benefit, health, and safety of all employees. As a general matter, employees should conduct themselves in a professional manner and use good judgment in performing their job duties.

B. PROCEDURE

The City of Oak Harbor expects all employees to comply with the City's standards of performance and conduct. At management's discretion, any violation of the City of Oak Harbor's policies or any conduct considered inappropriate or unsatisfactory may subject any employee to disciplinary action.

C. STANDARDS OF CONDUCT

Conduct that interferes with City operations is detrimental to the City and/or offensive to coworkers or constituents will not be tolerated. It is not possible to list all forms of behavior that are considered unacceptable in the workplace. The following are examples of behavior that is against City policy and that will result in disciplinary action, up to and including termination:

1. Poor performance of job duties, or failure to perform job duties as directed;
2. Unauthorized absences, or excessive tardiness or absences;
3. Failing to report damage to City property, public property or customer;
4. Failure to treat employees and/or citizens in a courteous and respectful manner;
5. Disrupting the City's business or work effort of other employees;
6. Negligence or improper conduct resulting in injury or damage to City property;
7. Using profanity or abusive or offensive language;
8. Refusing to follow managements lawful instructions or otherwise being insubordinate;
9. Concealing defective work;
10. Dishonesty;

11. Serious (intentional/willful) violation of safety procedures or policies;
12. Misusing City communication systems, including electronic mail, internet access, telephones, devices, and computers;
13. Knowingly misusing, taking for personal use, destroying, damaging or wasting property, supplies or utilities belonging to the City or another employee;
14. Disclosing confidential information regarding the City, its employees or City resident(s);
15. Assaulting, threatening, or intimidating Supervisors or any other fellow employee, vendor, or any member of the public;
16. Unauthorized possession of explosives or weapons on the premises at any job site;
17. Reporting to work under the influence of alcohol, illegal drugs, non-prescribed controlled substances, or using, selling, dispensing, or possessing illegal drugs or narcotics on City premises;
18. Fighting in any form of workplace violence (refer to section 2.05 Workplace Violence);
19. Engaging in off-duty misconduct that interferes with an employee's ability to do their job i.e., a traffic citation that results in the loss of the employee's driver's license which is needed to perform job duties;
20. Engaging in any form of sexual or other unlawful harassment of, or discrimination towards, another employee, a member of the public, a vendor or other third party;
21. Falsifying or altering any City of Oak Harbor record or report, such as an employment application, medical reports, production records, time records, absentee reports, or the like; or
22. Failure to fully cooperate with a lawful City investigation.

3.02 PROGRESSIVE DISCIPLINE OR CORRECTIVE ACTION

A. POLICY

The City supports the principle of progressive discipline. A system of progressive discipline is used for the purpose of motivating an employee to correct unacceptable behavior and/or performance. Degrees of discipline are progressive and are used to ensure the employee has the opportunity to correct their conduct and/or performance (OHMC 2.34.105).

Factors that are considered in the steps of progressive discipline are:

1. The variety and number of problems involved.
2. The seriousness of the offense.

3. The time interval and employee response to prior disciplinary action(s).
4. Previous work history of the employee.

B. PROCEDURE

The following are illustrative of the forms of disciplinary action that may be used depending on the particular situation:

1. Informal guidance or apology is often the first level in progressive discipline for corrective action to be achieved.
2. Extension of evaluation period (if applicable) for probation employees.
3. Corrective counseling documented verbal warning (Supervisory file) is often used when previous coaching has not changed the employee's conduct or performance.
4. Corrective counseling written warning (HR personnel file) is often used when previous coaching has not changed the employee's conduct or performance. Certain circumstances may warrant issuing a written warning before any previous coaching has occurred.
5. Final written warning is often used when previous coaching has occurred, and the employee has failed to consistently maintain improvement.
6. Suspension, transfer, or demotion will normally occur when the employee willfully and knowingly violated City policy and is considered the last chance agreement for the employee.
7. Termination or notification of dismissal will normally occur when the employee willfully and knowingly violated City policy. Certain serious, negligent, or egregious misconduct may warrant issuing a notification of dismissal before any previous progressive discipline has occurred.

Pursuant to [Washington State Archives, 4.4](#), retention and disposition of notices of disciplinary action must be retained for six (6) years after case closed/matter resolved and no longer needed for City business and six (6) years after corrective action completed, if imposed.

Subject to collective bargaining agreements and other legal requirements, the City shall have the right to determine the appropriate level of discipline (if any) in a particular situation in light of the seriousness of the offense and aggravating or mitigating circumstances.

Coaching/counseling, development plans, and/or performance improvement plans are not considered discipline, but may be used when considering future discipline.

Depending on the nature of the behavior at issue, the City may place an employee on paid administrative leave pending an investigation and determination regarding discipline. As deemed appropriate by the City based on the particular circumstances, an employee on paid administrative leave shall be available to the City as needed during regular work hours, turn over

all City property (cell phone, keys, devices, etc.) and/or remain away from City facilities without prior permission and escort from HR.

To appeal disciplinary action, refer to the “Employee Grievance Procedure” in Appendix "B" to this Manual.

C. CRIMINAL ARRESTS OR CONVICTIONS WHILE EMPLOYED

All employees are required to report to their Supervisor or HR if they are arrested or charged for any criminal offense, with the exception of minor traffic offenses unless the employee holds a position that requires driving as an essential function or a CDL. Employees may be required to submit a police report or other documentation concerning the arrest or charges to HR. The report must occur within two (2) business days of the incident, or as soon as reasonably possible.

Noncompliance with the above stated requirement may trigger disciplinary action up to and including termination. Furthermore, misrepresentation of the circumstances of the events can serve as grounds for disciplinary action.

3.021 RETALIATION

A. POLICY

The City of Oak Harbor does not tolerate unlawful retaliation against employees, volunteers, or contractors who engage in protected activities. Retaliation occurs when an employee, volunteer, or contractor suffers employment-related adverse consequences as a result of their protected activity.

Protected activities include, but are not limited to, the following activities:

- Reporting unlawful discrimination, harassment, or retaliation
- Reporting improper governmental action or whistleblower activity (refer to 2.06 above)
- Cooperating in an internal investigation regarding discrimination, harassment, or retaliation
- Testifying in a legal proceeding regarding discrimination, harassment, or retaliation
- Requesting reasonable accommodation for a disability or sincerely held religious belief or practice
- Reporting workplace safety issues
- Reporting financial irregularities or the mismanagement of public funds
- Reporting criminal misconduct
- Filing a workers’ compensation claim
- Serving on a jury

Employees, volunteers, and contractors do not receive protection for actions taken in bad faith. Bad faith occurs when the employee, volunteer, or contractor provides false information with knowledge that the information provided is false.

Adverse employment-related consequences or actions that may be considered workplace retaliation, after taking part in a protected activity, may include, but are not limited to:

- Termination of employment
- Demotion in position, responsibilities, or pay
- Suspension
- Other disciplinary action
- Reassignment to a less desirable position with less desirable duties
- Shunning or isolating
- Harassment

B. PROCEDURE

Any employee, volunteer, or contractor who feels that they have been the victim of unlawful retaliation in violation of this policy should report this concern to the HR Director. If the employee, volunteer, or contractor believes the HR Director is involved in the violation, or otherwise does not feel comfortable reporting to this person, the applicant/employee should report this concern to the Mayor, City Administrator, City Attorney, or report it to the Ethics and Compliance hotline at (833) 765-7923 or online through oakharbor.ethicspoint.com.

The complaint will be immediately investigated. Choice of investigator, level of formality, and the procedures used in the investigation may vary, depending upon the nature of the allegations and full circumstances of the situation, including the context in which the alleged incidents occurred.

If the allegation is found to have merit, City of Oak Harbor will take prompt action to correct the unlawful conduct and remedy any violations that have occurred. Such corrective action may include disciplinary action against those employees found to have violated policy.

Employees, volunteers, and contractors may seek remedy at any time through the Washington State Human Rights Commission, the Equal Employment Opportunity Commission (**EEOC**), or through a court of law. Employees, volunteers, and contractors should attempt first to exhaust their remedies as outlined in this policy.

All Supervisory employees are assigned responsibility for implementing this policy, ensuring compliance with and knowledge of its terms, taking immediate and appropriate corrective action if they witness inappropriate behavior and notifying HR Director if they receive a retaliation complaint. A Supervisor's failure to carry out these responsibilities may result in discipline.

3.03 ETHICS

A. POLICY

The highest standards of professionalism and customer service are expected of City of Oak Harbor employees. 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:

1. Using public office or public position for private gain;

2. Giving preferential treatment to any person or entity;
3. Lacking impartiality; or
4. Diminishing the confidence of the public in the integrity of the City of Oak Harbor.

The highest standards of ethical business conduct are required of City employees in the performance of their responsibilities. ([OHMC 2.34.160](#))

B. PROCEDURE

Employees will not engage in conduct or activity that may raise questions as to the City's honesty, impartiality, reputation or otherwise cause embarrassment to the City. Therefore, the following acts are prohibited:

1. No employee may use his or her position to secure special privileges for himself, herself or others; and
2. No employee may, directly or indirectly, give or receive or agree to receive any compensation, gift, reward, or gratuity from a source except from the City, for a matter connected with or related to the employee's services unless otherwise permitted by law; and
3. No employee may accept employment or engage in business or professional activity that the employee might reasonably expect would require or induce themselves by reason of their official position to disclose confidential information acquired by reason of their official position; and
4. No employee may disclose confidential information gained by reason of the employee's position, nor may the employee otherwise use such information for their personal gain or benefit.

C. CONFLICTS OF INTEREST

Employees are expected to represent the City of Oak Harbor in a positive and ethical manner. Thus, employees have an obligation to avoid conflicts of interest and to refer questions and concerns about potential conflicts to their Department Director or HR Director. Conflicts of interest may be escalated to a Department Director, HR, City Administrator, Mayor, or the Mayor-appointed Councilmember as appropriate.

No employee of the City may have an interest, financial or otherwise, direct or indirect, or engage in a business or transaction or professional activity, or incur an obligation of any nature that is in conflict with the proper discharge of the employee's official duties.

It is the employee's obligation and responsibility to report any conflict or potential conflict of interest via Department Director or HR. Failure to do so may result in disciplinary action, up to and including termination. The HR Director will coordinate with the Department Director to make the final determination as to whether or not a situation of conflict exists.

There are six (6) Ps to assist with determining if there may be a conflict of interest in an employee's role as a public officer:

1. **Public duty versus private interests:** Do I have personal or private interests that may conflict, or be perceived to conflict with my public duty?
2. **Potential:** Are there benefits for me now, or in the future, that could cast doubt on my objectivity?
3. **Perception:** Remember, perception is important. How will my involvement in the decision/action be viewed by others?
4. **Proportionality:** Does my involvement in the decision appear fair and reasonable in all the circumstances?
5. **Presence of mind:** What are the consequences if I ignore a conflict of interest? What if my involvement was questioned publicly?
6. **Promises:** Have I made any promises or commitments in relation to the matter? Do I stand to gain or lose from the proposed action/decision?

3.04 ELECTRONIC COMMUNICATIONS AND TECHNOLOGY

A. POLICY

It is the policy of the City to maximize the cost-effective use of computer systems as a means of improving productivity. The City provides communication resources including computing resources, e-mail, internet access, smartphones, and other electronic communications devices (collectively referred to as the City Technology Resources) to employees to assist in and facilitate City's business and communications.

The primary purpose of the City's network and systems is to provide service to the public as part of City business, in a manner that is consistent with the City's vision and values. *De minimis*, incidental personal use of the City Technology Resources by employees is permitted if accomplished in compliance with the provisions of this policy, as set forth below.

De minimis: a legal term that means something is so minor or unimportant that it can be disregarded or is not worth considering as a policy violation.

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

Refer to the Information Technology (IT) policy that may include but is not limited to:

- References
- Definitions
- E-Mail Retention
- Cellular Phone Usage
- Text Message Retention

B. PRIVACY

The City reserves the right to access, monitor and disclose the contents of electronic messages and any record, regardless of format, related to the conduct of City business on City-issued or personal devices that employees use to access the City's Wi-Fi system or use to connect to the City network. Employees should have no expectation of privacy in either sending or receiving electronic messages, or other information on the Internet, City network or other electronic media. This includes personal social media pages and websites which are public not private and if any conduct related to City business is disclosed, implied, or shared without proper authorization or consent.

C. PUBLIC RECORD

Records including but not limited to email messages, instant messages, video messages, voicemails, chats, text messages, other electronic communications, and documents created on City of Oak Harbor computer systems may be considered a public record subject to disclosure and/or subject to discovery in the event of litigation.

All records, regardless of format, that is prepared, owned, used or retained by the City must be retained per the State of Washington Local Government Common Records Retention Schedule (the CORE manual), pursuant to [42.56 RCW](#), Public Records Act, and [40.14 RCW](#), Preservation and Destruction of Public Records.

D. RECORD REQUESTS AND DISCLOSURES

The City is subject to regular public record requests and disclosures. All employees should refrain from conducting City business using private email accounts. If an employee receives an email that qualifies as a public record, the employee shall forward the email to their City email and respond using the City account so as to preserve the record on the City system. Upon request of the Public Records Officer (PRO) or City Attorney or designees, employees shall conduct a good faith search of personal devices for public records and shall sign an affidavit detailing the search and its results.

E. TRAINING

All City employees are expected to be knowledgeable about the Public Records Act; all employees are expected to attend required trainings during new employee orientation and periodically during the course of employment as directed by their Supervisor or HR.

F. USES TO TECHNOLOGY RESOURCES

City technology resources are to be used by employees or volunteers for City of Oak Harbor business. Incidental, de minimus personal use may be permitted where, in the judgment of the employee's Supervisor or Department Director, such use does not interfere with employee or department productivity, nor distract/take time away from the worker or co-workers assigned work. Generally speaking, incidental, de minimus personal use means:

1. It is occasional and of short duration;
2. It is done on an employee's personal time, such as on a lunch break;
3. It does not interfere with job responsibilities;
4. It does not result in any expense to the City of Oak Harbor;

5. It does not solicit for or promote commercial ventures;
6. It does not utilize excessive network resources; and
7. It does not constitute any prohibited use, as discussed below.

G. PROHIBITED USES OF TECHNOLOGY RESOURCES

Use of the City technology resources to engage in any communication that violates federal, state, or local laws or regulations, or any City policy, is strictly prohibited at all times. In addition, the following uses of the City technology resources are inappropriate and are prohibited at all times, unless specifically exempted:

1. Personal commercial use (use that benefits an employee's outside employment or commercial business);
2. Accessing, receiving or sending pornographic, sexually explicit or indecent materials, including materials of an offensive nature (unless as part of a law enforcement investigation conducted by authorized Police personnel);
3. Usage for any type of unlawful harassment or discrimination, including the transmission of obscene or harassing messages to any individual or group because of sex, race, religion, color, national origin, or other protected class status;
4. Gambling;
5. Recreational purposes, including the loading and playing of computer games or playing online games;
6. Usage that precludes or hampers City of Oak Harbor network performance; such as viewing or listening to streaming audio and/or video (unless for City of Oak Harbor business, such as for online training);
7. Unauthorized copying or downloading of copyrighted material;
8. Usage that violates software license agreements;
9. Downloading of software programs (unless specifically approved by applicable director and coordinated with the IT Department);
10. Usage for political purposes, including partisan campaigning;
11. Sending anonymous messages and/or misrepresenting an employee's name, position, or job description;
12. Deliberately propagating any virus, worm, Trojan horse, malware, spyware, or other code or file designed to disrupt, disable, impair, or otherwise harm either the (Member's) networks or systems, or those of any other individual or entity;
13. Releasing misleading, distorted, untrue or confidential materials regarding City of Oak Harbor business, views or actions;

14. Using abusive, profane, threatening, racist, sexist, or otherwise objectionable language in either public or private messages;
15. Use of IT Resources in an excessive manner so as to deprive others of system use or resources, including the sending of bulk email for other than official business or forwarding “chain letter” emails of any kind;
16. Connecting to the City of Oak Harbor network, or any specific software package, utilizing somebody else’s security identification login information to gain alternate security permissions;
17. Any personal use, even if incidental, that results in expense to the City of Oak Harbor;
18. Usage that violates the guidelines set forth in the Standards of Conduct described in this Manual;
19. Refer to the Social Media Management Guide that may include but is not limited to:
 - State Public Disclosure Act (RCW 42.56)
 - State Open Public Meetings Act (RCW 42.30)
 - State Preservation of Electronic Records Code (Chapter 434-662 WAC)
 - Definitions
 - Creating a Social Media Site (Facebook, Instagram, Twitter, etc.)
 - Information Posted on Social Media Sites by Social Media Managers/Contributors
 - City Use of Social Media
 - Personal Use of Social Media at Work
 - Personal Use of Social Media Away From Work
 - Information Posted by Outside Individuals
 - Retention of Posted Information
 - Prohibited Content.

H. PROCEDURE

All City devices follow the Multi-Factor Authentication (MFA) Guide. Any employee who violates these technology policies could be subject to disciplinary action, up to and including termination. In addition, employees may be held personally liable for damages incurred as a result of copyright and licensing requirements.

Refer to the MFA Guide to:

- Coordinate with IT Staff for MFA
- Complete the steps to add the Microsoft Authenticator Application
- Test the MFA
- Contact IT staff immediately if problems occur

3.041 ELECTRONIC SIGNATURE AND REMOTE NOTARIZATION

A. RESPONSIBILITIES

It is the responsibility of all City of Oak Harbor employees, elected officials and volunteers to ensure that they adhere to the electronic signature and remote notary procedures outlined in this policy to provide reasonable assurance of authenticity and accuracy when using electronic documents.

B. POLICY

1. The City encourages electronic signatures and remote notarizations.
2. The City recognizes electronic signatures as legally binding and equivalent in nature to wet signatures. The City recognizes remote notarization as legally binding and equivalent in nature to electronic notarization and physical notarization.
3. The City authorizes the use of an electronic signature and remote notarization platform as approved by the City Clerk, to affix electronic signatures or notarization to City records.
4. The Mayor, City Administrator, City Clerk, City Attorney, department directors, and their designees are authorized to use an electronic signature and remote notarization platform to affix electronic signatures and notarization to City records as provided in this policy.
5. To the extent authorized under state law or City Ordinance, the persons in positions referenced in 4. above are authorized to affix electronic signatures to records which include, but are not limited to: City Council, Advisory Boards or Commission actions or meeting minutes, contracts, resolutions and ordinances adopted or passed by the City Council, and claim vouchers approved by the City Council.
6. Only employees registered as a Notary of the Public are authorized to use remote notarization for the City.
7. Electronic signatures may be used on City records requiring execution by a third party.
8. Electronic signatures may be applied using other electronic signature tools, such as Adobe, for documents such as internal documents.
9. Electronic signatures cannot be applied using another employee's name.
10. Records signed on behalf of the Mayor, City Administrator, City Clerk, City Attorney, or Department Director by a designee shall use their own electronic signature. To accomplish this, write the following in the signature line: ***[Authorized employee signing] on behalf of [printed name of individual not available].*** If possible include: *[authority and request to sign on behalf of given by [email or phone] on [date authorized]].*
11. If an electronic signature is used for interstate transactions or for documents required by the US Federal government, the electronic signature shall comply with the requirements of the Electronic Signatures in Global and National Commerce Act. Any questions about the Act requirements should be referred to the City Attorney.
12. This policy does not impact or replace authority to utilize wet signatures.

This policy may be modified, rescinded, or replaced at any time.

The Electronic Signature and Remote Notarization policy may include but is not limited to:

- Purpose
- Definitions
- Procedure for Electronic Signature
- Process for Remote Notarization
- Procedure for Remote Notarization

C. AUTHORIZED USE

Governed by a law or regulation, under the custodian of the City seal and official City records, the City Clerk may require a wet signature as needed. There will be legally binding documents that may not be authorized to use an electronic signature.

3.05 OUTSIDE EMPLOYMENT

A. POLICY

Employees may engage in another job outside their City employment if the outside job does not conflict with the interests of the City or interfere with the employee's ability to perform the City job.

For example, a City Police Officer could provide security services for a third party during their off-duty hours if advance approval from the Police Chief was obtained.

However, a Finance employee could not perform accounting work for a contractor providing goods or services under contract with the City as that may create a conflict of interest.

B. PROCEDURE

The primary job for all full-time regular City employees is the position they hold with the City. Dual employment with the City is generally not allowed. If an hourly employee performs in more than one position with the City at a time, overtime compensation will be required for hours that when aggregated are in excess of forty (40) hours per week. Due to the high performance and emergency service expectations of City employees, any outside employment must be approved in advance in writing by their Department Director and HR or the City Administrator.

C. PROHIBITED OUTSIDE ACTIVITIES

The following activities are illustrative of outside jobs which are incompatible with City employment:

1. Interfere with the City job responsibilities;
2. Be conducted during the employee's regular work hours or interferes with the employees' established work schedule;

3. An employee cannot volunteer to perform work they would normally be compensated for or volunteer to perform work in lieu of being eligible for overtime compensation;
4. Utilize City telephones, computers, supplies, or any other resources, facilities or equipment or imply City support for the outside activities;
5. Involve employment or the provision of consulting services with a firm that contracts with or does business with the City, including employment firms whose work is reviewed or regulated by the City;
6. Involve service in a decision-making or policy-formulating capacity with a public, private, or non-profit agency that receives funds from the City and where the employee has a role in the City to influence such actions; or
7. Be reasonably perceived as a conflict of interest, or raise a reasonable conflict of interest issue, or otherwise discredit the employee's public service.
8. If unsure of the conflict of interest potential in outside employment, contact HR.

D. PROCEDURE

Employees are cautioned to carefully consider the demands that additional work activity will create before accepting outside employment. Outside employment will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel or refusal to work overtime or different hours. If outside work activity causes or contributes to job-related problems, the HR Director will determine if it must be discontinued and, if necessary, normal disciplinary procedures will be followed to address specific problems.

3.06 POLITICAL ACTIVITIES

The City of Oak Harbor employees are free to exercise their Constitutional First Amendment rights and participate in political activities or partisan activities of their choosing, except as noted below:

1. Employees may not utilize City property and resources;
2. Employees may not campaign on City time, in a City uniform or while representing the City in any way;
3. Employees may not allow others to use City facilities or funds for political activities;
4. Any City employee who meets with or may be observed by the public or otherwise represents the City to the public in the regular course of their job duties, may not wear or display any button, badge or sticker concerning any candidate or ballot issue during working hours or post signage at work or desk;
5. Employees may not solicit political contributions on City property or City time; and

6. Employees must be respectful of other employees', our customers' and visitors' political beliefs and are advised not to discuss political issues in the workplace during work hours.

3.07 INTERACTIONS WITH THE PUBLIC OR MEDIA

A. POLICY

The only individuals who can receive legal documents served to the City are the Mayor, City Clerk, or Deputy City Clerk. If these individuals are unavailable, notify your Supervisor and inform the individual serving the City that they will need to wait or return when these individuals are available. The Mayor, City Clerk, or Deputy City Clerk must immediately notify the City's legal counsel regarding the items received. The City will only accept documents intended for the City. The City is not responsible for legal documents served personally to an employee for matters unrelated to their official duties as a City employee (RCW 4.28.080).

All media inquiries should be referred to a Department Director and the City's Communications Officer. The Mayor or designee must approve all press releases, publications, speeches or other declarations made on behalf of the City. The Mayor or Department Director may authorize specific employees to respond to media inquiries, either in a particular situation or on an ongoing basis. Unless an employee has received direct authorization to communicate with the media on behalf of the City, the employee shall not respond to media inquiries and shall instead refer the inquiry as instructed above.

B. PROCEDURE

As a City employee, all interactions with the public or other third parties should be courteous and professional at all times. This expectation even applies in those situations where a member of the public is being discourteous. If an employee is not sure how to proceed in dealing with a particular individual, the employee should seek assistance or intervention of a Supervisor. However, if an employee feels unsafe, call/text 9-1-1 immediately. Refer to the City's Social Media Use Guide when needed.

3.071 PUBLIC ACCESS ON CITY PROPERTY

A. POLICY

The City has identified portions of City property (as defined herein) that are accessible to and observable by the general public and procedures for City employees who encounter those who wish to access the City property for observational purposes.

B. DEFINITIONS

"Public Area" means any area on City property that is generally open to general public access and occupancy that is not otherwise designated as a Limited Access Area.

"Limited Access Area" shall be identified with appropriate signage and shall be accessible only to employees, elected officials, and appointed officials. Limited Access Areas means any designated area on City property that is not generally open to or occupied by the public; is open

to or occupied by the public on only a limited, as needed, or by invitation basis. Limited Access Areas include but are not limited to the following:

1. Employee offices.
2. Employee workspaces, copy rooms, mailrooms, and break areas.
3. Maintenance, storage areas, access points, or other outside areas marked for use by City employees or City vehicles only.
4. Workstations, desks, counters, or customer service windows at which private third parties conduct business with City employees.
5. Hallways, staircases, restrooms, elevators, and other areas by purpose or function restricted to limited or transitory occupancy or providing access solely to other Limited Access Areas.
6. City facilities or buildings, except for any designated waiting or reception areas therein.

Photography, audio recording, and video recording is prohibited in Limited Access Areas, except as follows: the Mayor or City Administrator may authorize audio or video recording or photography in Limited Access Areas, for good cause shown, with the consent of all parties to be recorded or photographed, provided that the City may impose any appropriate and reasonable conditions on the recording or photography to prevent the unauthorized disclosure of confidential information; and (ii) audio and video recording and photography may be permitted in Limited Access Areas when specifically authorized by applicable law or agreements.

C. EXCLUSION

If an individual violates this policy while in or upon City property, a City leader may contact call/text 9-1-1 to trespass someone.

D. SECURITY PROCEDURES

Employees should refrain from engaging with photographers and videographers if it's not an essential function of their position. If an employee does not wish to be photographed or recorded they may move to a Limited Access Area. Employees are not required to respond to questions or demands from any photographer or videographer, and should refrain from doing so if possible and contact the Communications Officer, City Administrator, or Mayor.

3.08 SOLICITATION

A. POLICY

Employees may not solicit any other co-worker during work time, nor may employees distribute literature or items in work areas at any time. This encompasses solicitations for the sale of goods or services, or on behalf of charitable groups. The only exception is that employees may engage in occasional passive sales on behalf of charitable, school or community groups (for example, an employee could communicate that they're selling fundraising cookies or other items for their child, as long as the employee did not actively solicit co-workers to purchase the items).

B. PROCEDURE

Except for authorized City programs, or unless authorized by the Mayor and/or the City Administrator, individuals not employed by the City are not permitted to enter City premises at any time to solicit, survey, petition or distribute literature.

This policy is not intended to apply to protected union activities i.e., the posting of materials to union boards.

3.09 TOBACCO, VAPORIZERS, AND ELECTRONIC CIGARETTE PRODUCTS (100% TOBACCO-FREE WORKPLACE)

A. POLICY

The City of Oak Harbor complies with all applicable federal, state and local regulations to provide a smoke free work environment promoting productivity and the health and well-being of all employees and visitors.

The City recognizes the hazards arising from exposure to environmental tobacco smoke and that use of tobacco, smokeless tobacco (snuff, snus, chew, or dip), vaporizers, or electronic cigarettes in the workplace can adversely affect employees. The use of smoking and smokeless tobacco products are restricted on City premises at any time. This includes the remains of spit cups or disposal of such items.

B. PROCEDURE

Smoking and use of any form of tobacco, smokeless tobacco, vaporizers, or electronic cigarettes is prohibited at any time when working, on City property, or in City vehicles. Specifically, is prohibited a minimum of twenty-five (25) feet from any entrances, exits, windows that open and ventilation intakes; and is prohibited inside all City facilities, including City-owned buildings, vehicles (the term “vehicle” includes, but is not limited to cars, trucks, backhoes, front-end-loaders, graders, mowers and any motorized watercraft), offices or other facilities rented or leased by the City, including individual employee offices. This applies to employees during working time and to customers and visitors while on the City’s premises.

The HR department and the Wellness Program will assist employees who wish to quit smoking or using any form of tobacco products by facilitating access to recommended smoking cessation programs and materials.

3.10 DRUG FREE WORKPLACE

A. POLICY

The City is committed to providing and maintaining a safe, healthy, and productive work environment that is free from the adverse effects of drugs, alcohol and other job impairing substances.

This policy applies to all City employees while on the job and to situations where an employee’s off-the-job or off-premise conduct impairs work performance or undermines the public confidence in the City. The City’s concern is to ensure that employees report to work in condition to perform their duties safely and efficiently in the interest of the City, fellow workers

and the public. In addition, various federal and state laws prohibit the possession, distribution, and use of controlled substances, unless in compliance with licensing requirements or a physician's prescription. Violations of federal and state laws may result in legal sanctions, including criminal prosecution.

The City strictly prohibits the manufacture, possession, distribution, sale, dispensing or unlawful use of controlled substances on City property or City work sites. When employees are on the job, they are expected to be physically free from any impairment or substance that would contribute to an injury, property damage, or that would interfere with productivity. They are to be free from illegal drugs or potentially impairing levels of legal substances.

The manufacture, possession, distribution, dispensing, sale or unlawful use of controlled substances on City property or City work sites will be cause for disciplinary action up to and including termination. This will be treated as a criminal matter and referred to law enforcement for investigation and appropriate action. The use of alcohol in City vehicles is strictly prohibited. Alcohol may be permitted on City premises for celebrations or functions; provided, that any use has written pre-approval by the Mayor or City Administrator and is subject to applicable statutes, rules and regulations.

B. DEFINITIONS

1. **Illegal Drugs.** Refers to those drugs listed in Schedule I through V of the Controlled Substances Act, or as otherwise classified as illegal by local, state or federal law. Illegal drugs also include drugs legally prescribed to one person, but used by another, and mood-altering chemicals that can be abused and impair work performance, including glues, solvents and other chemicals.
2. **Prescription Drugs.** Drugs legally prescribed to the employee in the original container.
3. **Over-the-Counter Drugs (OTC).** Refers to non-prescription drugs and remedies commonly sold at retail to treat various medical problems.

C. PROCEDURE

Employees must notify HR within five (5) days of any conviction of an illegal substance or alcohol-related crime. Violation of this policy may result in disciplinary action, up to and including termination.

D. USE OF MEDICATION

The possession and use of medically prescribed or over-the-counter drugs during work hours is permissible, subject to certain conditions. The employees shall have no obligation to inform his or her Supervisor of such use, unless the employee has knowledge that the medication is causing or likely to cause impairment that prevents the employee from performing his or her job safely or effectively. In such cases, the employee should notify their Supervisor so that a determination can be made as to whether it is in the best interest of the City and the employee that the employee work, not work or be reassigned during the period medication is used.

All employees taking prescription medications are encouraged, for safety reasons, to carry the medicines in the original container issued by the pharmacy.

E. RESOURCES

Employees are encouraged to request confidential assistance through HR or to access diagnostic, counseling and treatment programs such as those provided by the City's Employee Assistance Program (EAP) if dealing with problems of alcohol or substance abuse.

F. ENFORCEMENT

Although the City encourages voluntary rehabilitation, disciplinary action may be taken when an employee's job performance is impaired because they're under the influence of drugs or alcohol on the job, or drug or alcohol use has otherwise impacted an employee's performance.

Any employee who is under discipline and/or pending termination may not be excused as a result of a claim of being a substance abuser. A diagnosed substance abuse problem may not alter the final outcome of a proposed discipline action when an employee fails to seek out the treatment options available prior to the disciplinary or testing process used to support the disciplinary process.

Employees who return to work after treatment may be subject to a performance review plan, as well as additional testing procedures.

If an employee who is tested under "reasonable suspicion" due to work related performance factors returns a positive test result (or a test result showing the presence of illegal drugs or alcohol), the employee may be referred to a physician for a fitness for duty medical examination.

G. DRUG/ALCOHOL (D&A) TESTING

Refer to HR for City-wide D&A Testing specific to department and position. An employee may be required to submit to appropriate tests, including urinalysis or breath tests, to determine the existence of alcohol, prohibited drugs, synthetics or substances in the employee's system where the City has a reasonable suspicion that an employee may be under the influence of non-prescribed controlled substances or alcohol while on duty.

Any employee who is ordered under the provisions of this policy and its related procedures to take a "random" or "reasonable suspicion" drug/alcohol screen test and who refuses to take the test will be considered to have committed an act of insubordination and will be disciplined, up to and including termination.

Employees who dispute positive results may have a second test performed on the original sample at their expense (unless the second test is negative).

Any employee who is rendered unconscious as a result of an accident for an unknown reason will be given a drug/alcohol screen test based on a blood sample taken at the medical facility by a licensed technician.

Employees required to have a Commercial Driver's License (CDL) are subject to drug and alcohol testing requirements as set forth in regulations issued by the United States Department of Transportation (DOT). Those requirements are explained in the City's policy on CDL Standards, which is included in Appendix "E" to this Manual. In the event of a conflict between this Manual and the Commercial Driver's License Standards with regard to an employee required to maintain a commercial driver's license, the CDL Standards shall control.

3.101 BUILDING ACCESS AND SECURITY

A. POLICY

The City of Oak Harbor provides mechanical (key) access and electronic access to facilities. To balance the accessibility and use of facilities with the need to provide a safe and secure environment, convenience must sometimes be compromised in order to maintain security. Each employee must share in the responsibility to assure security for all employees and property.

To ensure keys are issued only to approved individuals and for appropriate reasons; to define the responsibilities key holders; and to provide for the responsible care of keys held by key holders. Keys are managed according to their risk category.

B. DEFINITIONS

1. **Lost or Stolen Keys:** In the event a key is lost or stolen, the employee should contact their Department Supervisor or Director immediately.
2. **Duplication or Lending Prohibited:** Duplicating and/or lending keys is prohibited. If an individual lends their key(s) to anyone or makes a duplicate so that others can gain access to City property, they may be subject to disciplinary action from their Supervisor and loss of access privileges to City buildings.
3. **Electronic Access:** Individual codes may be issued to each individual with approved access. At all possible instances, entrance should be made through facility side doors with electronic access cards or key-pad access, if installed.

C. PROCEDURE

1. All key orders should be properly approved by an authorized signer, in addition to the keyholder, before issuing.
2. Only one (1) set of keys at the level needed for that employee will be issued.
3. Keys shall be issued by duration of need, not by term of employment.
4. Keys will be issued by access need, not desire.
5. Keys must be personally picked up by the individual who is being issued the key and they must sign a keyholder agreement.
6. For security reasons, under no circumstances will extra keys be issued.
7. Keys shall not be transferred from one individual to another without proper authorization and record keeping.
8. Temporary keys can be checked out to vendors, auditors, Councilmembers and others as needed.

9. All keys will be tracked, temporary issued keys will be assigned a scheduled return due date and time.
10. All keys shall be returned to the department where they were issued or to City Hall-HR.

D. RESPONSIBILITIES AND RULES

All locks, keys, electronic access cards and access codes are the sole property of the City of Oak Harbor and will be issued to employees based on their need for access.

1. The City reserves the right to change locks, keys, and access codes as needed.
2. All keys and electronic access cards must be returned upon separation of employment.

3.11 VEHICLE USE

A. POLICY

The City of Oak Harbor provides vehicles for appropriate City business use, and also reimburses employees for business use of their personal vehicles, according to the following standards. (The term “vehicle” as used in these standards includes, but is not limited to cars, trucks, backhoes, front-end-loaders, graders, mowers and any motorized watercraft.)

B. PROCEDURE

The following standards shall apply to driving on City business, regardless of whether using a City vehicle or a personal vehicle:

Operators of City-owned vehicles or recipients of any form of vehicle or mileage reimbursement or allowance shall possess a valid driver’s license. Only licensed drivers, eighteen (18) years of age or older, under the employ of the City are authorized to operate vehicles. Operators of vehicles or equipment requiring a special class license (e.g., a CDL) shall possess the appropriate license prior to operating such vehicles or equipment on a public roadway.

Employees who are required to maintain a CDL for their job will be subject to the City’s CDL Standards included in Appendix "C" to this Manual.

Employees may not drive any vehicle for City business without prior approval of their Supervisor. Employees approved to drive on City business are required to inform their Supervisor and HR of any changes that may affect either their legal or physical ability to drive or their continued insurability.

Employees who drive a vehicle on City business must, in addition to meeting the approval requirements above, exercise due diligence to drive safely and follow all traffic laws, avoid distractions while driving and maintain the security of the vehicle and its contents. Employees are also responsible for any driving infractions or fines as a result of their driving on City business, and must report the same to their Supervisors. For employees who are required to maintain a CDL, the City will pay the cost of the required update physical, test and CDL license.

Under no circumstances should an employee operate a City vehicle or a personal vehicle on City business when any physical or mental impairment causes the employee to be unable to drive

safely. This prohibition includes, but is not limited to, circumstances in which the employee is temporarily unable to operate a vehicle safely or legally because of injury, illness or medication.

Employees shall not operate any City vehicle at any time or operate any personal vehicle while on City business while using, consuming, being under the influence of and/or in the possession of alcoholic beverages or illegal drugs. Further, employees may not operate any City vehicle or personal vehicle on City business when using prescription medications or over-the-counter medications that may affect their ability to drive. The City of Oak Harbor has a zero-tolerance policy prohibiting operators of vehicles from drinking alcohol, consuming illegal drugs, and taking prescription or over-the-counter medications, which may affect their ability to drive or operate equipment. Violation of this section shall result in disciplinary action, up to and including termination.

C. DEFINITIONS

Use of Personal Equipment or Property for City Business. The City provides employees with standard issue equipment and the City does not approve use of personal equipment or property without a waiver on file. There may be requests from staff to utilize personal equipment or property but the City will not replace personally owned items that are not “reasonably required” as a part of work.

Use of Personal Vehicle for City Business. In addition to the generally-applicable requirements set forth above, the following shall apply when an employee uses their personal vehicle for City business:

The use of a private vehicle to conduct official City business shall be reimbursed at a rate consistent with the established Internal Revenue Service (IRS) reimbursement mileage rate where such use has been pre-approved by the City. Use of a personal vehicle to conduct City business within the City limits will not be reimbursed. Employees requesting such mileage reimbursement shall submit mileage reimbursement forms in the form and manner prescribed by the Finance Department. Commute miles (round trip distance between employee’s residence and regular place of work) are generally not reimbursable. Should an employee choose to use his or her personal vehicle, the primary coverage will be his or her personal insurance.

Use of City Vehicles. In addition to the above generally-applicable standards and any standard operating procedures or rules established by a Department, the following requirements apply to employee use of City vehicles:

1. Employees operating City vehicles must promptly report any theft or damage involving a City vehicle to their immediate Supervisor, Department Director or the City Administrator regardless of the extent of damage and complete an incident report to submit to HR, and if applicable, to submit to Risk Management for claim processing.
2. In the case of a vehicle accident, drivers and all passengers must call 911.
3. City vehicles shall be used for City business purposes only, provided that incidental personal use is permitted for those employees attending City business functions such as

conferences, trainings or meetings. Employees who use a City vehicle as part of their regular work may not use their City vehicle for any personal use. This prohibition does not apply to de minimis personal use by employees operating public safety command vehicles and duty vehicles. City vehicles should avoid using drive-thru services in case of a need to respond to an emergency.

4. Non-employees are prohibited from operating City vehicles. Non-employees may be passengers in City vehicles only when their presence is necessary in connection with City business. Passengers who are not City employees must sign the [Request for Permission to Ride and Assumption of Risks and Waiver](#) before riding in a City vehicle, this is specific for business purposes only and City employee family members are not eligible to complete the waiver form or to be passengers in City vehicles.
5. Operators and passengers of City vehicles and equipment shall wear seat belts.
6. Before driving a City vehicle, the employee should walk around the vehicle to assess general appearance and condition. A City vehicle must not be driven if there is any malfunction that will affect the safety of the vehicle and its occupants. All unsafe conditions (involving lights, brakes, tires, etc.) shall be immediately reported to the designated fleet Managers and repaired before the vehicle is driven.
7. Operators of City vehicles shall keep the interior of vehicles clean. Vehicle operators shall properly remove ignition keys, secure and lock the vehicle any time during which the vehicle is parked and unattended.
8. With the exception of public safety vehicles, City vehicles must not be left running while unattended.
9. Operators of City vehicles should avoid road hazards and closures.
10. The use of alcohol, tobacco, vaporizers and electronic cigarette products is prohibited in all City vehicles and equipment.
11. The use of prescription medication or over-the-counter medication that inhibits the use and operation of a vehicle is prohibited in all City vehicles and equipment.

Taking City Vehicles Home. City vehicles may be assigned on a take-home basis in accordance with the following:

1. Employees who, on a continuous basis, have primary Supervisory responsibilities (first call-out) in case of an emergency and whose immediate response is required to save life or property.
2. Employees who are stand-by in case of emergency and who require special tools and equipment carried in their assigned vehicles in order to perform emergency duties.

3. Employees who have an early departure or late return from business trips, assigned classes, or conferences.
4. Assigned vehicles shall be used only for the conduct of City business. Incidental personal use of duty or command vehicles is permitted.
5. Employees shall not perform any maintenance, including washing or waxing, on City vehicles on off-duty time.

D. ACCIDENT REPORTING

Every employee is responsible for following the City's safety policies including the Accident Prevention Program (APP). If an employee is involved in an accident while on City business, the City employee who operated the City vehicle, equipment, or a personal vehicle involved in the accident shall do the following:

1. Call 911 to notify local law enforcement authorities.
2. Employees (driver or passengers) are required to immediately report the accident to their Supervisor or Department Director.
3. Remain at the scene of the accident until released by their Supervisor and/or appropriate law enforcement authority.
4. Obtain names and addresses of the other party or parties involved in the accident and any witnesses.
5. Under no circumstances, give statements or talk with anyone except law enforcement officers and management personnel about the accident at the scene or after leaving the scene, without first obtaining approval from the Department Director.
6. Except as otherwise required under this policy, shall not sign or place their signature upon any papers or documents related to the accident, except for official police reports and ticket citations, without prior approval from the Department Director.
7. Take photos (if possible).
8. In the event that there is a reasonable suspicion that the employee is under the influence of a controlled substance and/or alcohol, the employee shall submit to drug and alcohol testing in accordance with section 3.10 the City's Drug Free Workplace Policy.
9. If the employee is required to have a CDL and is subject to the City's CDL Standards, the employee shall submit to post accident and/or other drug and alcohol testing as required under said policy.
10. Complete and submit the [Employee Accident/Injury Report](#) and [Vehicle Accident Form](#) no later than twenty-four (24) hours after the accident or upon return to work after the accident and submit to HR. A vehicle accident reporting kit (including accident forms and proof of insurance) is in each City vehicle.

E. ACCIDENT INVESTIGATION

In the event that a City employee is involved in an accident while driving a City vehicle, the City will conduct a thorough investigation. Depending on the facts surrounding the accident, the employee may be subject to disciplinary action up to and including termination.

3.12 PERSONAL APPEARANCE

A. POLICY

It is the City's intent that work attire should complement an environment that reflects an efficient, orderly and professionally operated organization. Workplace attire and grooming must be neat, clean and appropriate for the work being performed and the setting in which the work is performed.

B. PROCEDURE

In general, the City has adopted a business casual dress code but emphasizes that some positions may call for dressier attire at times. If the employee is conducting or attending meetings, seminars, roundtables, etc., where they come in contact with other business professionals, the employee is expected to represent the City in a professional manner and dress appropriately for conducting such business. Please be mindful of personal cleanliness and the use of scented products in shared office spaces, facilities, and vehicles. Safety clothing and accessories (e.g., boots, vests, hard hats) must be worn when safety rules require and/or when circumstances warrant it.

C. DEFINITIONS

Dress Code: For office employees who are not working outside in the field, business casual dress code is traditional business attire with relaxed modifications, informal clothing but not what an individual would wear when lounging at home. Casual clothing should be in good condition, free of rips, tears, fading or fraying, and stains. Please be mindful of personal cleanliness and the use of scented products, and do not wear advertising logos, competitor branding, and no profanities or obscene images will be allowed. There may be exceptions for departments based on their assigned and issued workwear.

Examples include:

- Khaki pants or slacks with a blouse/polo but without a tie
 - Shorts or skirts no more than two to three (2-3) inches above the knee, for example, knee-length shorts are preferred and short-shorts referred to as running shorts or daisy dukes will not be allowed.
 - Jeans are considered business casual.
1. Employees who report to work wearing inappropriate clothing that is not allowed will be asked to wear City-issued workwear for the duration of their shift or they may be required to return home to change clothes and use their accrued leave for the absence. All non-uniformed personnel in City departments are permitted to wear casual clothing on

Friday of each week which may include hooded sweatshirts. Refer to the City's Workwear Clothing Branding Guide.

3.121 OFFICE OR WORKSPACE

A. POLICY

It is the City's intent that an office workspace should complement an environment that reflects an efficient, orderly and professionally operated organization. Office appearance (including work areas and common areas) must be neat, clean and appropriate for the work being performed and the setting in which the work is performed.

B. PROCEDURE

Employees should keep their individual work areas as neat as possible during the regular workday. Before leaving the work area at the end of the workday, the City requires employees to organize their areas to secure work materials and to present an orderly and professional image.

C. DEFINITIONS

Here are some definitions for designated office spaces:

Assigned workspace: a designated work area with a door closure where an employee performs their duties, such as an office. Assigned workspaces are provided for most salaried exempt employees and members of the City leadership team.

Unassigned workspace: a workstation or office that is available for multiple employees. Unassigned workspaces are generally provided for hourly non-exempt employees who work primarily indoors.

Touchdown space: an unassigned space that provides seating for short periods or irregular work. Touchdown spaces are generally provided for hourly non-exempt employees who work primarily outdoors.

Shared space: a common space, such as a breakroom, lounge, workroom, conference room, training room, and copy or mail room.

D. EXPECTATIONS

1. Any picture or item hung directly on the walls of the building must be approved in advance by the director.
2. Posters, pictures, notes, etc., are not permitted on the outside of workstation panels.
3. Posters, pictures, notes, etc., are permitted on the inside of workstation panels as long as they are appropriate for workplace display and are not offensive to other employees. The City consistently enforces its policies prohibiting workplace discrimination and harassment of any kind, including images, graphics or other visual displays, that may constitute offensive or inappropriate workplace conduct.

4. Work-related materials are not permitted on the tops of workstation cabinets. This area should remain clear or be tastefully decorated with plants or other appropriate workplace decorations.
5. Boxes and other storage items should remain out of sight within a workstation or placed in other appropriate onsite or offsite storage areas.
6. To conserve energy, all blinds should remain lowered, and outside doors and windows should remain closed when the heating and cooling system is working properly.
7. Employees should leave public areas, such as the copier area, coffee stations, conference rooms, restrooms and kitchens in a clean and orderly condition for guests and other employees.

3.13 MEMBERSHIP IN COMMUNITY CLUBS AND CIVIC ORGANIZATIONS

A. POLICY

The Mayor or City Administrator may identify certain community organizations in which the City desires representation and then designate the employee it will sponsor for membership. Where the City is a member in an organization or where employees are designated for membership to act as City of Oak Harbor representatives in an organization and are expected to promote the City's interests.

B. PROCEDURE

The Mayor or City Administrator will normally consider the following factors when selecting organizations for representation and designating employees to sponsor for membership:

1. The nature and purpose of the club or organization.
2. The potential benefit to the City of Oak Harbor, including enhancement of the employee's leadership and organizational skills.
3. The cost to the City of Oak Harbor, including membership fees or dues.
4. The extent to which the City of Oak Harbor is already represented in the club or organization.
5. The employee's job responsibilities, length of service and overall qualifications for membership.
6. The employee is responsible for reporting back to the City Administrator about meetings and requests to the City.

C. ADMINISTRATION

Employees who are classified as exempt under the Fair Labor Standards Act (FLSA) will be first considered for membership in order to avoid overtime costs to the City.

Employees who are not designated and sponsored for membership in community organizations and choose to participate in such an organization are responsible for their own expenses and time spent at organization events will not be considered hours worked for pay purposes and cannot address items on behalf of the City.

3.14 PARTICIPATION IN TRADE AND PROFESSIONAL ASSOCIATIONS

A. POLICY

The City of Oak Harbor encourages employees to participate in trade and professional associations that promote City goals, individual skill development and professional recognition. However, employee participation in those associations must not conflict with the City's interests and must fit within budgetary constraints. Departments must include dues and fees in annual budget costs.

B. PROCEDURE

The City may identify certain trade and professional associations in which representation is desirable and then designate the employees it will sponsor for membership. Employees who are designated for membership act as City of Oak Harbor representatives in the association and are expected to promote its interests and to participate accordingly.

Department Directors are responsible for coordinating representation in trade and professional associations. The following factors normally will be considered in selecting associations for representation and in designating employees to be sponsored for membership:

1. The nature and purpose of the association.
2. The potential benefit to the City of Oak Harbor, including enhancement of the City of Oak Harbor's reputation.
3. Development of the employee's leadership and organizational trade and professional skills.
4. Cost to the City of Oak Harbor, including membership fees or dues that Departments must include in annual budget costs.
5. Extent to which the City of Oak Harbor is already represented in the association.
6. Employee's job responsibilities, length of service and overall qualifications for membership.

C. COMPENSATION

The City of Oak Harbor will pay or reimburse the approved and reasonable expenses of the employee sponsored for membership in such associations. An employee not sponsored for association membership may be eligible for reimbursement of expenses with prior written approval of the Department Director.

D. APPROVALS

Employees must request the Department Director's approval before soliciting or accepting any official position in a trade or professional association that will occur during regularly scheduled working hours.

Employees are encouraged to contribute articles, present papers and speeches to trade and professional associations. Employees must obtain prior approval from the Communications Officer and City Attorney for any communication that might represent the position of the City of Oak Harbor or involve information that is confidential.

HOURS OF WORK AND COMPENSATION

4.01 ATTENDANCE AND PUNCTUALITY

A. POLICY

Regular attendance and punctuality are important responsibilities as a City employee. Employees are to work the hours scheduled by their Department Director or designated Supervisor. Excessive tardiness and poor attendance disrupt workflow and customer service and will not be tolerated. For example, six (6) or more instances of tardiness in a three (3) month period may subject the employee to discipline.

B. PROCEDURE

Employees unable to report to work on time should notify their Department Director or designated Supervisor as soon as possible, ordinarily before the workday begins or within fifteen (15) minutes of the employee's usual starting time. Non-exempt employees who are delayed in reporting for work more than fifteen (15) minutes and who have not notified the Department Director or their designated Supervisor of their expected tardiness may lose the right to work the balance of the workday and/or may have pay docked in fifteen (15) minute increments.

Employees must report to the Department Director or designated Supervisor after being late or absent and provide an explanation of the circumstances surrounding the tardiness or absence and, when applicable, verify they are fit to return to work.

Employees who are frequently away from the premises for business reasons should inform their Department Director or their designated Supervisor of their whereabouts during working hours.

An absence/tardy instance is considered to be unauthorized if the employee has not followed proper notification procedures, or the absence has not been pre-approved.

For excessive tardiness, poor attendance, or unauthorized absences as defined above, the Department Director may take the following steps for corrective action:

1. Provide feedback to employee about attendance.
2. Attendance review meeting with the Manager to review examples of patterns which may be:
 - a. Pattern of unscheduled absences
 - b. Pattern of tardiness
 - c. Pattern of calling out on workdays attached to weekends or holidays
 - d. Pattern of calling out on days where time off has been denied
3. Documentation of attendance review with plan of action, timeframe for plan of action, and supportive resources such as EAP.
4. Continued tardiness and/or absenteeism will result in progressive discipline under EPM 3.02 Progressive Discipline or Corrective Action.

4.02 JOB ABANDONMENT

A. POLICY

Employees who are absent from work for three (3) consecutive days without providing proper approved notice to the City of Oak Harbor will be considered to have abandoned their job.

B. PROCEDURE

The City may consider the employee terminated and advise the employee of the action by email and US certified mail to the employee's last known personal email and mailing address.

4.03 HOURS OF WORK AND SCHEDULING

A. POLICY

For purposes of the Fair Labor Standards Act (FLSA) and the Washington Minimum Wage Act (WMWA), the City of Oak Harbor recognizes a forty (40) hour work week, Monday through Sunday, for all regular employees, except Police and Fire Department employees who may follow section 7(k) of the FLSA.

The normal workday generally consists of eight (8) hours. Individual departments may establish work hours that meet the need of their particular duties. Different work schedules, such as in the case of Police, Fire and Public Works employees, may be established by the City to provide necessary City services. Employee hours worked are recorded to the nearest quarter hour (15 minute increments) and any use of vacation, sick leave, and compensatory time use is recorded to the nearest one-quarter hour, unless otherwise stated per collective bargaining agreement.

B. PROCEDURE

An employee's scheduled work hours will be determined by their Department Director or designee. The Department Director or designated Supervisor will inform employees of their daily work schedule, including meal periods/rest breaks and any changes that are considered desirable by the City.

Employees may request an alternative work schedule on a temporary or ongoing basis, provided such an alternative work schedule shall not result in overtime liability to the City. The Supervisor and Department Director will determine if the requested schedule will adversely impact operational needs or otherwise be inconsistent with the City's interest. Alternative work schedules must be approved in writing by the Department Director and sent to HR for the employee's personnel file. Approval may be withdrawn in the event it is determined that the arrangement is not in the City's best interest.

Any and all requests to work from home or telework must be approved in writing by the Department Director (refer to section 4.13 Telecommuting).

Managers and Supervisors also have discretion to require alternative work schedules where necessary to meet operational needs.

4.031 COMPRESSED OR MODIFIED WORK SCHEDULE

A. POLICY

Based on job requirements, some employees may request and obtain approval from the Department Director to work a standard number of hours within fewer days during the same week.

B. DEFINITIONS

Four-Ten (4/10): Forty (40) hours in a one-week period scheduled over four (4) working days. Each workday, holiday, or day of absence is recorded as ten (10) consecutive hours. An example of a 4/10 schedule would be Monday-Thursday or Tuesday-Friday, ten (10) hours each day.

Nine-Eighty (9/80): Eighty (80) hours in a two-week period scheduled over nine (9) working days. Example: the normal workday is extended by one-hour five days one week and three days the next week, with one regular eight-hour day. This produces one extra day off every two weeks.

At the conclusion of a three (3) month trial period, the Department Director and HR will re-evaluate the situation and will recommend whether the alternative work schedule should or should not be continued. If continued beyond a three (3) month trial period, the alternative work schedule may be discontinued at any time at the discretion of the director.

4.04 OVERTIME

A. POLICY

In accordance with state and federal law, the City pays employees who have a non-exempt status (that is, who are eligible for overtime pay) overtime for all hours worked in excess of forty (40) hours during the workweek. Paid time off is not included as hours worked for overtime pay and not included in the total hours worked for overtime calculations. Non-exempt status is determined by legal standards based on the tasks and responsibilities associated with a job. Each employee will be informed of their status at the time of hire. Questions about exempt or non-exempt status should be referred to HR.

B. PROCEDURE

Department Directors may schedule overtime or extra shifts, as needed. Employees are not permitted to work overtime without prior approval of their Department Director. In extraordinary circumstances justified by unforeseen conditions, an employee may work overtime without prior approval, so long as the Department Director or designee approves the overtime in writing no later than end of business the next business day.

Overtime for exempt employees is regarded as part of the job requirements and will not result in additional compensation, salaried exempt employees are not eligible for overtime compensation.

C. CALL-BACK PAY

Non-exempt hourly employees normally will be granted a minimum of two (2) hours “call-back pay” for call-back work, i.e., irregular or occasional overtime work performed by an employee on a day when no work is scheduled, or at a time that requires the employee to return to work from an off-duty status. Phone calls from Supervisors to discuss schedules are not considered “call-back” time.

D. COMPENSATORY TIME OFF

Is a concept that public employers use to allow employees who work overtime in one workweek to take time off as compensation in some other workweek. In lieu of overtime pay, full-time non-exempt employees may submit a written request to receive compensatory time off (comp time), at the same rate that the overtime hours are due (1.5 times hours worked). Request for compensatory time must be submitted and approved by the Department Director in advance. The maximum amount of compensatory time that an employee may accrue is eighty (80) hours, however, Department Directors may establish lower limits on the maximum balance of compensatory time. Once an employee has reached that accrual level, overtime compensation will be paid for any overtime hours worked.

Election of comp time in lieu of overtime is with the following understanding:

1. Comp time may not be earned without prior approval and may not be used before it has been earned and its use has been approved.
2. The substitution of compensatory time for overtime pay must be at the non-exempt employee's request and must be agreed to by the non-exempt employee and the employer. A Supervisor may not impose the requirement on any hourly employee who has not made such a request.
3. Comp time must be used before vacation leave, floating holidays, wellness leave, and leave without pay.
4. Vacation leave, sick leave, bereavement leave, and other paid time off shall not be counted as hours worked for the purpose of determining eligibility for overtime pay or comp time.
5. Comp time must be used or paid in the calendar year in which it is earned.
6. Comp time still on the books at the end of the calendar year will be paid at the hourly employee's regular base hourly rate of pay in effect at the time of payment or the employee may choose to deposit into a Deferred Compensation Plan (DCP).
7. Earning of comp time may not be approved for the sole purpose of earning additional paid leave unrelated to the business need of the department.
8. Upon separation from employment, pay for comp time shall be at the hourly employee's regular hourly rate of pay in effect at the time of payment.
9. Hourly employees covered by a collective bargaining agreement shall be compensated for overtime work and holidays and be eligible to be granted and use compensatory time off in the manner set forth in the collective bargaining agreement; provided that the terms of the contract are not less beneficial to the hourly employee than the minimum requirements of the Fair Labor Standards Act (FLSA) and the Washington Minimum Wage Act (WMWA).
10. FLSA-exempt employees shall not be eligible to earn comp time off nor shall they receive overtime pay. FLSA-exempt employees are compensated on a salary basis and

are not eligible for additional pay for hours worked in excess of their general work schedule.

11. Department Director or designee is responsible for ensuring the department or payroll tracks compensatory time accrual, use, and carryover for accurate reporting.

4.05 MEAL, REST AND LACTATION BREAKS

A. POLICY

Full-time employees (working 8-, 10-, or 12-hour shifts) are allowed an unpaid meal period which must be taken between two (2) and five (5) hours after the start of the work shift. Meal periods shall be sixty (60) minutes or a minimum of thirty (30) minutes, unless otherwise approved by the Department Director. Part-time employees scheduled to work more than five (5) consecutive hours during any workday will receive a meal period of the same duration as full-time employees in their department.

Employees required to work more than ten (10) hours in any workday will be allowed a second meal period no later than six (6) hours after returning from their first meal period.

. PROCEDURE

Non-exempt employees are entitled to a paid fifteen (15) minute break for every four (4) hours of working time. Department Directors and/or Supervisors are responsible for scheduling time for non-exempt employees' break periods. Where the nature of the work allows employees to take intermittent rest periods equivalent to fifteen (15) minutes for every four (4) hours, scheduled rest periods are not required.

Time spent on breaks will be compensated as work time. However, employees are expected to be punctual in starting and ending their breaks and may be disciplined for tardiness.

Employees are required to take their breaks and are not permitted to use break time to lengthen their meal period or shorten their workday.

A Supervisor may schedule rest and meal periods within a work group to meet operational needs.

If an employee does not believe they are receiving adequate rest periods during a workday, they must promptly advise their Supervisor or HR.

C. LACTATION BREAKS (FOR NURSING MOTHERS)

For one (1) year following childbirth, non-exempt employees who are nursing mothers are entitled to unpaid breaks during the workday for the purpose of expressing breast milk. These breaks will be paid to the extent they run concurrently with the above-referenced daily rest breaks. The City will provide a suitable, private location for nursing breaks. Please contact HR or a Supervisor to make appropriate arrangements for nursing breaks.

4.051 FLEXIBLE TIME

A. POLICY

Exempt employees are paid a salary for the work performed and are not eligible for overtime or additional compensation due to hours worked over forty (40) hours in a week. Exempt employees may require work beyond the traditional work schedule due to workload fluctuations, requirements to meet project needs, or attend meetings and events outside the normal workday. Exempt employees are eligible for flexible time but exempt employees do not record flex time for payroll purposes.

B. PROCEDURE

Upon mutual agreement between the employee and the Department Director, flex time may be used to take part of the day off or for short absences during the day without docking leave banks. Flex time maintains principles of public accountability for work time obligations and shall not result in any reduction in service to the public and must not increase the City's compensation costs. If an exempt employee is not able to flex time, then applicable leave should be requested for absences during the normal workday.

Flex time permits starting times and quitting times for employees other than the standard work For non-exempt hourly employees, flex time adjustments of the standard workday should be reported on the regular non-exempt timesheet, with a standard number of core hours which must be worked.

4.06 INTERIM/OUT-OF-CLASS ASSIGNMENTS

A. POLICY

The City of Oak Harbor may authorize interim/out-of-class assignments to cover operational needs or absences. Interim/out-of-class assignments provide valuable on-the-job training and continued performance of critical workload. Performing other duties as assigned is not considered an interim/out-of-class assignment.

B. PROCEDURE

Interim/out-of-class assignments will be assigned in advance and in writing by the Department Director, City Administrator, or Mayor. If an employee is working an interim/out-of-class assignment that will be in effect for more than fifteen (15) consecutive days, beginning on the sixteenth (16th) consecutive day of the assignment, the employee will receive a wage premium of no less than three percent (3%) for the remaining duration of the assignment. If the interim/out-of-class assignment is at the Department Director level or higher, the employee will receive a wage premium of no less than five (5%) for the remaining duration of the assignment.

C. EXTENSIONS

Interim/out-of-class assignments are limited to ninety (90) calendar days. Extensions require approval by the Mayor or City Administrator. Interim Department Director (defined as the directors of Public Works, Development Services Parks & Recreation, Finance, HR, the Fire and Police Chiefs, Deputy City Administrator, and City Administrator) are limited to two (2) terms of ninety (90) calendar days each. Extensions beyond two (2) terms require confirmation by a majority vote of the City Council.

4.07 TIME RECORDS

A. POLICY

Maintaining accurate time records is essential in computing employee pay and overtime, ensuring compliance with applicable laws and regulations, and generating accurate cost and leave information.

B. PROCEDURE

Each employee is responsible for completing and submitting their own time sheet in a timely manner. The City provides standard timesheets for exempt and non-exempt employees.

Employees shall turn in vacation approvals and scheduled sick leave approvals with the timesheet for the pay period in which the vacation or scheduled sick leave was taken.

4.08 PAY PROCEDURES

A. POLICY

Employee time records shall be checked and signed by the Supervisor and Department Director. Employees are paid twice monthly. If a regularly scheduled payday falls on a Saturday or Sunday, paychecks will be distributed on Friday. If a payday falls on a holiday, paychecks will be distributed on the regularly scheduled working day prior to the holiday.

The City will withhold from the employee's paycheck those deductions required by law, as well as any voluntary deductions authorized by the employee and approved by the City Administrator. The City will resolve payroll errors promptly.

B. PROCEDURE

Employees who discover a mistake on their paycheck, lose their paycheck, don't receive a deposit, or have it stolen shall notify HR immediately.

Employees are required to authorize payment of paycheck by direct deposit to a financial institution.

Employees are required to review their pay check and verify compensation, contributions, and deductions to report any discrepancies to Payroll.

Unapproved absences shall not be considered hours worked for pay purposes. Falsifying any time record is prohibited and may be grounds for disciplinary action, up to and including termination.

C. NON-EXEMPT EMPLOYEES

All non-exempt employees are required to complete an individual time record showing the daily hours worked. The following points should be considered when filling out time records:

1. Non-exempt employees shall record their total hours worked for each workday.
2. Non-exempt employees are not permitted to sign in or begin work before their normal starting time, or to sign out or stop work after the normal quitting time, without prior approval of their Department Director.
3. Non-exempt employees are required to take scheduled meal periods and scheduled or intermittent breaks.

D. SALARIED-EXEMPT EMPLOYEES

Exempt employees are not required to complete hourly time records but must account for daily attendance and attendance exceptions. The following points should be considered:

1. Deductions from pay are permissible when an exempt employee is absent from work for one (1) or more full days for personal reasons or due to sickness or disability.
2. Deductions for partial day absences are permitted when an employee is eligible for FMLA and the partial day absences are due to leave taken according to that law.
3. Deductions from pay are permissible when an exempt employee is absent from work for more than four (4) hours for personal reasons or due to sickness or disability.
4. Deductions for partial day absences are permitted when an employee is eligible for sick leave and the partial day absence of more than four (4) hours is due to sick leave taken.

E. PAY DEDUCTIONS

Some regular deductions from the employee's earnings are required by law; other deductions are allowed by law and specifically authorized by the employee. The City will withhold from the employee's paycheck those deductions required by law and any voluntary deductions authorized by the employee, when allowed by statute or City policy.

F. WAGE GARNISHMENTS

The City will honor and process any legally served writ of garnishment against any employee without prejudice towards the employee. HR or Payroll will make every effort to alert employees confidentially to any received writ of garnishment. If three (3) garnishments are served for more than one (1) indebtedness within a period of twelve (12) consecutive months, the employee may be subject to termination.

4.09 SALARY ADMINISTRATION

A. POLICY

The City of Oak Harbor's Position Classification Plan is designed to pay salaries that are internally equitable. It is also the policy of the City to pay salaries that reflect the market for each classification and be commensurate with the compensation paid at comparable municipal governments in Washington State, within budget limitations and with full consideration of the public's interest. However, all compensation policy decisions must take into consideration the City of Oak Harbor's overall financial condition and competitive position ([OHMC 2.34.080](#)).

B. PROCEDURE

The Position Classification Plan will be reviewed by HR every two (2) years and submitted to City Council for consideration as part of the biennial budget cycle.

C. RECLASSIFICATION

Classification reviews of specific positions will be performed by HR when requested by the Department Director. It is the Department Director's responsibility to ensure that each of their employees is properly classified and receiving proper salary. When an employee is performing work outside of their classification at least sixty percent (60%) of the time, the employee's Supervisor or Department Director should initiate appropriate action, including possible reclassification. If an employee believes they are working outside of their classification at least sixty percent (60%) of the time, they should contact their Department Director.

Classification reviews which may result in a salary adjustment must be taken into consideration with the department budget and may require additional approval.

D. MERIT PAY

With the approval of the Mayor and/or the City Administrator, merit pay salary adjustments may be made to recognize job growth, competitive market pressures, meritorious performance, and/or equity.

1. **Range:** An increase in a position's assigned compensation grade after an evaluation confirms that the position's duties and responsibilities have increased or changed substantially. For example, from range A to range B.
2. **Step:** A salary increase within the current grade may be approved, for example:
 - a. When the level of duties and responsibilities changes.
 - b. For meritorious performance resulting in an increased level of functioning.
 - c. When market-related pressures warrant an increase.

- d. To address when an employer is actively recruiting an employee or because an employee has received an actual offer of employment from another employer.
- e. To address misaligned salary relationships that have produced an inequity.

E. SERVICE RECOGNITION

Employees who reach five (5) or more years of service with the City receive recognition with a pin and a fleece jacket for every five (5) years of service recognized at their anniversary date of five (5) years, ten (10) years, fifteen (15) year, etc.

F. RETENTION PAY

The City’s primary goal is to retain our employees. To further this goal, the City and its bargaining units have negotiated longevity pay into their contracts. Non-represented employees are eligible for retention pay as follows:

1. Additional pay per month for non-represented employees.
 - a. Upon completion of the fifth (5th) year of employment, a full-time non-represented employee shall receive twenty-five dollars (\$25.00) per month.
 - b. Upon the anniversary date of each consecutive year of employment, a full-time non-represented employee shall receive an additional five dollars (\$5.00) per month to a maximum of one hundred fifty dollars (\$150.00) at thirty (30) years of employment.
 - c. Part-time non-represented employees shall receive half of the full-time amounts.
 - d. Retention pay adjustments shall become effective the first of the month coinciding with or following the employee’s anniversary date of employment.

| After complete years of employment | Amount per month | After complete years of employment | Amount per month |
|------------------------------------|------------------|------------------------------------|------------------|
| 5 | \$25.00 | 18 | \$90.00 |
| 6 | \$30.00 | 19 | \$95.00 |
| 7 | \$35.00 | 20 | \$100.00 |
| 8 | \$40.00 | 21 | \$105.00 |
| 9 | \$45.00 | 22 | \$110.00 |
| 10 | \$50.00 | 23 | \$115.00 |
| 11 | \$55.00 | 24 | \$120.00 |
| 12 | \$60.00 | 25 | \$125.00 |
| 13 | \$65.00 | 26 | \$130.00 |
| 14 | \$70.00 | 27 | \$135.00 |
| 15 | \$75.00 | 28 | \$140.00 |
| 16 | \$80.00 | 29 | \$145.00 |
| 17 | \$85.00 | 30 | \$150.00 |

2. If a full-time non-represented employee is at the top step of the pay scale and not eligible to receive an annual step increase on their anniversary date, the employee will be granted

one (1) lump sum bank of vacation hours calculated at the monthly accrual level effective at their anniversary date equal to six (6) month vacation hours earned amount (for example, 48 hours, 60 hours, 80 hours, 90 hours, or 100 hours). An employee must notify HR at least thirty (30) days prior to their anniversary date if they would like to elect one of the following options (or combination of options) for the use of this bank of vacation hours for retention:

- e. Add to current vacation earned balance (subject to the maximum accrual for vacation leave outlined in Section 5.14); and/or
- f. Deposit into a DCP, and/or
- g. Cash-out as a lump-sum payment within two (2) pay periods following the employee's anniversary date of employment.
- h. Part-time employees are not eligible for the lump sum bank of vacation hours in lieu of being at the top step of the pay scale.

If the employee is at the maximum accrual of hours earned or once the employee reaches the maximum accrual, then the employee may choose to deposit up to forty (40) hours of accrued vacation into a deferred compensation plan (DCP). A minimum balance of eighty (80) hours vacation leave must be available after the deferral. Any lump sum bank remaining more than the maximum accrual limit of hours earned and/or after the maximum allowed has been deposited into a DCP will be forfeited.

4.091 CLASSIFICATION AND COMPENSATION

A. POLICY

A Position Classification Plan uses classification and compensation practices to group jobs into categories or job families to preserve the integrity and currency of the staff structure and to facilitate administration of funds allocated for wages and salaries in an equitable and legal manner.

The various types of position classifications conducted are:

1. Incumbent Position Reclassification
after at least six (6) months of an approximate fifty percent (50%) change in duties
2. % FTE Position Reclassification
for example, when a 0.5 FTE is changed to a 0.75 FTE, or vice-versa
3. New Position Classification approved through regular budget process
positions are classified into existing or new classifications
4. Vacant / Replacement Classification
positions are classified into existing or new classifications

The amount of work and complexity involved with a review depends on the type of classification being conducted. As a result, some requests are completed more quickly than others. In addition, the requirements (both for Council and HR) will depend on the type of classification being conducted.

Classification and compensation decisions in the City rely on job audit and salary survey processes by comparing positions to each other and to class specifications, with consideration given to how similar jobs are compensated outside of the City. The City's methodology gives an added dimension which allows us to quantitatively compare jobs to one another.

B. PROCEDURE

When evaluating jobs, the methodology separates the job from the employee and is an analytical evaluation method that fixes the value of the job based on the level of responsibility and determines the level of responsibility based on the extent of decision making. Decision band methodology involves: Banding, Grading, and Sub Grading.

C. JOB DESCRIPTIONS

Job descriptions also referred to as class specifications are available online through the [City website](#). For questions or to revise or update a job description, contact HR.

4.10 REIMBURSEMENT OF BUSINESS TRAVEL EXPENSES

A. POLICY

City employees may be required to travel away from the City in connection with City business or training opportunities. Finance manages the Travel Policy and will provide the complete Travel Policy as needed.

B. PROCEDURE

The Travel Policy is to provide employees, public officials and others who incur authorized business expenses for travel, subsistence, registration and related expenses while on City business, reasonable and timely mechanisms for the reimbursement and/or the advancement of such necessary expenditures.

1. **Employee Responsibility:** Employees must familiarize themselves with this policy to ensure that only valid expenses related to City business are reimbursed. Care should be taken to avoid unnecessary spending.

Training and meeting time is compensable if:

1. Attendance is required by the City.
2. The employee performs productive work during the event.
3. The event takes place during regular working hours.

F. FORMS

Any overnight or out-of-state travel requests must go through an approval process with the Department Director and/or the City Administrator or Mayor through submission of the Travel Authorization Form.

4.11 ADVERSE WEATHER, EMERGENCIES, AND NATURAL DISASTERS

A. POLICY

This policy establishes the operational procedures for all City employees during period of inclement/adverse weather. City departments should attempt to remain open, even in adverse weather, and it is the responsibility of employees to make a good faith effort to come to work during these times. Some operations if open during adverse weather could pose unnecessary risk and may at times be declared closed for public safety. Employees should monitor the City's designated social media sites, the City's website for announcements, call the City's after-hours emergency update line at **(564) 888-4011**, or contact their Supervisor about any questions in reference to reporting to work.

In the event of inclement adverse weather, an emergency or natural disaster, the City must continue to provide essential public services. Therefore, if the City determines to remain open, employees must make every reasonable effort to report to work if they can do so without endangering their personal safety or the safety of employee's family members.

B. DEFINITIONS

1. **Inclement/Adverse Weather** – Weather conditions that can make travel in and around the City limits of Oak Harbor hazardous for the employee, or weather that may endanger the public.
2. **Critical Need Employees** – An employee whose job functions require that they be at work during normally scheduled work hours (regardless of environmental factors) to provide uninterrupted essential service to the public, or provide direct leadership or support. These are departments that typically operate on a 24-hour a day rotating schedule, or play a critical role in maintaining the safety and services to the City.
3. **Secondary Employees** – Made up of both non-exempt and exempt personnel who are not classified as a critical need employee, and are typically considered working in an administrative or in non-public safety function.

C. CRITICAL NEED DEPARTMENTS AND FUNCTIONS

1. The City Administrator and/or the Mayor can change a department or position from “Critical Need to Secondary” or vice versa. The City Administrator and/or the Mayor can do this at any time as long as a minimum of four (4) hours of notice is given to the Department Director or designee, department designee, or employee.
2. **Police Department** – All sworn/public safety personnel are designated as Critical Need Employees. Sworn administrative personnel may be assigned to patrol functions, or other duties to assist with maintaining traffic control or public safety. Civilian personnel may be designated by the Chief of Police as either critical need or secondary, based on support needed for the police department to remain functional.

3. **Fire Department** – All public safety personnel are designated as Critical Need Employees. Civilian personnel may be designated by the Fire Chief as either critical need or secondary based on support needed for the fire department to remain functional.
4. **Public Works Department** – A minimum of one utility emergency response team of four (4) employees and one (1) Supervisor will be designated as a response team. The Public Works Director may designate additional personnel as part of the response team based on the type of adverse weather forecasted. The response team shall be paid in accordance with the applicable pay schedule or collective bargaining agreement.
5. **IT Department** – All personnel are designated as critical need to ensure that communication equipment and other technology equipment remains functional. The IT Department may determine if services could be maintained via remote or on-site monitoring.

D. GENERAL PROCEDURES

1. The City Administrator or designee shall declare that the Inclement Weather Plan is in effect by announcing that operations established as secondary operations will not be opening, will be opening later than 8:00 a.m., or will be closing earlier than 5:00 p.m.

This information will be relayed through the Department Directors or designee, posted at City building entrances, to the City's website, emergency management alerts, the after-hours emergency update phone line **(564) 888-4011**, social media, and/or reported to local media when possible.

2. Only the Mayor and/or Council has the authority to close the City for a period beyond two (2) consecutive business days.
3. In the event that adverse weather is not predicted to impact Oak Harbor by the prior night but changes course or becomes adverse overnight, the Fire Chief is authorized to determine if the City should be on a delay and will open at 10:00 a.m. The Fire Chief or designee shall notify the City Administrator and all Department Directors or designee once the decision to delay has been determined.
4. In the event that schools are closed and the City is open or on a delay, an employee with the primary responsibility of caring for children may request vacation leave or leave without pay to care for their children.
 - a. All requests shall be made to the employee's direct Supervisor or Department Director prior to the beginning of the shift/workday when the adverse weather is forecasted in advance.
 - b. Employees deemed in a critical need position, at the discretion of the Department Director may be assigned a different shift to accommodate requests to care for children.

5. Each Department Director or designee is responsible for notifying all employees within their department as to which category their services fall in (i.e. critical need or secondary personnel) if not noted on their job description or clearly identified by this policy.
 - a. Each department is required to maintain a telephone tree or other notification system to inform employees whether or not the City is open for business during inclement weather or emergencies, or to otherwise designate how employees will be notified or how to receive updated information.
6. All Critical Need employees are expected to be at work as scheduled. Failure to do so when requested may result in disciplinary action. Basic overnight accommodations may be available for public safety employees who are unable to commute or are required for emergency response.
 - a. An employee who is unable to safely get to work or leaves work early because of unusual weather or other conditions may charge the time missed to vacation, sick leave, compensatory time, or use their floating holiday. If an employee has no leave available, they will be placed on leave without pay status for the time missed.
7. During periods of inclement weather, emergency or a natural disaster, employees may be assigned emergency services work schedules other than their normal work assignments, and/or may be assigned to perform duties other than their regular duties.
8. If, due to inclement weather, emergency or natural disaster, the City determines either to send employees home before the conclusion of their workday or not to have employees come to work, the employees working onsite at that time will be notified as soon as feasible and the employees will be paid their normal rate of pay for their regularly scheduled hours for that day.
9. Critical Need Non-Exempt Employees who are required to perform essential services when the City is otherwise closed will be paid their normal rate of pay for their regularly scheduled hours and may be eligible to receive overtime at the rate of time and one-half hours worked for any hours in excess of their regularly scheduled hours for that day.
10. Mayor or City Administrator may release employees early from the workday to accommodate for special events, holidays, or special projects as needed.
 - a. Employees may request compensatory time in lieu of overtime. Department Directors will identify essential Critical Need Non-Exempt Employees.

E. PROCEDURES WHILE AT WORK

Extra precautions may be needed during a severe weather event to assure the safety of employees while at work.

1. Once adverse weather is declared to be in the area, no employee shall leave work without notifying their immediate Supervisor.
2. When weather conditions worsen as the day progresses, the City Administrator or designee may decide to close non-essential operations early. In such cases, a decision and an announcement will be made notifying the employees through the normal chain of command. Employees will be expected to remain at work until the determined closing time, unless they receive approval from their Department Director or designee to do otherwise.
 - a. Employees instructed to come in late or released early due to a closure should report the regularly scheduled hours for that day at the base rate.
3. When an evacuation occurs during the course of a workday, the Department Director or designee or department designee shall be responsible to ensure that all employees are accounted for and have left the City property safely. Once the building/property is secure, the Department Director or designee shall notify the Fire Chief that the building is secure and evacuated.
4. When inclement weather conditions pose a threat to a building, employees should go to the innermost portions of their floors or designated area and avoid windows and other potential hazards until the weather passes.
5. When inclement weather is known to be in the area, employees shall avoid the use of the elevators. Power failure could trap elevator occupants.
6. Employees shall limit their driving of City vehicles during any adverse weather event, unless acting as a Critical Needs Employee or responding to an emergency situation.
7. Employees should use caution and not park any City vehicle under or near trees or utility poles when inclement weather is reported to be in the area. All tools should be removed from the back of City pick-ups or outside areas when possible.
8. Employees should back into a parking spot (reverse park), it is easier and safer to exit and easier to see what is behind the vehicle to prevent bumping into another car or hitting a pedestrian and causing an accident.

F. COMPENSATION

1. A maximum of eight (8) hours of regular pay per day at the base rate will be provided to employees excused from work when advised, in accordance with this policy of an administrative closure/work delay due to Inclement/Adverse Weather.
 - a. Critical Need Employees (salaried exempt & essential) are normally scheduled regardless of environmental factors and receive the normal compensation for hours worked during an Inclement/Adverse weather event.

- b. Secondary Employees (non-exempt & non-essential) are scheduled as needed and will receive the normal compensation for hours worked during an Inclement/Adverse weather event.
 - c. Inclement/Adverse weather pay only applies to non-exempt secondary employees scheduled to work during a closure or as determined by the City Administrator.
2. Non-exempt secondary employees requested to work when their position is determined to be non-essential for City operations, shall receive the normal compensation for their hours worked with an extra one (1) half-hour of pay for every one (1) hour worked during an event.
 3. Inclement weather pay is an hourly shift differential and the hours compensated due to being placed on inclement weather pay will not count towards overtime.
 4. During the inclement weather, employees are considered to be on standby and shall be required to return to work if weather conditions improve or the employee is needed to fill an essential role in City operations.
 5. During periods when certain locations or the City as a whole are closed, employees may be expected to work from a different location when feasible.
 6. Inclement weather pay will not apply to employees on extended leave, scheduled or unscheduled leave, normally scheduled days off, or training unaffected by the weather.
 7. Failure to make it to work due to weather conditions affecting travel, does not automatically warrant inclement weather pay.
 8. Employees who cannot return to work at the end of the closure period shall make necessary arrangements with their Supervisor.

G. REFERENCE

1. City Emergency update phone line: (564) 888-4011
2. City email: hr@oakharbor.org
3. City of Oak Harbor website: www.oakharbor.gov
4. City of Oak Harbor social media sites: <https://www.facebook.com/OakHarbor/>
5. Island County Emergency Management:
<https://www.islandcountywa.gov/DEM/Pages/Home.aspx>
<https://public.alertsense.com/SignUp/?regionid=1137> (sign-up for notifications)
6. Whidbey News Times: <http://www.whidbeynewstimes.com/>

4.12 INFECTIOUS AND COMMUNICABLE DISEASE

A. POLICY

The City recognizes employees who have contracted an infectious and communicable disease/illness may wish to continue as many major life activities as their condition allows, including work.

In the event a current employee contracts an infectious and communicable disease/illness, or a new employee has a pre-existing infectious and communicable disease/illness, it is the intent of the City to recognize the right of this employee to continue/commence employment if the individual is physically and mentally able to perform the essential job functions of their position and medical evidence indicates they're not a threat to themselves or others. The City, in accordance with the ADA and all other relevant laws, policies and procedures, will ensure that the individual is treated equitably and consistently.

At the same time, the City recognizes the right of all employees to a safe work environment and the right of all employees and the general public to be free from risk or exposure to an infectious disease/illness. Therefore, precautions should be taken to ensure that an infectious employee's condition does not pose a health and/or safety threat to other employees or the general public.

B. EMPLOYEE RESPONSIBILITY

1. Sick employees should stay home. This includes caring for a family member or if an employee has symptoms which may be contagious.
2. Employees with respiratory illness should stay home until they're symptom-free for at least twenty-four (24) hours without the use of symptom-altering medicines (e.g. cough suppressants).
3. Employees with a fever of 100.4° F [37.8° C] or greater using an oral thermometer, should stay home until they're symptom-free for at least twenty-four (24) hours without the use of fever-reducing or other symptom-altering medicines.
4. Employees who've traveled to a high-risk area should follow the Centers for Disease Control (CDC) traveler guidelines ([cdc.gov](https://www.cdc.gov)) and consult with the Fire Chief before returning to work.
5. Employees with a normal cold and/or allergies may choose to continue to work and should cover their noses and mouths with a tissue when coughing or sneezing (or an elbow or shoulder if no tissue is available) or may wear a face mask.

C. PROCEDURE

1. Employees unable to report to work should notify their Supervisor as soon as possible, ordinarily before the workday begins or within ten (10) minutes of the employee's usual starting time (EPM section 4.01 Attendance and Punctuality) or as indicated in the bargaining unit collective bargaining agreement.

2. For any questions or concerns about an infectious or communicable disease, please contact the City Fire Chief, our Director of Emergency Services.

D. HAND HYGIENE

1. Regularly wash hands or use hand sanitizer (with at least 60% alcohol).
2. Employees should avoid touching their eyes, nose, and mouth.
3. The City provides tissues, alcohol-based hand rubs and other supplies..
4. Visit the CDC coughing and sneezing etiquette and clean hands webpage for more information.

E. ROUTINE CLEANING

1. Cleaning of frequently touched surfaces in the workplace, wipe down workstations, countertops, and doorknobs is encouraged.
2. When cleaning, use the cleaning agents that are usually used in these areas and follow the directions on the label.
3. No additional disinfection beyond routine cleaning is recommended unless directed from the CDC.
4. The City will provide disposable wipes so that commonly used surfaces (for example, doorknobs, keyboards, remote controls, desks) can be wiped down by employees before each use.

F. ACCRUED LEAVE OR LEAVE WITHOUT PAY

1. Employees who cannot perform their essential job functions may use accrued sick leave or if sick leave is exhausted may use accrued vacation leave.
2. Employees may apply for federal medical leave (FMLA) or may apply for State Paid Family Medical Leave (PFML).
3. Leave without pay may be approved without advance notice with appropriate supporting documentation indicating the need for a continued leave of absence.
4. Unapproved leave without pay may result in disciplinary action.
5. An employee on leave shall be treated the same as any other employee with regards to coverage under the City's, provided medical insurance.

G. HEALTHCARE PROVIDER CERTIFICATION

1. The City may require a physician's statement of health be submitted confirming the employee's capability to perform the essential functions of their job as well as those precautions necessary to protect the employee, other City employees, and the general public. This will allow the City to make reasonable accommodations, if appropriate.
2. The City will follow the recommendation of the employee's physician and/or a physician designated by the City as to whether an employee will be allowed to continue working. Should the City seek out a physician of its own choosing, that physician's evaluation of the employee will be at the expense of the City.

H. RETURN TO WORK

1. Pending medical clearance from the treating physician indicating that the employee poses no significant risk of harm to others in the working environment, the City shall make all necessary reasonable accommodations for that employee's condition in allowing their safe return to work.
2. An employee who refuses to work with the employee who is infected or has been treated may be subject to disciplinary action under the City's policies. Each incident shall be reviewed on a case-by-case basis.

I. TERMINATION

1. In the event the City finds that the employment of an employee who has an infectious disease/illness must be discontinued, such termination shall be handled in accordance with the City's policies.
2. The City is sensitive to the fact that continued employment for an employee with an infectious illness/disease may sometimes be therapeutically important in the recovery process and may help to prolong that employee's life. In accordance with this, the City will, to the extent possible, keep qualified and efficient employees with an infectious disease/illness in the City workforce.

J. REFERENCES

1. [Comprehensive Emergency Management Plan \(CEMP\)](#)
2. [Oak Harbor Police Department \(OHPD\) Directive 03-06-2020: COVID-19 Standard Safety Procedures](#)

K. RESOURCES

Consistent with the City's concern for employees with infectious diseases/illnesses, the City offers the following range of resources available through the HR Department:

- Management and employee education and information on infectious diseases/illnesses (CDC, State Department of Health, Island County).
- Referral to agencies and organizations which offer supportive services for infectious diseases/illnesses (Public Health Office).
- Benefit consulting to assist employees and their families in effectively managing health, leave and other benefits (AWC, ESD, EAP).

4.13 TELECOMMUTING

A. POLICY

Telecommuting allows employees to work at home, on the road, or in a satellite location for all or part of their workday or workweek as approved for a short-term period. The City considers telecommuting to be a viable, flexible work option when both the employee and the job are suited to such an arrangement, especially, in emergency situations for continuity of operations. Telecommuting may be appropriate for some employees and jobs but not for others.

Telecommuting is not an entitlement, it is not a City-wide benefit, and it in no way changes the terms and conditions of employment with the City of Oak Harbor.

B. PROCEDURE

1. Telecommuting can be informal, such as working from home for a short-term project or on the road during business travel, or a formal, set schedule of working away from the office. Either an employee or a Supervisor can suggest telecommuting as a possible work arrangement.
2. Any telecommuting arrangement made will be on a trial basis for the first five (5) to seven (7) days and may be discontinued at will and at any time at the request of either the telecommuter, the Supervisor, director, or HR.
 - a. Every effort will be made to provide notice of such change to accommodate commuting, childcare and other issues that may arise from the termination of a telecommuting arrangement. There may be instances, however, when no notice is possible.
3. To initiate telecommuting, the employee and the Supervisor would complete the Checklist to Determining Appropriateness for Telework.
4. To approve telecommuting, the employee and the Department Director would then complete the Telecommuting Agreement from HR for the HR personnel file.
5. Possible teleworking tasks may include:
 - Analysis
 - Auditing reports
 - Calculating
 - Computer programming
 - Data entry
 - Design work
 - Drafting
 - Editing
 - Evaluations
 - Graphics
 - Preparing budgets
 - Preparing contracts
 - Project management
 - Reading
 - Record keeping
 - Research
 - Reviewing contracts
 - Spreadsheet analysis
 - Typing
 - Writing (reports, memos, etc.)
 - Other job duties as assigned

C. ELIGIBILITY

1. Employees requesting telecommuting arrangements must have a satisfactory performance record and meet the guidelines for telework.
2. Before entering into any telecommuting agreement, the employee and Supervisor, with the assistance of HR, will evaluate the suitability of such an arrangement, reviewing the following areas:
 - a. Employee suitability. The employee and Supervisor will assess the needs and work habits of the employee, compared to traits customarily recognized as appropriate for successful telecommuters.

- b. Job responsibilities. The employee and Supervisor will discuss the job responsibilities and determine if the job is appropriate for a telecommuting arrangement.
 - c. Equipment, workspace design considerations and scheduling issues. The employee and Supervisor will review the physical workspace needs and the appropriate location for the telework.
 - d. Telework Tasks and Expectations. The employee and Supervisor will discuss the specific tasks to be completed with assigned check-ins and deadlines. Video conferencing may be used for City meetings and business communication. For City-related video conferences, the participants will be required to activate the microphone and video features to participate.
3. Telecommuting is not designed to be a replacement or alternative for appropriate childcare or day care. Although an individual employee's schedule may be modified to accommodate childcare needs, the focus of the arrangement must remain on job performance and meeting business demands. Prospective telecommuters are encouraged to discuss expectations of telecommuting with family members prior to entering a trial period
4. If the employee, Supervisor or director agree, and HR concurs, a Telecommuting Agreement will be prepared and signed by all parties, and a trial period will commence.
5. Evaluation of telecommuter performance during the trial period will include regular interaction by phone, e-mail, and Microsoft Teams or other applications provided by the City between the employee and the Supervisor, and as scheduled regular meetings to discuss work progress and problems.
6. At the end of the trial period, the employee and Supervisor will each complete an evaluation of the arrangement and make recommendations for continuance or modifications.
7. An appropriate level of communication between the telecommuter and Supervisor will be agreed to as part of the discussion process and will be more formal during the trial period. After conclusion of the trial period, the Supervisor and telecommuter will communicate at a level consistent with employees working at the office or in a manner and frequency that is appropriate for the job and the individuals involved.

D. EQUIPMENT

1. On a case-by-case basis, the City will determine, with information supplied by the employee and the Supervisor, the appropriate equipment needs (including hardware, software, modems, phone and data lines and other office equipment) for each telecommuting arrangement.
2. HR and the City's Information Technology (IT) office will serve as resources in this matter. Equipment supplied by the City will be maintained by the City. Equipment supplied by the employee, if deemed appropriate by the City, will be maintained by the employee. The City accepts no responsibility for damage or repairs to employee-owned equipment. The City reserves the right to make determinations as to appropriate equipment, subject to change at any time.

3. Equipment supplied by the City is to be used for business purposes only. The telecommuter must sign an inventory of all City property received and agree to take appropriate action to protect the items from damage or theft.
4. Upon termination of employment, all City property will be returned to the City, unless other arrangements have been made.
5. The City will supply the employee with appropriate office supplies (pens, paper, etc.) and technology supplies (phone, laptop, etc.) as deemed necessary. The City will reimburse pre-approved business expenses.
6. The employee will establish an appropriate work environment within his or her home for work purposes. The City will not be responsible for costs associated with the setup of the employee's home office, such as remodeling, furniture or lighting, nor for repairs or modifications to the home office space.

E. SECURITY

Consistent with the City's expectations of information security for employees working at the office, telecommuting employees will be expected to ensure the protection of proprietary City and customer information accessible from their home office. Steps include the use of locked file cabinets and desks, regular password maintenance, and any other measures appropriate for the job and the environment.

F. SAFETY

1. Employees are expected to maintain their home workspace in a safe manner, free from safety hazards. The HR Department will provide each telecommuter with a safety checklist that must be completed and returned to the HR department.
2. Injuries sustained by the employee in a home office location and in conjunction with his or her regular work duties are normally covered by the City's workers' compensation policy. Telecommuting employees are responsible for notifying the employer of such injuries as soon as practicable. The employee is liable for any injuries sustained by visitors to his or her home worksite. The employee should not conduct any in-person business in their home worksite.

G. TIME WORKED

1. Telecommuting employees who are not exempt from the overtime requirements of the FLSA will be required to accurately record all hours worked.
2. Hours worked in excess of those scheduled per day and per workweek require the advance approval of the telecommuter's Supervisor. Failure to comply with this requirement may result in progressive disciplinary action and/or the immediate termination of the telecommuting agreement.
3. Non-exempt employees should work their regularly scheduled hours unless otherwise instructed through the telecommuting arrangement.
4. Non-exempt employees should not work during any unpaid meal breaks and time spent reading and/or responding to emails constitutes work time.

H. ARRANGEMENTS

1. Temporary telecommuting arrangements may be approved for circumstances such as public health or national disaster, inclement weather, special projects or business travel. These arrangements are approved on an as-needed basis only, with no expectation of ongoing continuance.
2. Other informal, short-term arrangements may be made for employees on family or medical leave to the extent practical for the employee and the organization and with the consent of the employee's health care provider, if appropriate.
All informal telecommuting arrangements are made on a case-by-case basis, focusing first on the business needs of the organization.

I. TECHNOLOGY RESOURCES

Here's a few of the City-wide technology resources for telework:

1. City of Oak Harbor Website: <https://www.oakharbor.gov/>
2. Office 365: <https://www.office.com/>
3. NEOGOV: <https://login.neogov.com/>
4. CivicPlus: <https://oakharborwa.v8.civicclerk.com/MyClerk>
5. OneDrive:
 - a. <https://support.office.com/en-us/article/Collaborate-in-OneDrive-for-Business-586df57b-fdae-439c-ae5b-71cbe5bb0d4c>
 - b. <https://support.office.com/en-us/article/OneDrive-video-training-1f608184-b7e6-43ca-8753-2ff679203132>
6. Ring Central: login.ringcentral.com
 - a. For resources: https://support.ringcentral.com/s/?language=en_US, there are "Guides and Videos" and "Resources" for telework.
 - b. Feature for 'always on' video or chat interactions, conference calls and virtual meetings.
 - c. Join from PC, Mac, Linux, iOS, Android, Telephone and International numbers available
7. YouTube: <https://www.youtube.com/cityof oakharbor>
 - a. Recorded City Council meetings and Boards & Commissions
8. Go-to-Meeting, Skype, Zoom: Features for teams to get together from a distance and video conferencing for interviews.
9. Social Media Sites:
 - a. <https://www.facebook.com/OakHarbor/>
 - b. <https://www.linkedin.com/company/city-of-oak-harbor-wa>
 - c. Instagram
 - d. X (formerly Twitter)

J. FORMS

1. [Checklist to Determine Appropriateness for Telework](#)
2. [Temporary Telecommuting Arrangements Agreement](#)

K. REFERENCES

1. [Comprehensive Emergency Management Plan \(CEMP\)](#)

BENEFITS AND INSURANCE

5.01 HEALTH AND WELFARE BENEFITS

A. POLICY

The City of Oak Harbor provides a comprehensive benefits package to employees, subject to eligibility requirements. Benefits generally include insurance coverage for medical, dental and vision, as well as an Employee Assistance Program (EAP), life and disability insurance and a flexible spending account under which employees can take pre-tax deductions for health care and dependent care expenses. The benefit programs and eligibility information is provided through the Association of Washington Cities (AWC) Employee Benefit Trust. Complete information about the benefit programs will be provided during orientation with HR. For any questions regarding benefit programs, please see HR. Represented employees should also refer to their union contract for health insurance and other information. (OHMC 2.34.085)

Benefit programs, coverages and cost-sharing are subject to change from time to time based on annual trends, data, and insurance market conditions, City resources and changes in applicable labor laws. The City's participation with AWC insures quality benefit programs and insurance services provided in an efficient and cost-effective manner. The City reserves the right to modify, amend, or terminate its health and welfare benefits as they apply to all current, former, and retired employees.

The current benefits provided by the City to regular employees as they exist now on the effective date of this EPM update are:

- Medical insurance, premium paid 100% and 90% premium paid for spouse and dependent children.
- Dental insurance, premium paid 100% and 90% premium paid for spouse and dependent children.
- Vision insurance, premium paid 100% and 100% premium paid for spouse and dependent children.
- Standard Insurance life insurance policy of \$50,000 paid for employee only.
- Enrollment in DRS retirement system.

Voluntary benefit options as they exist now on the effective date of this EPM update are:

- Self-paid individual and/or family supplemental insurance coverage for short-term disability, cancer care, critical illness and more through Aflac or Colonial.
- Pre-tax deductions for unreimbursed medical expenses and/or dependent day care
- Additional self-paid voluntary group life insurance
- Self-paid enrollment in choice of two (2) Deferred Compensation Plans (DCP).
- Health Savings Account (HSA) with enrollment in the high deductible health plan.

B. ELIGIBILITY

1. Employee Requirements for Eligibility. Employees are eligible for coverage the first of that month if their hire date is the first day or first working day of the month. If an employee hire date is after the first working day of the month, then the employee's insurance is effective the first of the month following date of hire. All regular employees working a minimum of twenty (20) hours per week are eligible to participate.

2. Benefits Eligibility for Regular Part-Time Employees. Employees who work twenty (20) hours per week are eligible for employee health care coverage, but must pay for spouse, domestic partner and dependent health care coverage. Employees who work thirty-two (32) hours a week or more but less than forty (40) hours per week on a regular basis are eligible for partial payment of spouse, domestic partner and dependent health care coverage.

3. Coverage for Spouses, Domestic Partners and Dependents. Dependent coverage is available on AWC Trust sponsored health plans subject to cost-sharing. Dependent verification documentation is required for enrollment. Participation eligibility criteria for dependents up to age 26, loss of other coverage, stepchildren, new spouses, state registered domestic partners, newborns and adopted children is available through HR and AWC.

a. Employees who want to obtain coverage for a spouse or state registered domestic partner will need to complete an Affidavit of Marriage or Domestic Partnership form. Employees should contact HR for appropriate forms.

4. Dependents. Children of full-time employees up to age 26 (including the entire calendar month in which a child turns age 26). Includes biological and adopted children, stepchildren and foster children. Also includes spouses and domestic partners. Dependents of regular full-time employees are eligible for health coverage.

5. Elected Official Participation Criteria. For AWC, a minimum of 50% of all elected officials must be enrolled on a Trust-sponsored medical plan.

6. Termination of Benefits. Employee's health benefit insurance coverage terminates the first of the month following the date of termination/date of retirement.

C. EMPLOYEE ASSISTANCE PROGRAM (EAP)

Employees will be provided with an EAP brochure that provides information on services offered and contact information. All employees are encouraged to use this program as well as local community resources. The EAP Assessment Counselor can aid the employee in determining what benefits are covered by insurance or available based on a "sliding fee" basis. If an employee requires in-patient treatment for substance abuse or other problem, the EAP Assessment Counselor will work with the employee and the City to arrange for benefit coverage, use of leave, treatment and possible return to work.

Voluntary use of the EAP by any employee prior to the initiation of performance counseling or disciplinary action, or who is referred to the program by a Department Director, will not be reflected in the employee's personnel file, nor will the use in any way affect promotions or assignments, provided the employee has demonstrated compliance with any treatment and return to work plans.

No employee who is ordered for assessment and requires in-patient treatment of any kind will be allowed to return to work without first signing and abiding by the conditions of a "Reinstatement Agreement". The City requires written documentation of successful attendance and completion of any approved follow-up program. All documentation of this nature will be treated as confidential.

D. PROCEDURE

The City-wide Health Coverage policy which is kept by HR, identifies and provides guidelines in accordance with the Employer Shared Responsibility provisions of the Patient Protection and Affordable Care Act, as amended (PPACA).

The Patient Protection and Affordable Care Act (PPACA) includes:

1. Health Coverage
2. Benefit Definitions and Classifications
3. Work Hours Limitations
4. Measurement and Administrative Periods – Initial Periods
5. Measurement and Administrative Periods – Standards Periods
6. Measurement and Administrative Periods – Overlapping Initial and Standards Periods
7. Rules Concerning Eligibility and Enrollment
8. Hours for Paid and Unpaid Leave during Measurement Period
9. Breaks in Service

5.02 COBRA

A. POLICY

In compliance with the federal Consolidated Omnibus Budget Reconciliation Act (COBRA), the City offers continuing group health care coverage on a self-pay basis to employees and/or dependents when a "qualifying event" would normally result in a loss of eligibility. Some common qualifying events are termination (for reasons other than gross misconduct), a reduction in hours affecting coverage, divorce or legal separation, retirement or death. Depending on the qualifying event, continuation coverage may be available for eighteen (18) months or thirty-six (36) months, or until the affected party becomes eligible for other employer-provided health insurance coverage, whichever occurs first. Generally, the full policy premium must be paid by the employee or beneficiary in order to ensure COBRA continuation coverage.

B. PROCEDURE

Employees will be provided with information describing COBRA rights, including eligibility for any subsidy, upon termination or when the City learns that a qualifying event has occurred. For

further information regarding COBRA, if an employee anticipates a change in job or family status that may affect benefits eligibility qualify as a COBRA “event”, please contact HR.

5.03 RETIREMENT BENEFITS

A. POLICY

All City employees in eligible positions are required to participate in the State of Washington’s department of retirement systems (DRS) Public Employee Retirement System (PERS) or Law Enforcement Officers’ and Fire Fighters’ (LEOFF) plan. Eligibility will be reviewed at time of hire and will be reviewed periodically as required.

B. PROCEDURE

Participating employees shall pay any required contributions through payroll deduction. The City shall also make appropriate contributions as required by state law. For additional details or any possible changes to the state retirement system, access the DRS website at www.drs.wa.gov.

In addition to the state retirement systems, the City offers pre-Medicare retiree medical plans and DCP plans.

C. WASHINGTON STATE DEPARTMENT OF RETIREMENT SYSTEMS (DRS)

The separation date is the last day the employee worked or was on an approved leave. To separate from service is to terminate all employment with the City as an employer (WAC 415-02-115). A member is not eligible to retire until the first of the month following the month of separation.

Create an online [account](#) with the DRS to apply for retirement online. DRS encourages all soon-to-be retirees to complete an application online, ideally thirty (30) to ninety (90) days before retirement. Sign-up for an account and request an official benefit estimate to begin the application process. A more detailed checklist of the DRS process is available at [DRS: Retirement Planning Checklist \(drs.wa.gov\)](#).

5.031 HEALTH REIMBURSEMENT ARRANGEMENT / VOLUNTARY EMPLOYEES’ BENEFICIARY ASSOCIATION (HRA VEBA)

A. PURPOSE

The City of Oak Harbor has adopted the Health Reimbursement Arrangement (HRA) plan offered and administered by the Voluntary Employees Beneficiary Association (VEBA) Trust for Public Employees in the Northwest (“Plan”).

B. REFERENCE

1. HRA VEBA: <https://www.hraveba.org/about/>
2. Section 501(c)(9) IRS: <https://www.irs.gov/charities-non-profits/other-non-profits/voluntary-employees-beneficiary-association-501c9>

C. DEFINITION

The Plan is designed with a variety of coverage options to allow for the maximum benefit permitted by applicable law. The City agrees to contribute to the Plan on behalf of all non-represented employees (“Group”) defined as eligible to participate in the Plan, in accordance with Plan and regulatory limitations. The Plan must receive an enrollment file for each eligible employee to become a participant and become eligible for benefits under the Plan.

D. POLICY

Contributions on behalf of each eligible employee (or former employee) shall be based on the following selected funding sources/formulas:

➤ **Sick Leave Contributions – Separation from Service:**

Effective calendar year 2025, there are three (3) defined groups as follows:

1. Those employees **hired before October 20, 1998**, who separate from employment with the City, shall receive payment of any accumulated sick leave at the regular straight-time hourly rate of pay (not including incentives or premiums), based on their years of service during the term hereof. Employer contributions shall include the cash-out value of unused sick leave hours accrued in accordance with the schedule outlined in the City’s Employee Policy Manual (EPM) section 5.15, Oak Harbor Sick Leave (“Employer policy”). Any sick leave contributions available for cash-out upon separation from service will be deposited into the City of Oak Harbor Health Reimbursement Arrangement/Voluntary Employees’ Beneficiary Association (HRA VEBA) in accordance with the schedule outlined in the Employer policy.
2. Those non-represented Fire, HR, or Police-employees **hired after October 20, 1998**, who separate from employment with the City, shall receive payment of any accumulated sick leave at the regular straight-time hourly rate of pay (not including incentives or premiums), based on their years of service during the term hereof. Employer contributions shall include the cash-out value of unused sick leave hours accrued in accordance with the schedule outlined in the City’s Employee Policy Manual (EPM) section 5.15, Oak Harbor Sick Leave (“Employer policy”). Any sick leave contributions available for cash-out upon separation from service will be deposited into the City of Oak Harbor Health Reimbursement Arrangement/Voluntary Employees’ Beneficiary Association (HRA VEBA) in accordance with the schedule outlined in the Employer policy.
3. Police Department Commissioned and Non-Commissioned Unit bargaining employees, who separate from employment Upon retirement, or termination, unused sick leave shall be deposited into a Health Reimbursement Account (HRA) VEBA to employees who separate **after December 31, 2025**, according to the schedule outlined in the Employer policy.

City Employee Policy: HR 5.15 Oak Harbor Sick Leave (OHSL)

| Years of Service | Sick Leave Buy-Out |
|-------------------------|---------------------------|
| After 5 | 10% of accumulated leave |
| After 10 | 25% of accumulated leave |
| After 15 | 35% of accumulated leave |
| After 20 | 45% of accumulated leave |
| After 25 | 50% of accumulated leave |
| After 30 | 60% of accumulated leave |

- The HR Director will review the defined Policy and update it as needed annually to align with any new or revised changes for open enrollment.

E. PROCEDURE

At the time of separation from employment from the City, the funds from accrued sick leave contributions cashed-out at the regular straight-time hourly rate of pay based on the years of service will be sent directly to the HRA VEBA Third-Party Administrator (TPA) by the City. Upon receipt of the funds, the TPA will confirm the deposit and send a welcome packet including a Claim Form and a Plan Summary to the employee.

F. RESPONSIBILITIES AND RULES

The HR Director is authorized to execute documents and establish procedures consistent with Plan and Trust provisions and applicable Employer policies and collective bargaining agreements necessary to affect the adoption and administration of the Plan. The HR Director will review and update the defined groups as needed annually to align with any changes for annual health insurance open enrollment.

5.04 OTHER MISCELLANEOUS BENEFITS

A. POLICY

To enhance the employment experience with the City, the City will consistently strive to make available a range of benefits and incentive programs for employees, such as additional life insurance, supplemental insurance (e.g., long-term disability), continuing education and wellness programs.

B. PROCEDURE

Information regarding programs currently being offered by the City can be found in Appendices "C" and "D" of this Manual. Information regarding the terms and availability of these programs

will be updated from time to time. Please see HR to confirm the most current information regarding available programs.

C. LIABILITY INSURANCE

The City agrees to cover employees of the City on the City's liability insurance policies for acts, errors, or omissions within the scope of employment. All such liability insurance coverage shall be provided at the City's sole cost and expense.

D. HOLD HARMLESS

The City of Oak Harbor agrees to hold harmless and indemnify the employees of the City from all costs, risk or liability associated with or arising out of acts or failures to act which are performed within the scope of their employment including the reasonable cost of legal defense by counsel appointed by the City or its insurance carrier, as applicable. This promise to indemnify shall exclude criminal acts and acts or failure to act which would constitute an intentional tort or intentional wrongdoing knowingly committed without the express direction of the Mayor and/or City Administrator or City Council of the City of Oak Harbor. This promise to hold harmless and indemnify shall survive beyond employment with the City of Oak Harbor in order that employees shall be held harmless, indemnified, and defended in the future for all acts taken as an employee of the City subject to the limitations contained herein.

5.05 WORKERS' COMPENSATION INSURANCE

A. POLICY

All eligible employees are covered by the state workers' compensation insurance program through Washington State Department of Labor and Industries (L&I). For qualifying cases, state L&I will pay the employee for workdays lost and medical costs due to job-related injuries or illness.

B. PROCEDURE

All job-related accidents or illnesses should be reported immediately to the employee's Supervisor and to HR. The employee's Supervisor should also report the matter to HR. The Supervisor shall direct the employee to seek medical treatment if the injury involves symptoms greater than minor or transient pain, cuts, or bruises. Employees must file a claim for worker's compensation benefits whenever the injury or illness involves time off from work of one (1) or more days, or the employee receives or may seek medical care.

C. COORDINATION OF BENEFITS

Unless otherwise required by law or contract, the process for worker's compensation time loss payment/reimbursement will be as follows.

1. If the job-related injury or illness requires the employee to be absent from work, and the employee has a pending application for time loss benefits, at the employee's request the City will continue to pay the regular salary of the employee (i.e. advanced salary) by

deducting leave from the employee's accrued sick leave balance. If the employee has no accrued sick leave, the employee may choose instead to have the deductions made from their accrued vacation leave or accrued compensatory leave balances.

2. Once an employee's application for time loss benefits is granted, the employee must notify HR to confirm their preference for handling their advanced salary in a timely manner to ensure proper processing.
 - a. If an employee was provided an advanced salary, the employee must repay the City the previously advanced salary, at which time the City will restore the employee's leave balances for the sick leave, vacation leave, or compensatory leave that was used while the employee's application was pending.
 - b. If an employee did not have any accrued leave to provide an advanced salary, then the employee may choose to retain the time loss check.
 - c. An employee should not receive more pay than they would have received had the injury or illness not occurred.
3. The purpose of this policy is to ensure that the employee receives prompt, regular pay during periods of work-related injury or illness, provided that the employee has accrued leave available. The policy also ensures that the employee does not receive more pay than they would have received had the injury or illness not occurred.
4. Failure or refusal by the employee to notify the City of an overpayment of compensation (i.e., receiving more compensation from both the City and from Labor & Industries than the employee would have received if there were no work-related injury or illness), or the failure/refusal to promptly repay the City once the application for time loss benefits is granted, may be grounds for discipline up to and including termination.

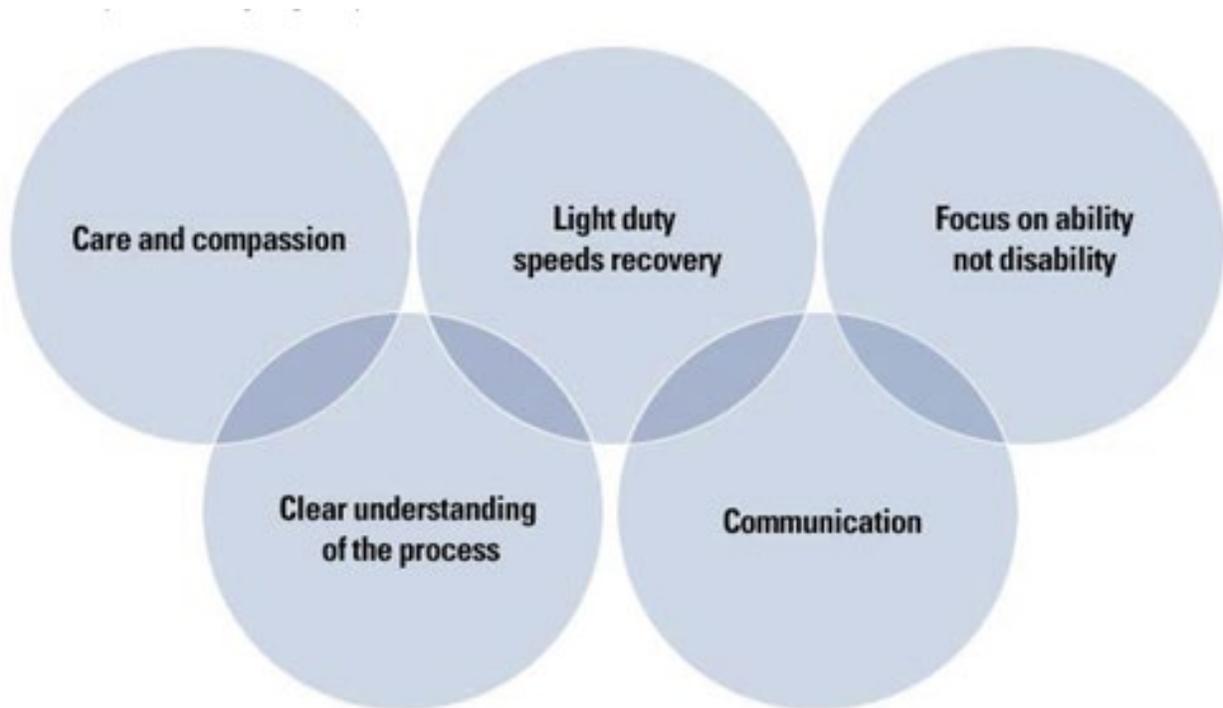
D. CONTINUATION OF INSURANCE COVERAGE

An employee on continuous leave and receiving Worker's Compensation benefits will continue to accrue vacation leave and sick leave for up to six (6) months from the first date of injury. The City will also continue for six (6) months from the first date of injury to pay the employer's portion of the employee's health insurance premiums, provided the employee continues to pay their share of premiums, if any. The employee may continue receiving health care benefits by self-paying the entire cost of the insurance premiums for the remainder of the time they're on protected leave and receiving Worker's Compensation benefits.

E. RETURN TO WORK

In the event of an injury, the City will coordinate with the attending medical care provider to return the injured employee to work as soon as is medically possible. The City will comply fully with its obligation to reasonably accommodate employees with disabilities, including temporary reassignment to light duty tasks (if available), in consultation with the employee's medical care provider while the injured employee is recovering.

The City may require an employee to submit to a City-paid medical examination performed by a physician selected by the City, to determine if an employee can return to work and whether the employee is or will be capable of performing the essential duties of the position. The City is committed to return-to-work best practices and will do everything possible to help our employees return to work as quickly and safely as possible with reasonable accommodations.



F. STAY AT WORK (SAW) OR PREFERRED WORKER PROGRAM

The City is part of the Association of Washington Cities (AWC) Retro pooling program for return-to-work incentives. L&I's Stay at Work Program can reimburse the City for wage or expense costs when temporary or light-duty jobs are provided to employees while they heal. L&I's Preferred Worker Program enables the City to receive financial incentives when the City provides light duty, modified, or transitional work for an injured employee or when the City hires a preferred worker for a medically-approved, long-term job.

AWC's workers' comp retro claims staff identify workers who have been released with restrictions, generally by finding an Activity Prescription Form (APF) in the L&I claim file. The APF is sent to the City for review and decision on whether or not the restrictions can be accommodated by modifying the worker's job of injury or placing them in a different job, with different duties. A job description for the proposed duties is requested by AWC to be sent to the worker's doctor for review and approval. SAW reimbursements are generally made 6-8 weeks after the application is submitted by AWC Workers' Comp Retro claims staff.

G. TRANSITIONAL WORK PROGRAM (LIGHT OR MODIFIED DUTY)

For City employees to benefit from the Stay at Work Program, it's important for employees and leaders to work together to plan ahead, be flexible, collaborate, educate, and be safe in providing transitional work through light or modified duty assignment.

1. Plan ahead. Think about temporary light duty assignments and create job descriptions for them.
2. Be flexible. Adjustments may be needed and may include reduced hours or special tools; create a position or assignment that utilizes strengths and abilities.
3. Collaborate. Proactively inform HR of any Activity Prescription Form (APF) restrictions whether new or updated to promote the stay at work program.
4. Educate. Share why light duty is important in getting an employee back to work safely and quickly to benefit their recovery.
5. Be safe. Take measures to remedy any issues that led to the initial injury. Ensure that employees are not pushed beyond their limits, leading to additional injuries. Follow all medical advice when determining what is appropriate.

Throughout a transitional return-to-work assignment, work tolerance and progress should be monitored, and required healthcare provider certifications should be submitted to Human Resources every 30-45 days. If the transitional return-to-work assignment is not medically/physically tolerated and this is confirmed by the medical provider, it can be discontinued and re-evaluated. The transitional return-to-work assignment should not exceed ninety (90) days. If an employee is unable to return to full duty without any restrictions after ninety (90) days, a transitional work assignment will be re-evaluated and the City may terminate the assignment. If an employee is able to return to full duty without any restrictions before ninety (90) days, the transitional work assignment will terminate. If an employee has permanent restrictions that result in an inability to perform the essential functions of the position, the provisions of the Americans with Disabilities Act and/or other applicable laws will be used to determine suitability for employment.

An employee would be entitled to use either 30, 60, or 90 calendar days of transitional duty during a 365-day period. If recovery enabling full-duty status is not achieved within this time frame, then an employee may apply for Workers' Comp or long-term disability after the 90 days and may be eligible for a period of leave without pay based on their years of service.

5.06 FAMILY AND MEDICAL LEAVE ACT (FMLA)

A. POLICY

Recognizing the importance of family and out of concern for the wellbeing of its employees, the City of Oak Harbor family and medical leave program enables employees to take time off, under certain conditions, for health reasons or to care for family members. This policy shall be administered in accordance with the federal FMLA and the State Family Leave Act (FLA) (RCW 49.78). Nothing in this policy affects or supersedes any federal or state law or collective bargaining agreement that may provide greater entitlements to medical or family leave than those set forth in this policy.

The City-wide FMLA policy which is kept by the HR Department, identifies and provides guidelines regarding the FMLA.

B. ELIGIBILITY

This family and medical leave policy shall apply to regular employees who have been employed by the City at least twelve (12) months and have worked at least one thousand two hundred and fifty (1,250) hours in the preceding twelve (12) months.

C. LEAVE ENTITLEMENT

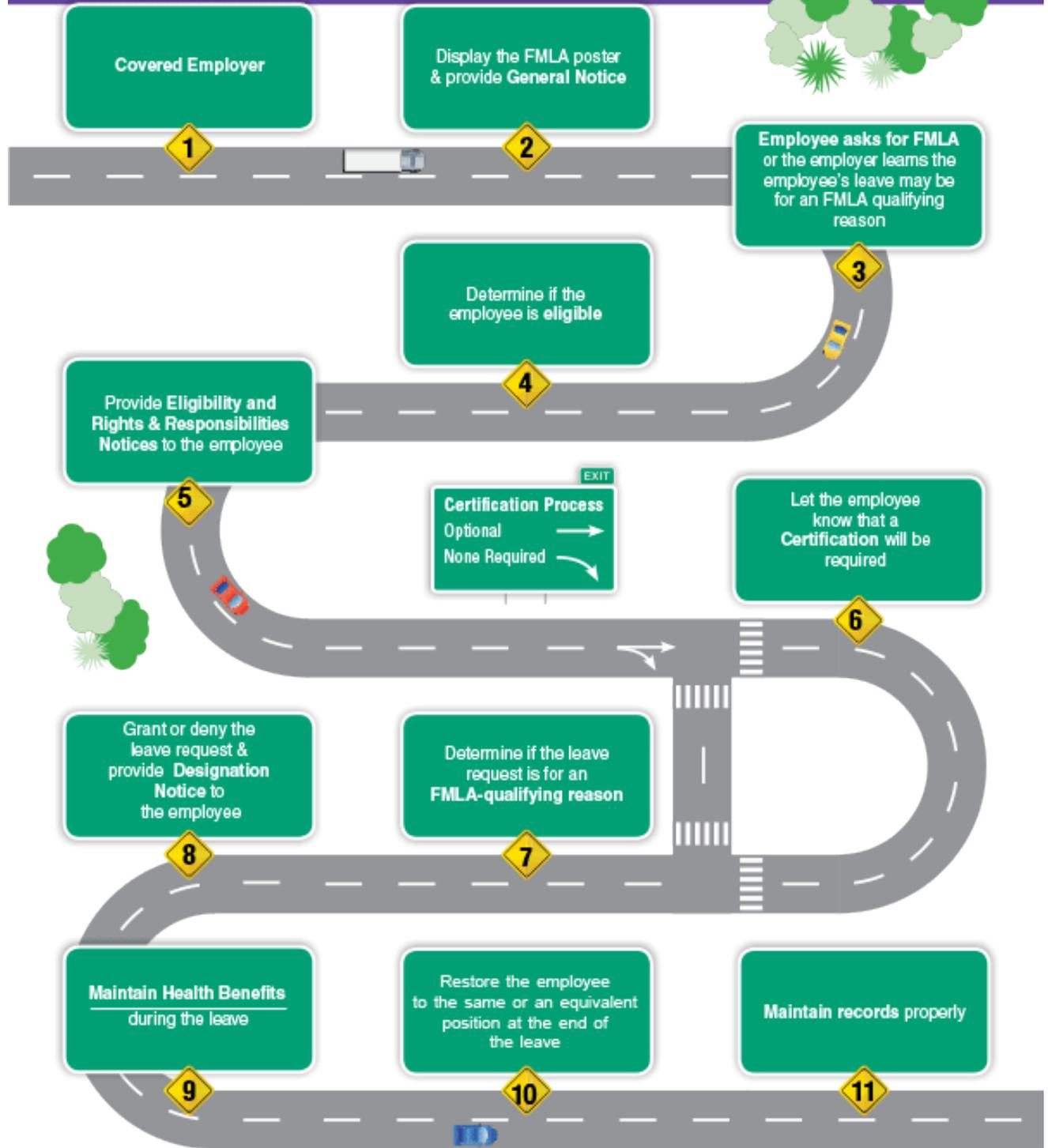
An eligible employee may request up to twelve (12) weeks of FMLA leave per “leave year” equivalent to four hundred-eight hours (480). The City defines a leave year as the rolling twelve (12) month period measured backward from the date an employee uses any FMLA leave. FMLA leave may be used for the following reasons:

1. To care for the employee’s child upon birth, or to care for a child upon the child’s placement with the employee for adoption or foster care; or
2. To care for a spouse, child or parent who has a serious health condition; or
3. To care for self, if the employee has a serious health condition that makes the employee unable to perform the essential functions of the position (including incapacity due to pregnancy, prenatal care or childbirth); or
4. For a “qualifying exigency” arising out of the fact that the employee’s spouse, son, daughter or parent is a covered military member who is on active duty, or has been notified of an impending call to active duty in support of a contingency operation. Covered military members are members of the National Guard or Reserves, and certain retired military service personnel, who have been called to active duty or notified of an impending call to active duty. Qualifying exigencies are generally activities related to the active duty or call to duty, including attending certain military events, arranging for alternative child care, addressing certain financial and legal arrangements, attending certain counseling sessions and attending post-deployment reintegration debriefings.

FMLA leave for birth or placement for adoption or foster care must conclude within twelve (12) months of the birth or placement. In addition, spouses employed by the City are jointly entitled to a combined leave of twelve (12) workweeks of family leave for the birth or placement of a child for adoption or foster care, or to care for a parent with a serious health condition. Each spouse is, however, eligible for the full twelve (12) weeks of leave in the twelve (12) month leave period to care for a child or spouse with a serious health condition, or for either employee’s own serious health condition.



THE EMPLOYER'S ROAD MAP TO THE FMLA



Source: [Department of Labor: "Employer's Guide to the Family and Medical Leave Act"](#)

D. MILITARY CAREGIVER FMLA ENTITLEMENT

An eligible employee may also take up to twenty-six (26) weeks of leave during a single twelve (12) month period to care for an injured service member who is the employee's spouse, parent, child or next of kin (a person's closest living relative through blood or legal relationships). A covered service member is a current member of the Armed Forces, including National Guard or Reserves members, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform their duties for which the service member is undergoing medical treatment, recuperation or therapy; or is in outpatient status; or is on the temporary disability retired list. For purposes of this kind of leave, the twelve (12) month period begins with the first day the employee takes leave. The combined total leave for all purposes described in this policy may not exceed twenty-six (26) weeks in the applicable leave year.

E. SERIOUS HEALTH CONDITION

A serious health condition is an illness, injury, impairment or physical or mental condition that involves:

1. Any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice or residential care facility;
2. A period of incapacity of more than three (3) full, consecutive calendar days from work, school, or other regular daily activity that also involves continuing treatment by (or under the supervision of) a health care provider;
3. A period of incapacity due to pregnancy or for prenatal care;
4. A period of incapacity or treatment due to a chronic serious health condition, for a permanent or long-term condition for which treatment may not be effective, or to receive multiple treatments for restorative surgery after an accident or injury for a condition that would likely result in an incapacity of more than three (3) full, consecutive calendar days in the absence of medical treatment (e.g., chemotherapy for cancer or dialysis for kidney disease).

F. INTERMITTENT OR REDUCED WORK SCHEDULE

In certain circumstances, eligible employees may take FMLA intermittently (for example, in smaller blocks of time) or by reducing their work schedule. If the FMLA leave is because of the employee's own serious health condition or to care for a family member, the employee may take the leave intermittently or on a reduced work schedule if it is medically necessary. Eligible employees may also take FMLA leave on an intermittent or reduced schedule basis when necessary because of a qualifying exigency arising from a family member's military service. If FMLA leave is to care for a child after the birth or placement for adoption or foster care, employees may take their FMLA leave intermittently or on a reduced work schedule only with the City's permission. Where intermittent leave or reduced-schedule leave is needed for planned medical treatment, an employee must make a reasonable effort to schedule the treatment so as

not to disrupt unduly the City's operations. Where an employee needs intermittent or reduced-schedule leave based on planned medical treatment, the City may transfer the employee to an alternative position with equivalent pay and benefits that can better accommodate such recurring leave.

G. NOTICE AND CERTIFICATION

Employees who want to take FMLA ordinarily must provide their leader and HR with at least thirty (30) days' notice of the need for leave, if the need for leave is foreseeable. If thirty (30) days' advance notice is not possible, notice must be provided as soon as practicable (which is generally the same day or next business day after the need for leave becomes known). Absent unusual circumstances, employees are required to follow the City's regular procedural requirements when requesting FMLA leave. When requesting leave, employees must provide sufficient information for the City to determine whether the leave may be FMLA-qualifying, and the anticipated timing and duration of requested leave. Employees must also inform the City if the requested leave is for a reason for which FMLA leave was previously taken or certified.

When leave is requested in connection with a planned medical treatment, the employee must make a reasonable effort to schedule treatment in order to prevent disruptions to the City's operations.

In addition, employees who need leave, for their own or a family member's serious health condition, must provide medical certification from a health care provider of the serious health condition. The City may require a second or third opinion (at the City's expense), periodic recertification of the serious health condition and, when the leave is for an employee's own serious health condition, a certification that the employee is fit to return to work. Employees who need leave for a qualifying exigency arising from a family member's military leave must provide a certification confirming the need for leave.

The City may delay leave to employees who do not provide proper advance notice of the foreseeable need for leave. The City also may delay or deny approval of leave for lack of proper medical certification.

Please contact HR to obtain forms relating to FMLA leave requests.

H. CONTINUATION OF PAY AND BENEFITS

FMLA leave is unpaid leave. However, employees are required to use any accrued leave available to them as part of their twelve (12) weeks of FMLA leave. Determination of applicability of accrued leave time or leave without pay to be used during an FMLA leave of absence will be made by HR and communicated to the employee as soon as possible following receipt of the leave request.

During all leave under this family and medical leave policy, the City will continue to pay the employer's portion of health care insurance premiums, provided that the employee continues to pay their share of insurance premiums, if any. Failure of the employee to pay their portion of the premium may result in cancellation of health insurance. If an employee fails to return to work at the end of the leave, the employee may be responsible to pay back the City for the employer

portion of the health insurance premiums. Leaves such as vacation and sick leave will continue to accrue during paid leave. If an unpaid leave extends more than half (1/2) a month, vacation, holiday and sick leave will not be accrued.

I. JOB RESTORATION UPON RETURN FROM LEAVE

Upon return from family and medical leave, an employee will be entitled to return to the employee's former position or a position with equivalent pay, benefits and conditions of employment, unless unusual circumstances have arisen (i.e., the employee's position or shift was eliminated for reasons unrelated to the leave). If the employee chooses not to return to work for any reason, the employee should notify the City as soon as possible.

J. LEAVE FOR PREGNANCY DISABILITY AND TO CARE FOR A NEWBORN

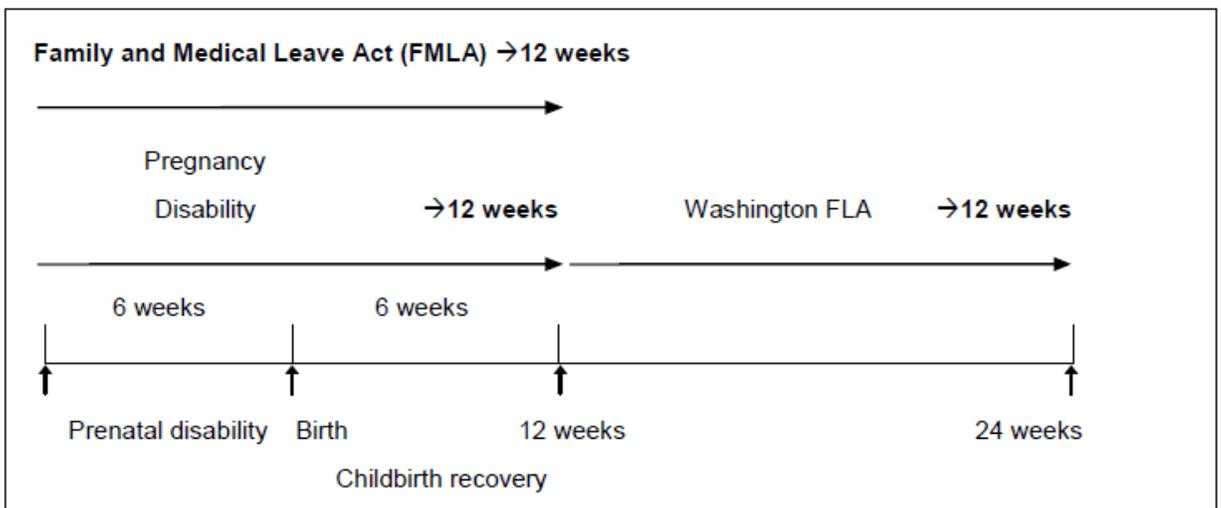
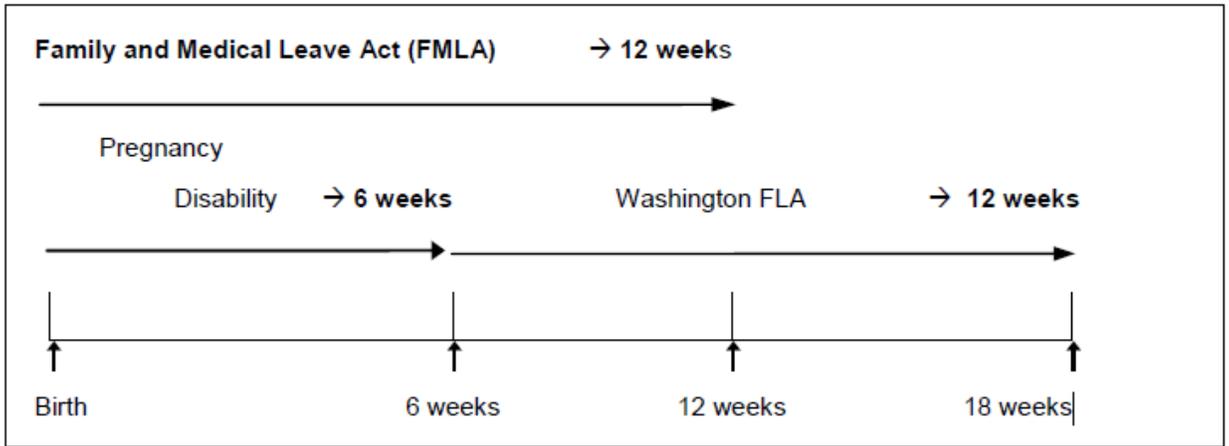
In addition to leave under the federal FMLA described above, state law provides certain additional leave rights in connection with pregnancy-related disability and to care for a newborn. Regardless of whether an employee is eligible for FMLA leave, she is entitled to Pregnancy Disability leave for a period of time that she is temporarily disabled because of pregnancy or childbirth. Medical certification may be required to confirm the need for leave. If the employee is eligible for FMLA leave, the Pregnancy Disability leave will run concurrently with FMLA leave. Pregnancy Disability leave is unpaid and health benefits are not automatically continued (unless the employee is also eligible for FMLA leave); however, accrued leave may be used and the employee may continue insurance coverages at her expense.

K. THE WASHINGTON FAMILY LEAVE ACT (FLA)

FLA provides certain additional leave benefits to care for a newborn. The FLA largely mirrors the FMLA, with the same eligibility standards and entitlements to twelve (12) weeks of leave for family and medical reasons. In most situations, leave under the FLA runs concurrently with FMLA leave and employees should follow the procedures described above for both FMLA and FLA leave. FLA differs from FMLA leave only in the following respects:

1. FLA leave does not run concurrently with any leave taken for Pregnancy Disability leave; this affords an employee up to twelve (12) weeks of additional time off to care for her newborn once she has recovered from the Pregnancy Disability.
2. The FLA does not provide leave for military exigencies or for military caregivers. Where such military-related leave is taken under the FMLA, it will not count against the twelve (12) week leave entitlement available under the FLA.
3. Continuation of employer-paid health insurance is not required during FLA leave. Thus, during leave that is covered only by FLA and not FMLA, health insurance will not be automatically continued unless the employee elects continuation coverage at their expense.

For more information on any of these leave policies, or to take Family Medical Leave, please contact HR. Here are a couple example scenarios:



5.061 PAID FAMILY AND MEDICAL LEAVE (PFML)

A. POLICY

Eligible employees are covered by Washington’s Paid Family and Medical Leave Program (WAPFML or PFML), RCW 50A.04. Eligibility for leave and benefits are established by Washington law and is therefore independent of this policy manual. Premiums for benefits are established by law and will total four-tenths of one percent (0.4%) of employees’ gross pay (unless otherwise limited by action of the State). Effective January 1, 2026, employees must work a minimum of at least one hundred eighty (180) days for their current employer to be eligible to qualify for protection, and there is a seven (7) day waiting period.

B. PROCEDURE

As determined under RCW 50A.04.115, employees will pay the premium through payroll deduction and the City will pay the remaining premium. When an employee files for leave with the State for PFML, the employee must report leave without pay for those same dates with the City to prevent double compensation earned. An employee is not able to supplement their leave by combining State PFML with City accrued leave, an employee is either on the State leave or using

the City leave but an employee is not able to use both at the same time for the same dates. The minimum claim duration payment under PFML is four (4) hours of consecutive leave.

C. ASSISTANCE

The Employment Security Department PFML Ombuds office is available to help people understand how to navigate the PFML insurance program and assist in solving problems. Find more information about the PFML Ombuds at: paidleaveombuds.wa.gov.

5.07 DOMESTIC VIOLENCE/SEXUAL ASSAULT LEAVE

A. POLICY

In compliance with Washington law, the City will authorize leave for employees who are victims of domestic violence, sexual assault, stalking, or for employees with a family member (child, spouse, registered domestic partner, parent, parent-in-law, grandparent, or person with whom the employee has a dating relationship) who is a victim of domestic violence, sexual assault, or stalking (RCW 49.76). A reasonable amount of leave will be provided, and this leave may be taken in blocks, intermittently, or on a reduced leave schedule. Domestic violence/sexual assault leave is unpaid, although an employee may elect to use the employee's accrued paid leave (e.g., vacation or sick leave) in connection with such leave.

B. ELIGIBILITY

1. To seek law enforcement or legal assistance or to prepare for or participate in any legal proceeding related to domestic violence, sexual assault, or stalking;
2. To seek health care treatment for physical or mental injuries from domestic violence, sexual assault, or stalking, or attend to such health care treatment for a family member;
3. To obtain (or assist a family member in obtaining) services from a domestic violence shelter, rape crisis center, or other social services;
4. To obtain (or assist a family member in obtaining) mental health counseling related to domestic violence, sexual assault, or stalking; or
5. To participate in safety planning, to temporarily or permanently relocate, or to take other actions to increase the safety of the employee or family member relating to domestic violence, sexual assault, or stalking.

C. PROCEDURE

When possible, employees must give advance notice of the intention to take leave. If advance notice is not possible, employees (or their designees) must give notice of the need for this leave no later than the end of the first day the employee takes the leave. The City may require verification to support the need for the leave. Except where disclosure is authorized or required by law, or where an employee authorized disclosure of certain information, the City will

maintain confidentiality of all information provided by the employee in conjunction with Domestic Violence/Sexual Assault Leave.

5.08 UNPAID HOLIDAYS FOR REASONS OF FAITH OR CONSCIENCE (RELIGIOUS LEAVE)

A. POLICY

Employees are entitled to two (2) unpaid holidays per calendar year for a reason of faith or conscience or an organized activity conducted under the auspices of a religious denomination, church, or religious organization.

B. PROCEDURE

The employee may select the days on which he or she desires to take the two (2) unpaid holidays after consultation with their Supervisor. If an employee prefers to take the two (2) unpaid holidays on specific days, then the employee will be allowed to take the unpaid holidays on the days he or she has selected unless the absence would unduly disrupt operations, impose an undue hardship, or the employee is necessary to maintain public safety. The term “undue hardship” has the meaning contained in the rule established by the [Office of Financial Management \(OFM\)](#).

An employee should submit a written request for an unpaid holiday provided for by this section to the employee’s Supervisor a minimum of two (2) weeks prior to the requested day. Approval of the unpaid holiday shall not be deemed approved unless it has been authorized in writing by the employee’s Supervisor. The employee’s Supervisor shall evaluate requests by considering the desires of the employee, scheduled work, anticipated peak workloads, response to unexpected emergencies, the availability, if any, of a qualified substitute, and consideration of the meaning of “undue hardship” developed by rule of the OFM.

The written request approval of an unpaid holiday must be submitted to Payroll with the applicable timesheet or included as part of a leave request. The two (2) unpaid holidays allowed by this section must be taken during the calendar year, if at all; they do not carry over from one year to the next.

5.09 OTHER UNPAID LEAVE OR LEAVE WITHOUT PAY

A. POLICY

Subject to operational and other considerations, the Mayor and/or the City Administrator may grant a leave of absence without pay.

B. PROCEDURE

Any available accrued leave must be exhausted before unpaid leave will be approved. Only in exceptional circumstances will unpaid leave be approved. An example of an absence that may qualify is a prolonged illness or medical condition for which an employee needs reasonable accommodation or a personal family emergency requiring the employee to spend considerable time away from work.

Leave without pay or unpaid leave as an accommodation may be approved with appropriate supporting documentation indicating the need for a continued leave of absence from performing the essential functions of a position.

An employee on approved leave shall be treated in the same manner and with the same consideration as any other employee with regards to coverage and provision available under the City provided medical insurance to the extent that the disability or illness is covered. When an employee is on unpaid leave, all City assets and property may be collected.

5.10 ADMINISTRATIVE LEAVE

A. POLICY

On a case-by-case basis, the Mayor or City Administrator may place an employee on Administrative Leave with or without pay for an indefinite period of time. Administrative leave may be used in the best interest of the City of Oak Harbor, as determined by the Mayor or City Administrator, pending an investigation, to care for personal health and safety, risk/liability concerns, or other administrative proceedings.

B. PROCEDURE

While on paid Administrative Leave all employer contributions to employee benefits will continue and the employee's share shall be provided to maintain benefits in place prior to the employee being placed on Administrative Leave.

Administrative Leave in itself is not a disciplinary action but in some circumstances may be used by the City to investigate a complaint that may lead to disciplinary action. When an employee is placed on paid administrative leave, all City assets and property will be collected. The Department Director is responsible for notifying IT to disable network access and add out-of-office messaging to phones and email.

5.11 BENEFITS DURING LEAVE

A. POLICY

Employees who are on a paid leave of absence shall continue to receive benefits they were entitled to prior to the start of their leave, including the accrual of vacation, sick leave, holidays, retirement and health insurance benefits.

B. PROCEDURE

An employee's benefits (including health insurance and leave accruals) will be suspended during any period of unpaid leave that extends longer than half (1/2) a month. In certain cases, self-payment of insurance premiums may apply (see COBRA information).

5.12 JURY DUTY

A. POLICY

Employees who are required by law to render jury service will be granted time off with pay for up to two (2) weeks each time they are called for jury service. In general, if the jury duty extends beyond two (2) weeks, the additional leave will be unpaid. Exempt salaried employees who are asked to serve longer than two (2) weeks should contact the City Administrator to discuss if further paid leave will be provided.

B. PROCEDURE

Employees should notify their Supervisor as soon as possible after receipt of a juror summons so that operational adjustments can be made as needed during the employee's absence. A copy of the juror summons to confirm if the assigned juror number was called or if the employee had to attend in-person for selection must be provided with an employee's timesheet indicating jury duty leave for that month. If an employee is summoned for jury service during a critical work period, the City may ask the employee to request a waiver from duty. In such cases, the City will provide documentation supporting the waiver request. Employees should contact their Supervisor for instruction if there is a break greater than four (4) hours during jury duty where the employee is not required to report to the court.

C. COMPENSATION

Contact Payroll for any payment from the courts for service during paid jury duty leave for how to proceed with reimbursement to the City, if the employee received paid time off for the jury duty leave from the City. Expense reimbursements such as mileage do not need to be paid to the City.

D. WITNESS DUTY

Employees subpoenaed to testify in court are allowed time off for the period they serve as a witness. In general, witness duty is unpaid unless the City, in a case involving the City, calls the employee as a witness. Employees can use vacation, floating holiday, compensatory time or leave without pay to account for these hours. The salary of exempt employees will continue only for absences of less than a full-day, unless the employee is called as a witness for the City, as noted above.

5.13 MILITARY LEAVE

A. POLICY

Every employee who is a member of the Washington National Guard or of the U.S. Army, Navy, Air Force, Coast Guard or Marine Corps, or of any organized reserve of the United States, will be granted military leave in accordance with state and federal law. Employees who take military leave will have whatever rights to reinstatement, seniority, vacation, layoffs, and compensation as are provided by applicable law.

B. COMPENSATION

Paid Leave of Twenty-One (21) Days Per Year. Under Washington Law, a public employee is entitled to a paid military leave of absence for a period not to exceed twenty-one (21) working days during each year beginning October 1st and ending the following September 30th.

According to guidance from the Attorney General's office, a day is calculated according to the number of days the employee would have worked, but for the military training. Military leave beyond the twenty-one (21) days of paid time off will be unpaid, provided that employees may elect to use accrued vacation, compensatory time or other available paid time off during the period of military leave.

C. PROCEDURE FOR MILITARY LEAVE

Employees should notify their Supervisor as soon as they receive notice of their need to report for military duty, and provide their Supervisor and HR with a copy of their orders with the Military Leave Designation form. The Military Leave Designation form confirms if an employee would like their paid military leave to be applied continuously until it is exhausted. In addition, after an employee exhausts their military leave, an employee must designate their leave using vacation, compensatory time, or personal holiday.

D. LEAVE FOR SPOUSES AND REGISTERED DOMESTIC PARTNERS

During a period of military conflict declared by the President or Congress, an employee who is the spouse or registered domestic partner of a member of the Armed Forces, National Guard or Reserves is entitled to up to fifteen (15) days of unpaid leave while their spouse or domestic partner is on leave from deployment, or before and up to deployment (RCW 49.77). (Family military leave may also be covered under FMLA leave for a qualifying exigency, although an employee need not meet the more stringent FMLA eligibility requirements in order to take the family military leave described in this policy.) The purpose of this leave is to support the families of military personnel serving in military conflicts by permitting them to spend time together before a family member is deployed or while the family member is on leave from a deployment. An employee must work an average of twenty (20) hours per week to be eligible for this family military leave.

E. PROCEDURE FOR FAMILY MILITARY LEAVE

An employee who seeks to take family military leave must provide the City with notice of their intent to take leave within five (5) business days of receiving official notice that the employee's spouse or domestic partner will be on leave or of an impending call to active duty. The employee may substitute any available accrued leave for any part of this family military leave.

5.131 LEAVE FOR CERTAIN EMERGENCY SERVICES PERSONNEL

This policy provides job protection for volunteer firefighters, reserve peace officers, and Civil Air Patrol members if:

- They get called to a fire, an emergency, or an emergency services operation and
- They are asked to remain on the scene by the incident commander, and

- They miss work or are late for work

Violations of the law must be reported within ninety (90) days of occurrence. Volunteer firefighters are only covered if they get called to an emergency call or fire scene while they are away from their jobs ([RCW 49.12.460](#)).

5.14 VACATION

A. POLICY

Full-Time non-represented employees will accrue paid vacation time on a monthly basis with the end of month payroll. The rate of vacation accrual, which may be adjusted from time to time, is set by the biennial salary ordinance. The present rate is set forth below.

| Years of Employment | Monthly Accrual | Vacation Hours Earned | Maximum Accrual of Hours Earned (equivalent to 24 months accrual or 2 years vacation hours earned) |
|--|-----------------|-----------------------|--|
| 0 - 5 years of service (1 st month through month 60) | 8 | 96 hours/year | 192 hours |
| 5 - 10 years of service (month 61 through month 120) | 10 | 120 hours/year | 240 hours |
| 10 - 15 years of service (month 121 through month 180) | 13.33 | 160 hours/year | 320 hours |
| 15 - 20 years (month 181 through month 240) | 15 | 180 hours/year | 360 hours |
| 20 + (month 241 and beyond) | 16.66 | 200 hours/year | 400 hours |

City leaders subject to an employment contract agreement will be initially placed at the rate of vacation accrual equivalent to ten (10) years of service, with a monthly accrual of 13.33 hours. Positions not under an employment contract may, due to market demand and competition for specialized skills, receive an initial bank of forty (40) hours of vacation at the time of hire.

Part-Time non-represented employees who work twenty (20) hours or more per week are eligible to accrue paid vacation on a pro rata basis on their percentage of full-time employment. For example, a part-time employee who regularly works seventy-five percent (75%) of a full-time schedule will accrue vacation hours equal to seventy-five percent (75%) of what a full-time employee would earn. Full-time employees who are on a temporary schedule change to part-time for more than one half (1/2) month will have their vacation accruals adjusted to their part-time percentage. Should a full-time employee be on a temporary schedule change to part-time at less than twenty (20) hours per week for more than one half (1/2) a month, the employee will not be eligible to accrue vacation leave. Part-time employees working less than twenty (20) hours per week and temporary employees do not receive paid vacation.

Maximum Accrual - Full-time non-represented employees may accrue no more than the maximum accrual, according to their years of employment, as set forth in the applicable salary ordinance. Part-time employees who accrue paid vacation on a pro-rated basis may accrue no more than the maximum accrual based on the percentage of their full-time employment. Employees whose vacation balance exceeds the maximum accrual will cease earning vacation benefits until the vacation balance falls below the maximum accrual. Note: Employees are responsible for monitoring their accruals. In extraordinary circumstances, the Mayor and/or City Administrator may grant approval for an employee to carry over the excess accrual. Request for carryover must be pre-approved in writing. In no circumstances may the maximum accrual exceed three (3) years of vacation hours earned.

B. PROCEDURE

Employees are encouraged to use their vacation leave in the year it is earned (OHMC 2.34.100). Each department is encouraged to designate a work-life wellness ambassador to assist staff with planning and scheduling time off in advance. Vacation leave accruals are updated monthly at the end of each month and an employee must have received the accrual before it is available to be used. All vacation leave shall be taken at a time mutually agreeable to the employee and their Supervisor. The City reserves the right to deny requested vacation leave when such leave would interfere with the operations of the City or create an adverse impact on the completion of work.

Employees should submit vacation requests to their Department Director or designee(s) at least two (2) weeks in advance of the requested start date of the leave.

The City will not “advance” employees paid leave before it has been accrued. Accrued but unused vacation will be paid out to an employee upon separation from employment with the City at the regular straight-time hourly rate of pay or the employee may choose to deposit the accrued unused vacation into a DCP.

Upon termination from all City employment, the employee shall be paid a lump sum settlement at the regular straight-time hourly rate of pay (not including incentives or premiums) for the number of days of annual leave accrued and not previously used, not to exceed the maximum accrual. The employee may choose to have the lump sum settlement deposited into a DCP.

C. TRANSFER ACCRUED VACATION TO DEFERRED COMPENSATION

Once per year, non-represented employees may elect to have up to forty (40) hours of their accrued vacation balance that exceeds eighty (80) hours and deposited into a DCP set up through the City. The employee must notify payroll by November 20 of each calendar year to deposit accrued vacation into an employee’s choice of DCP with a December payroll. A minimum accrued vacation balance of eighty (80) hours must be maintained as a result of the hours requested to be deposited.

The once per year limitation, does not apply to retention pay (Section 4.09.F) and does not apply to City leaders subject to an employment agreement with cash-out provisions. A DCP must be opened to participate. Allow at least two (2) pay periods for a DCP account to become active. Contact HR for assistance.

5.15 OAK HARBOR SICK LEAVE (OHSL)

A. POLICY

Full-time regular employees and part-time employees who are regularly scheduled to work twenty (20) hours or more per week will accrue paid OHSL on a monthly basis with the end of month payroll.

For full-time employees' OHSL will be earned at the rate of eight (8) hours per month. Part-time employees who work twenty (20) hours or more per week will accrue sick leave on a pro-rata basis based on their percentage of full-time employment. For example, a part-time employee who regularly works seventy-five percent (75%) of a full-time schedule will accrue six (6) sick leave hours per month (seventy-five percent (75%) of the full-time entitlement of eight (8) hours). OHSL accruals are updated monthly at the end of each month and an employee must have received the accrual before it is available to be used.

Full-time employees who are on a temporary schedule change to part-time for more than one half (1/2) month will have their OHSL accrual adjusted to their part-time percentage. Should a full-time employee be on a temporary schedule change to part-time at less than twenty (20) hours per week for more than one half (1/2) a month, the employee will not accrue OHSL but will accrue Washington Paid Sick Leave (WPSL).

The total accumulation shall be limited to one thousand (1,000) hours.

Following the adoption of this revision of this policy in 2025, non-represented employees whose accruals will be over one thousand (1,000) hours of the next accrual period following the adoption of this revision of this policy, will be allowed to deposit or cash-out the amount in excess of one thousand (1,000) hours following the procedures and years of service maximums contained in Section 515.B within two (2) pay periods following the end of the next accrual period. Action must be taken by affected employees or sick time accumulation in excess of one thousand (1,000) hours will be forfeited.

B. DEPOSIT OR CASH-OUT

1. Active non-represented employees with ten (10) or more years of service may deposit an annual amount of eighty (80) hours of OHSL at fifty percent (50%) value into the employee's choice of DCP or cash-out as a lump-sum payment, one (1) time a year with notification to Payroll. An employee must notify Payroll by November 20th for distribution during December payroll. An employee must maintain a minimum sick leave balance of four hundred (400) hours.
2. Upon separation, employees hired before October 20, 1998 are eligible for a OHSL cash-out at the regular straight-time hourly rate of pay or have chosen to opt-in to deposit the unused sick leave into a Health Reimbursement Account (HRA), subject to the maximum set forth in the following guidelines:

| Years of Service at Separation | Unused OHSL Buy-Out |
|---------------------------------------|----------------------------|
| After 5 | 10% of accumulated leave |
| After 10 | 25% of accumulated leave |
| After 15 | 35% of accumulated leave |
| After 20 | 45% of accumulated leave |
| After 25 | 50% of accumulated leave |
| After 30 | 60% of accumulated leave |

5.151 WASHINGTON PAID SICK LEAVE (WPSL)

A. ACCRUAL

In compliance with the Washington State-Mandated Paid Sick Leave Law as of January 1, 2018, employees on a temporary, seasonal, paid-on-call, or part-time schedule less than twenty (20) hours per week will immediately upon hire begin to accrue WPSL at a rate of one (1) hour for every 40 hours worked, including overtime.

B. WAITING PERIOD AND CARRYOVER

WPSL hours may be used after completion of a 90-day waiting period following date of hire. WPSL hours will be compensated at an employee's regular rate of pay. WPSL hours will not count towards the calculation of overtime. There is no cap on accrual of WPSL, however, employees may only carryover up to forty (40) hours of earned but unused WPSL into the following calendar year.

C. USAGE INCREMENTS

The City cannot require an employee to use more sick leave than they actually need. Employees must be permitted to use sick leave in increments provided by the City payroll system (such as 15 minutes).

D. TREATMENT UPON SEPARATION

If an employee leaves employment and is rehired within twelve (12) months of separation, any accrued, unused WPSL will be reinstated to the employee's WPSL balance. If an employee is rehired within twelve (12) months of separation, the employee will not be required to complete another waiting period to use the accrued WPSL, if the employee met the requirement during the previous period of employment. Additionally, the prior employment should be counted to determine eligibility to use WPSL.

5.152 USE OF SICK LEAVE

A. POLICY

For foreseeable absences, the employee is required to provide notice at least ten (10) days in advance, or as early as practicable. For unforeseeable absences, the employee is required to provide notice as soon as possible before the scheduled start of the shift, unless it is not practicable to do so.

B. USE OF SICK LEAVE

Sick leave may be used for the following purposes:

1. Employee's illness (mental or physical), injury, or health condition, and for preventative care;
2. Employee's care for a family member's illness (mental or physical), injury, or health condition, and for preventative care;
3. Public health closures of City facilities or a dependent's school or care facility;
4. Absences due to domestic violence, sexual assault, or stalking; or
5. For any purpose described in the Family Care policy as set forth below.

C. DOCUMENTATION

For paid sick leave usage over three (3) consecutive workdays, the City may ask the employee for verification from a health care provider that the absence is for an eligible reason as defined above under B. Use of Sick Leave, to be eligible to receive accrued sick leave compensation for the absence. The City will NOT require an explanation about the nature of the condition. Verification requests shall be in accordance with [RCW 49.46.210](#). Verification for domestic violence leave will be pursuant to [WAC 296-135-070](#).

D. NO ADVERSE CONSEQUENCES

The City will not discipline or retaliate against an employee for the lawful use of paid sick leave. For continuous and/or intermittent medical leave, reasonable accommodation including light duty considerations may be available.

5.16 USE OF ACCRUED LEAVE TO CARE FOR SICK FAMILY MEMBER

A. POLICY

Consistent with the Washington State Family Care Act (FCA) (RCW 49.12.265; WAC 296-130), employees may use their choice of any accrued leave (whether vacation, sick leave, comp time, or floating holidays) that they have available for their own use in order to care for their child, spouse, parent, parent-in-law, domestic partner, or grandparent. This policy reflects

requirements for all employees under state law, and therefore represented and non-represented employees alike.

An employee may use available paid time off to care for their child where the child has a serious health condition requiring treatment or supervision, or where the child needs preventative care (such as medical, dental, optical or immunization services).

An employee may use available paid time off when a spouse, domestic partner, parent, parent-in-law, or grandparent has a “serious or emergency health condition”, which are conditions:

1. Requiring an overnight stay in a hospital or other medical-care facility;
2. Resulting in a period of incapacity or treatment or recovery following outpatient care;
3. Involving continuing treatment under the care of a health care services provider that includes any period of incapacity to work or attend to regular daily activities; or
4. Involving an emergency (i.e., demanding immediate action).

B. PROCEDURE

Where the need for family care leave is unexpected, the City understands that advance approval of the use of leave (as required for certain kinds of leave) may not be possible. Employees are required, however, to notify their Supervisor of the need to take time off to care for a family member as soon as the need for leave becomes known. The City reserves the right to require verification or documentation confirming that a family member has or has had a “serious or emergency” health condition when available leave is used to care for that family member.

5.17 MANAGEMENT LEAVE

A. POLICY

Personnel employed in executive, administrative, professional, or certain computer-related capacities generally are exempt from the provisions of the Fair Labor Standards Act (FLSA). Exempt employees are not required to complete hourly time records but must account for daily attendance and attendance exceptions. Exempt employees do not receive overtime compensation. In recognition of responsibilities, duties, and required regular and consistent participation and time commitments outside of the normal work hours, exempt employees may be eligible for management leave.

B. PROCEDURE

The Mayor or City Administrator may approve management leave in the amount of forty (40) hours at the beginning of each calendar year for non-represented exempt employees.

Unused management leave by December 15 of each calendar year will be deposited into an employee’s choice of DCP. Management leave does not carry over to the following year and may be forfeited (IRS Section 457(b)). Upon termination, accrued management leave hours are not

eligible for payout. This section shall not be construed as to circumscribe benefits provided to City leaders subject to an employment agreement.

5.18 HOLIDAYS

A. POLICY

The City provides paid time off for thirteen (13) holidays per year for regular full-time employees and part-time employees regularly scheduled to work twenty (20) hours or more per week. The holidays observed by the City are:

| | |
|--|---|
| New Year's Day | January 1 |
| Martin Luther King, Jr.'s Birthday | 3rd Monday in January |
| President's Day | 3rd Monday in February |
| Memorial Day | Last Monday in May |
| Juneteenth | June 19 |
| Independence Day | July 4 |
| Labor Day | 1st Monday in September |
| Veteran's Day | November 11 |
| Thanksgiving Day | 4th Thursday in November |
| Day after Thanksgiving | 4th Friday in November |
| Christmas Day | December 25 |
| 2 Floating Holidays | See below – maximum 2 per employee based on EPM or CBA, not combined. |
| <i>NOTE: Seasonals and interns are temporary and not eligible for City-provided benefits or floating holidays.</i> | |

B. PROCEDURE

To be eligible for a holiday, an employee must be in a paid status on the regular workdays immediately preceding and immediately following the scheduled holiday. Full-time regular employees will receive holiday pay equivalent to their regularly scheduled hours (8 hrs., 10 hrs., 12 hrs., etc.) for the holiday or may choose to float the holiday to a future date within the current calendar year (unless an alternative approach is established in a written agreement regarding an

alternative work schedule). Part-time regular employees who are regularly scheduled to work twenty (20) hours or more per week will receive holiday pay on a pro-rated basis.

Employees not regularly scheduled to work on an observed holiday may be eligible for a floating holiday.

Temporary or seasonal employees are eligible to receive holiday pay if they are in a paid status on the regular workdays immediately preceding and immediately following the scheduled holiday, however, temporary or seasonal employees are not eligible to receive City-provided floating holidays.

C. FLOATING HOLIDAYS

A floating holiday will be chosen by mutual agreement of an employee and their Supervisor. A floating holiday must be taken in the same calendar year it is earned. Unused floating holidays cannot be carried into the following year and cannot be cashed out at termination.

A regular new employee hired between January 1 and September 30 of the calendar year will be eligible to use floating holidays after their first (1st) day of employment. A regular new employee hired on October 1 or after of the calendar year will not be eligible for any floating holidays until January 1 or the new calendar year.

D. OTHER HOLIDAY SCHEDULING

The Mayor or City Administrator may release employees early from the workday to accommodate for special events, activities, or special projects scheduled around or related to holidays as needed. Early release time will be compensated as regular hours worked and is limited to no more than ninety (90) minutes per occurrence.

E. FAITH BASED LEAVE

The City recognizes some employees may wish to observe, as periods of worship or commemoration, certain days that are not included in the City's regular holiday schedule. Employees may use their accrued leave (excluding sick leave) or leave without pay for such occasions. For additional information on faith-based leave, please see section 5.08 Unpaid Holidays for Reasons of Faith or Conscience.

5.19 COMPASSIONATE LEAVE

A. POLICY

All regular full-time employees and part-time employees regularly scheduled to work twenty (20) hours or more per week will be granted limited paid leave in the event of a death in the employee's immediate family.

B. DEFINITION

"Immediate Family" for purposes of compassionate leave includes the employee's spouse, state registered domestic partner, children (biological, adopted, stepchild, foster, legal guardian, de

facto or loco parentis), siblings, grandchildren, parents and legal guardians (or spouse's parents), grandparents (or spouse's grandparents), son-in-law and daughter-in-law, someone who has an expectation to rely on you for care whether you live together or not, or any person residing in the employee's home or legally dependent upon the employee (Washington Paid Family & Medical Leave, 2025: <https://paidleave.wa.gov/question/family-member-definition/>).

C. PROCEDURE

To use City-provided paid compassionate leave:

1. Employee should inform their Department Director and complete the leave request process to indicate who died and the date of death and the date(s) to use City-provided compassionate leave.
2. Proof of death (obituary, death certificate, funeral program/flyer, or link to funeral information on a website, etc.) and relationship **will** be required by HR for Payroll verification and additional documentation may be required at the discretion of the City (WAC 357-31-250). (Proof of death and relationship **will not** be required if an employee uses their own accrued leave.)

An employee may be granted a City-provided paid compassionate leave of absence not to exceed five (5) working days (within twelve (12) months following the date of event). If necessary for health or travel, an additional five (5) days of leave may be charged to the employee's accrued sick leave. If the employee has exhausted their sick leave, an employee may use their accrued vacation leave.

Regular part-time employees who are scheduled to work twenty (20) or more hours per week are eligible to receive compassionate leave on a pro rata basis (for example, a part-time employee working twenty (20) hours per week would be eligible for one-half (1/2) the paid time-off a full-time employee receives).

City-provided paid compassionate leave **will not** be granted or approved if proof of death and relationship cannot be verified; any requested leave related to such event will be charged to the employee's accrued sick leave. If the employee has exhausted their sick leave, an employee may use their vacation leave.

If an employee did not use City-provided paid compassionate leave and the employee provides proof of death and relationship at a later date after their accrued leave was used, within twelve (12) months following the date of event, then the employee may request to have their used leave reinstated and for their leave to be corrected as City-provided paid compassionate leave, not to exceed five (5) working days.

5.20 CONTINUING EDUCATION

A. POLICY

The City firmly believes educational development of its employees is integral to the success of the City. The City encourages all employees to take courses or training to increase their competence in their present assignment or to prepare for future advancement within the City.

B. PROCEDURE

The City may offer employees flexible work schedules if the courses of study are directly related to the employee's present job or will enhance the employee's potential for advancement within the City.

C REIMBURSEMENT

For employees who have successfully completed their probationary period, the City may consider reimbursement of job-related college-level courses taken from an accredited educational institution if funds are budgeted and the following conditions are met:

1. The need for additional training is required by statute or law;
2. The required skills are not available in the local labor market; or
3. The employee seeking training is a qualified candidate for the training and will be able to provide training for other employees.

Any request for continuing education reimbursement must be approved in writing by the Department Director prior to the employee starting a program. The employee must provide a written request to the Department Director and include a description of the course, how it relates to the employee's position and the approximate cost of tuition. For best planning practices, employee should begin discussions with their Supervisor three (3) months prior to starting a program for any requested funds to be considered and secured. The budget process is every two (2) years and it's important to communicate and plan for a limited budget to be approved (if any) per each calendar year.

If approved, reimbursement is based on successful completion of the course under the following parameters:

1. Letter grade of A, B, or "pass" qualifies for 100% reimbursement.
2. Letter grade of C qualifies for 85% reimbursement.

Letter grade lower than C or "fail" will not qualify for reimbursement. Employees should submit their final grades to the Department Director and HR for determination of reimbursement level.

D TERMS AND CONDITIONS

Employees who receive this benefit may be required to complete a summary of their training course and design a training session based upon their course for presentation to other employees.

Should an employee separate from employment with the City, within two (2) years of completing a course for which the employee received reimbursement, the employee may be responsible for repayment of the reimbursed funds to the City.

E. PUBLIC SERVICE LOAN FORGIVENESS (PSLF)

The Public Service Loan Forgiveness (PSLF) program is available to City of Oak Harbor employees. With PSLF, employees can have their federal student loan debts forgiven after making payments for ten (10) years while working for the City of Oak Harbor or another qualifying public sector employer.

5.21 TRAINING EXPENSES

A. POLICY

Training expenses for an employee may be reimbursed or covered by the City when the City will incur substantial expenses in the process of training an employee, and the expenditures are expected to be recaptured through services by the employee after completion of said training, and the City will suffer substantial uncompensated loss if the employee should take employment elsewhere during a period for two (2) years following completion of all required training.

B. PROCEDURE

In the event employment with the City ceases due to any cause other than termination, within twenty-four (24) months subsequent to completion of the period of attainment of the training, the employee will reimburse the City for all expenses incurred in connection with training, prorated based on the number of months worked.

For example:

Total of \$3,500 and worked a total of 6 months (\$3,500 divided by 24-month work commitment = \$145.83 per month), if worked a total of 6 months then it would be \$145.83*6 = \$874.98, then take \$3,500 subtract \$874.98 = remaining balance due would be \$2,625.02)

The reimbursement obligation shall consist of the sum of all amounts expended by the City in connection with training the employee. The actual reimbursement obligation will be determined by the City based upon actual expenditures and/or reasonable estimates thereof in the event actual expenditures cannot be documented through a reasonable effort.

Complete payment of the reimbursement obligation shall be made within twelve (12) months of cessation of employment in monthly installments of no less than one-twelfth (1/12) of the total reimbursement obligation, commencing on the first (1st) day of the month following the month during which cessation of employment occurs, and payable on or before the first of each month

thereafter. The employee agrees that in the event their failure to make any payment required in a timely manner, the total amount of the reimbursement obligation then remaining unpaid shall immediately become due and payable. In the event the City incurs reasonable attorney's fees and other costs of collection in an effort to collect any delinquent sums owing, the employee will pay all such expenses in addition to the portion of the reimbursement obligation then due.

C. DISCHARGE OF OBLIGATION

The duty to reimburse training expenses shall terminate after completion of two (2) years of full-time employment with the City, subsequent to completion of the period of training.

5.22 LICENSE, CERTIFICATION, OR REGISTRATION

A. POLICY

Many employees are required to obtain and maintain various licenses and/or certifications in specific areas of work in order to adequately fulfill all of the duties and responsibilities of the position. Position required licenses and/or certifications must be maintained in an active status with a valid copy of the license and/or certification in the HR personnel file for the duration of employment in the position. Expiration dates will be tracked through NEOGOV to provide reminder notifications to employees of upcoming renewal dates.

B. PROCEDURE

If it is a requirement of the job to obtain a license and/or certification, costs will be paid in advance when possible or employees will be reimbursed for associated costs for training, testing, annual certification fees, license endorsements, etc. Employees who fail a test two (2) times will incur all further costs associated with obtaining their license/certification.

If it is a NOT a requirement of the job to obtain certain licenses and/or certifications, and employees wish to obtain them for job enhancement purposes, the City may opt to pay for the associated costs. If employees allow their licenses/certifications to lapse, they will incur the full costs of renewal, as well as possibly being placed on unpaid administrative leave until the license/certification is renewed and/or subject to disciplinary action.

5.23 WELLNESS PROGRAM

A. PROGRAM OUTLINE

The Wellness Program was established in 2002 with adoption of policies and procedures in 2009 by the Wellness Committee, with the support of the Mayor, City Councilmembers and Department Directors. This program was initiated through AWC, as part of their Health Care Cost Containment Program. The program's mission is to improve City employee health and well-being. Participation in the City of Oak Harbor Wellness Program is voluntary and is limited, in some situations, to employees who receive health benefits through the City.

The program's primary goal is to enhance employees' well-being by:

1. Increasing employee awareness of healthy lifestyle choices.

2. Providing support to employees in making healthy lifestyle choices.
3. Assisting in the development of supportive workplace environments in order to meet health promotion goals.
4. Increasing employee awareness of health risks.

The program is designed to provide incentives for healthy employee activities.

B. GUIDELINES

The Wellness Committee has set the following guidelines to keep a record of participation in wellness activities:

1. If an employee attends a wellness presentation/activity, they will be asked to sign the attendance/participation sheet for themselves and employees cannot sign-in for others.
 - a. Signature sheets will be used to confirm participation in wellness activities.
2. If an employee participates in a wellness presentation/activity they will be required to:
 - a. Complete their Wellness Rewards Activity Log through NEOGOV.

C. WELLNESS LEAVE

Regular employees who participate in City sponsored wellness activities may be eligible to earn up to twelve (12) hours of wellness leave. Wellness leave should be consistent with a regularly scheduled shift between zero to twelve (0-12) hours, for example, an 8, 10, or 12 hour shift, however, a 24 or 48 hour shift will only be allowed up to twelve (12) hours of wellness leave based on operational needs. Wellness leave will be pro-rated based on average regular hours (not OT) or regularly scheduled shift in twelve (12) months. Employees must follow the guidelines as set forth below:

1. Employees must log their participation in eligible activities as set forth by the Wellness Committee.
2. Employees' participation will be confirmed by the documentation criteria on the Wellness Rewards Activity Record.
3. Employees must attain a minimum of one hundred (100) points to qualify for the wellness time off.
4. Employees must choose their eligible activities from a minimum of four (4) of the health categories established on the Wellness Activity Record.
5. Employees must participate in a minimum of one (1) health campaign and one (1) eligible social event during the year.

6. Employees must submit the Wellness Activity Record by the first (1st) week of January each year to earn Wellness Leave for that year.

The Wellness Committee will identify to employees which events will count toward their annual participation at the time the event is announced.

1. Employees who cannot participate in a Wellness event/activity due to a disability should contact Human Resources at least two (2) days in advance of the event for reasonable accommodations and/or alternative ways to participate (ADA/EEOC).
2. Employees who meet the criteria will be credited up to twelve (12) hours of wellness leave consistent with their regularly scheduled shift , for a full-time employees and pro-rated for all part-time employees, in their leave accruals.
3. Wellness leave will not be paid to the employee if the employee separates from employment.

D. WELLNESS ROOMS

The City encourages each facility to provide a Wellness Room (or Quiet Room) as a private area for staff during the workday. The Wellness Room is a dedicated tranquil space to be used by staff during a break period. Staff may use the room when they feel stressed or just need to escape from the noise and busyness of the workday. Uses of the room may include:

- Quiet break
- Meditation and recharge
- Stretching
- Practicing breathing techniques or yoga
- Work on a puzzle
- Privately listen to music
- Read a book

It is important to note that the Wellness Room is difference from a workout room or break room and is **not** intended as a place to eat meals. The Wellness Room rules are:

- Prevent talking above a whisper
- No eating meals, water bottles are acceptable
- No playing videos
- No video games
- No talking on cell phones
- No phone calls or music over speaker
- Avoid behavior that might cause coworkers to become distracted or uncomfortable.

E. HEALTH FITNESS DURING WORK HOURS

The City encourages each facility to provide fitness equipment and supplies for staff to work out during department designated hours or to participate in structured physical activity events such

as, but not limited to: Walk for Health, Yoga Classes, etc. Workout time in a department fitness equipment area is not guaranteed but only permitted when the activity level is such that the needs of the department are adequately met.

In City facilities where a fitness room or workout room is not provided to work out during work time, employees are provided one (1) twenty (20) minute health fitness break per each workday, the health fitness break may be combined with a current rest or lunch break.

5.24 HEALTHY FOOD CHOICES

This covers City sponsored events, meetings, snack boxes, and all vending machines that dispense food and beverage located in any City facility. It is the policy of the City that all City sponsored events, meetings, snacks, and beverage vending offered by this organization will maintain fresh products in its vending machines and will ensure that all products vended shall conform in all respects to local, state, and federal laws and regulations relating to the standards of food and drink.

The City recognizes the importance of creating a healthy environment for all employees and visitors to City facilities. The City is concerned about making the healthy choice the easy choice for the health of our employees, partners, and visitors. The food and beverages we consume greatly affect our health and productivity. The workplace environment can influence the adoption of healthy lifestyles, by making it easier for individuals to choose behaviors that promote health. Offering healthy choices in the vending machines on our property is one step we can take to accomplish this objective.

APPENDIX A

NONDISCRIMINATION/ANTI-HARASSMENT COMPLAINT PROCEDURE

1. Introduction.

- a. Purpose. As set forth in OHMC Chapter 2.34.130, the purpose of the Nondiscrimination/Anti-Harassment Complaint Procedure (hereinafter referred to as the “Procedure”) is to provide a means for internal resolution of discrimination, harassment, retaliation or other illegal behaviors by Supervisors, employees, or nonemployees.
- b. Eligibility to utilize the procedure. The Procedure may be used by all City employees for conduct prohibited by the City in the workplace and in any work-related setting outside the workplace, such as business trips, business meetings and business-related social events.
- c. Reporting the complaint. If an employee brings the complaint to the attention of another Supervisor or Manager, the Supervisor or Manager is obligated to report the complaint in compliance with this policy. All complaints not made directly to the HR Department must be reported to the HR Director by the party receiving the complaint.
- d. Use of other procedures. An employee may use either the Employee Grievance Procedure, if applicable, or the Nondiscrimination/Anti-Harassment Complaint Procedure. However, an employee shall not be entitled to use both procedures for the same complaint. Use of the Employee Grievance Procedure or the Nondiscrimination Complaint Procedure shall not preclude an employee from filing a complaint with the Equal Employment Opportunity Commission.
- e. Administration of the procedure. The HR Director shall be responsible for administration of the Procedure to assure compliance therewith. Any interpretation of the Procedure shall be reviewed and approved by the City Attorney or their designee prior to its issuance.
- f. Assurance of confidentiality. The identity of the Complainant, and all records developed during the investigation of the complaint, shall be considered confidential and shall not be released unless otherwise required by law.

2. Definitions. For purposes of this Procedure, the following terms shall have the definitions set forth below:

- a. Discrimination. The demonstration of bias, whether intended or not, against an employee with respect to the terms and conditions of their employment on the basis of the employee’s sex, age, marital status, sexual orientation, race, creed, color, national origin, honorably discharged veteran or military status, or the presence of any sensory, mental, or physical disability or the use of a trained guide dog or service animal by a person with a disability. Such bias may be demonstrated by the actions of another

employee, of a non-employee, or by the application of a City, departmental, divisional or other policy, practice, or procedure to an employee or group of employees.

- b. Unlawful Harassment. Unwelcome sexual advances, requests for sexual favors, and/or other verbal or physical conduct of a sexual nature when:
 - i. Submission to such conduct is made either explicitly or implicitly a term or condition of an employee's employment;
 - ii. Submission to, or rejection of, such conduct by an employee is used as a basis for employment decisions affecting such employee; or
 - iii. Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or of creating an intimidating, hostile, or offensive working environment.
 - c. Complainant. The City employee who files a complaint of discrimination and/or unlawful harassment.
 - d. Respondent. The individual named in the discrimination and/or unlawful harassment complaint as having taken the action which is the basis for the complaint, or the individual responsible for drafting and/or implementing an allegedly discriminatory policy, practice or procedure.
3. Initial Procedure. The complaint form from HR may be used to file a written complaint. Every complaint is to be reported promptly either by the complainant or by the person receiving the complaint. If reported verbally, the person taking the complaint should produce a written statement for the complainant to review and sign.
 4. Informal Procedure. The Complainant is encouraged to discuss the complaint with the Respondent. HR staff may be present during such discussions if either party requests such presence. If either the Complainant or the Respondent does not agree to discuss the complaint informally, or if the parties are unable to resolve the complaint through informal discussion, the Complainant may proceed to the formal procedure. (See Section 4)
 5. Formal Procedure.
 - a. Formal Complaint. An employee who has a complaint of discrimination and/or unlawful harassment may initiate a formal complaint by submitting a written statement to HR or by signing a written statement prepared by Human Resources based upon information provided by the Complainant. The written statement shall include the following information:
 - i. A description of the action, policy, practice or procedure upon which the complaint is based;
 - ii. If the complaint is based on an action(s), the date(s) and time(s) thereof;

- iii. The name of the Respondent;
 - iv. The nature of the alleged discrimination or unlawful harassment;
 - v. A statement regarding whether or not the Complainant has informally discussed the matter with the Respondent or Supervisor; and, if so, the results of the discussion(s); and
 - vi. A statement regarding whether or not the Complainant has filed a separate grievance through another City procedure(s) or has filed a charge of discrimination with the EEOC.
- b. Time frame for filing a complaint. When the complaint involves an action, the complaint shall be submitted to HR within thirty (30) calendar days of the date upon which the action described in the complaint occurred. When the complaint involves a City policy, practice or procedure, the complaint may be submitted to HR at any time.
- c. Response to the Complaint.
- i. Within ten (10) working days of receipt of the complaint, HR shall conduct an interview= with the Complainant.
 - ii. Within ten (10) working days of the Complainant's interview, HR shall notify the Respondent that a complaint has been filed and that an interview has been conducted. Such notification shall include a summary of the complaint.
 - iii. Within ten (10) working days of receipt of notification from HR, the Respondent shall provide HR with a written reply to the complaint.
- d. Investigating a complaint. The complaint will be immediately investigated. Employee requests that no investigation be undertaken cannot be honored. Choice of investigator, level of formality, and the procedures used in the investigation may vary, depending upon the nature of the allegations and full circumstances of the situation, including the context in which the alleged incidents occurred. When the Respondent's written reply has been received by Human Resources, Human Resources staff shall:
- i. Provide an opportunity for the Complainant and Respondent to meet with HR staff to discuss the complaint;
 - ii. Interview all individuals whom the parties have identified as having pertinent information; and
 - iii. Review all relevant documents either provided or identified by the parties and any other documents deemed to be relevant to investigation of the complaint.
- e. Conclusion of procedure.

- i. Within ten (10) working days of the date on which the investigation is concluded, the HR staff shall prepare a report of the investigation for submission to the City Administrator and the City Attorney for their approval.
 - ii. If it is determined that there is insufficient evidence to believe that discrimination and/or unlawful harassment has occurred, the Mayor and the City Administrator shall be notified regarding this determination.
 - iii. If it is determined that there is sufficient evidence to believe that discrimination and/or unlawful harassment has occurred, a recommendation shall be made regarding an appropriate remedy to the Mayor and City Administrator.
 - iv. The Mayor and City Administrator shall review the recommended remedy and shall uphold, reverse or modify the recommendation.
 - v. The Mayor's decision shall be provided to the Complainant and the Respondent in writing by HR or designees within thirty (30) calendar days of the conclusion of the investigation.
 - vi. Where the investigation confirms the allegations, the City of Oak Harbor will take prompt corrective action and, where appropriate, discipline the offending individual. Action taken may include documented verbal and written reprimands, professional counseling, reassignment, or other appropriate action, up to and including termination. The affected individuals will be informed of the outcome of the investigation.
- f. Department Notification. Contact with the Department Director(s) of the Complainant and Respondent shall be maintained for the purpose of providing information regarding the existence of, and status of, complaints filed under this Procedure. In the event that the Department Director is the Complainant or Respondent, the information shall be provided in accordance with the Procedure.
- g. Extension of Time Limits. The time limits referred to herein may be extended by the HR Director for good cause.
- h. Retaliation. There shall be no retaliation by the City of Oak Harbor, its officers, elected officials, Supervisors, other employees, or nonemployees toward any employee bringing a complaint in good faith or cooperating with the investigation of a harassment complaint.
- i. Discipline. Employees who bring complaints may be subject to discipline only if the investigation reveals the complaint was made in bad faith (i.e., statements that were known to be false at the time they were made).

APPENDIX B

GRIEVANCE PROCEDURE (for Non-Bargaining Unit Employees)

1. Introduction.

- a. Purpose. The purpose of the Grievance Procedure is to provide a process for non-bargaining unit employees to resolve any disputes involving the interpretation, application or alleged violation of City policies and to receive careful consideration and a prompt resolution. (OHMC 2.34.110)
- b. Eligibility to Utilize the Procedure. This policy applies to non-represented employees or group of non-represented employees. Employees who have not successfully completed their initial probationary period shall not have the right to file grievances under this procedure involving dismissal, demotion with reduction in pay, suspension without pay and other serious employment actions that adversely affect the employee's employment with the City.

2. Definitions.

- a. Grievance. A complaint by a non-bargaining unit employee involving the interpretation, application or alleged violation of any personnel policies of the City. A grievance may include a complaint involving serious disciplinary actions taken against that employee.

3. Policy. It is the policy of the City insofar as possible to prevent the occurrence of grievances and to deal promptly and fairly with those which occur. No adverse action will be taken against an employee who files a grievance in good faith for reason of their exercise of the grievance right.

4. Procedure. Misunderstandings or conflicts can arise in any organization and should be resolved before serious problems develop. Most incidents resolve themselves naturally; however, should a situation arise that the employee believes is a violation of City policy, the employee should follow the procedure described here for bringing the complaint to management's attention.

- a. Formal Grievances.

Step 1: The employee shall file a formal written grievance with their Department Director. The grievance must be filed within ten (10) working days of the occurrence leading to the complaint or ten (10) working days after the employee became aware of the circumstances. If the Department Director is the subject of the grievance the employee may proceed to step two.

Formal Grievances must be in writing and contain, at a minimum:

- i. A description of the dispute;

- ii. The date of the circumstances leading the complaint, or the date when the employee first became aware of those circumstances;
 - iii. The remedy sought by the employee to resolve the complaint; and
 - iv. The signature of the employee and the date signed.
- b. The Department Director will investigate and provide a response to the employee within ten (10) working days of receipt of the formal grievance.

Step 2: If the employee is not satisfied with the response from the Department Director, they may submit the Formal Grievance to HR, the City Administrator or their designee. The grievance must be submitted within ten (10) workings days of the response from the Department Director.

- c. The employee will receive a response from the City within ten (10) working days of receipt of the grievance. This response will be the final decision of the City.

If the employee grievance is due to a disciplinary action that resulted in suspension without pay or termination, and the employee is not satisfied with the final decision of the City, the employee may submit a “Disciplinary Appeal” to the Personnel Appeals Board. (OHMC 2.34.120)

FORM: Disciplinary Appeal Form

APPENDIX C

COMMERCIAL DRIVER'S LICENSE STANDARDS

Commercial Driver's License Requirements. All City employees who hold positions that may require them to operate any of the following vehicles are required to have and maintain a Commercial Driver's License Endorsement ("CDL") and to comply with this policy:

1. All single vehicles with a manufacturer's weight rating of 26,001 pounds or more.
2. All trailers with a manufacturer's weight rating of 10,001 pounds or more, if the gross weight rating of the combined vehicle(s) is 26,001 pounds or more.
3. All vehicles designed to transport sixteen (16) or more persons (including the driver) (e.g. buses & vans).
4. All vehicles that carry placarded amounts of hazardous materials.

This policy does not apply to employees who hold positions that do not require them to have and maintain a CDL.

City employees who operate vehicles that carry placarded amounts of hazards must also have and maintain a Hazardous Materials Endorsement.

CDL Standards.

1. A City employee who is required to have and maintain a CDL must comply with all applicable state and federal laws, including but not limited to Federal Motor Carrier Safety Regulations, 49 CFR, and the Washington Uniform Commercial Driver's License Act, RCW Chapter 46.25.
2. Except to the extent it conflicts with this policy, a City employee with a CDL shall comply with the City Vehicle Use Policy in the use and operation of City vehicles (commercial or otherwise).
3. No City employee shall operate a commercial motor vehicle unless they have in their immediate possession a CDL and applicable endorsements valid for the vehicle they are driving, and the original or photographic copy of a medical examiner's certificate that they are physically qualified to drive a commercial motor vehicle.
4. No City employee shall operate a commercial motor vehicle when the employee has a suspended, revoked or a cancelled driver's license, has temporarily or permanently lost the privilege to operate a commercial vehicle, or has been disqualified from operating a commercial motor vehicle. The City reserves the right to monitor employees' driving status.
5. A driver whose driver's license is suspended, revoked or cancelled, or who loses the privilege to drive a commercial motor vehicle for any period, or who is disqualified from driving a commercial motor vehicle for any period, shall notify the Supervisor, Division

Manager or Department Director of that fact before the end of the business day following the day the driver received notice of that fact. The driver must provide written confirmation to the employee within five (5) working days of the suspension, revocation, and cancellation, lost privilege or disqualification.

6. A City employee or prospective City employee shall provide ten (10) years' previous employment information when applying for a position within the City that requires a CDL license. An applicant must certify that all information furnished on the application form is true and complete.
7. Prior to the City making an offer of employment, the Department Director must obtain and review the drug and alcohol testing record of applicants and prospective employees, after obtaining the applicant or prospective employee's written consent, (refer to Driver Release Form). Past employers are required under the law to provide this information to prospective employers.

Driver Qualification Files. The Public Works Administrative Assistant shall maintain a driver qualification file containing information for each driver with a CDL. This information will be retained for as long as the driver is employed, and for six (6) years thereafter. This information may be combined with the driver's personnel file.

Driving Commercial Motor Vehicles. A driver must also be sure their vehicle is safe and properly working before each trip. A pre-trip safety inspection must be conducted prior to use of the vehicle.

City employees shall wear seat belts, comply with all driving laws, and understand the requirements of when to use headlights, who must stop at railroad crossings and proper procedure to follow when stopping and parking a vehicle.

APPENDIX D

DRUG AND ALCOHOL TESTING

Definitions: The following definitions apply to this Policy.

1. Accident: Accident means an occurrence associated with the operation of a vehicle if, as a result;
 - a. An individual dies;
 - b. An individual suffers bodily injury and immediately receives medical treatment away from the accident scene;
 - c. A vehicle sustains disabling damage and is transported away from the accident scene by a tow truck or other vehicle; or
 - d. A revenue service vehicle is removed from the revenue service.
2. Alcohol Test: An alcohol test is a test conducted by a Breath Alcohol Technician (BAT), or any other person approved by the Department of Transportation rules, using an Evidential Breath Testing Device (EBT) to measure the amount of alcohol concentration in a volume of breath; provided, however, that a blood alcohol test may be used instead of a breath test when an employee is unable to provide a sufficient amount of breath or BAT is not readily available.
3. Alcohol Use: Alcohol use means the consumption of any beverage, mixture or preparation, including medication containing alcohol.
4. Controlled Substance: Controlled Substances include: illegal drugs, including but not limited to, marijuana, amphetamines, opiates, phencyclidine (PCP), and cocaine, as well as any drug not approved for medical use by the USDA or the USFDA; unauthorized prescription drugs; and prescription drugs not used for their prescribed purposes. The appropriate use of legally prescribed drugs and non-prescription medication is not prohibited. However, the use of any substance which carries a warning label indicating that mental functioning, motor skills or judgment may be adversely affected must be immediately reported to Supervisory personnel.
5. Controlled Substance Test: A method for determining the presence of controlled substances in a urine sample using a scientifically reliable method performed in accordance with procedures specified in 49 CFR Part 40, as amended.
6. Failing a Controlled Substance or Alcohol Test: Failing a controlled substance or alcohol test means that the controlled substance or alcohol test showed positive evidence of the presence of a controlled substance or alcohol in an employee's system that is at or above a determined threshold level. This determination shall be made by the contracted City Medical Review Officer (MRO). Failing a substance test shall be referred to as "testing

positive.” Employees who refuse to take a substance or alcohol test when requested to do so shall be considered to have failed the test.

7. Refusal to Submit: An employee “refuses to submit” to an alcohol or controlled substances test when the employee fails to provide adequate breath or urine for testing without a valid medical explanation, the employee engages in conduct that obstructs the testing process, or the employee refuses to take the test.
8. Substance Abuse Professional (SAP): A person who evaluates employees who have violated a DOT drug and alcohol, regulation and makes recommendations concerning education, treatment, follow-up testing and aftercare. For a full listing of SAP professional requirements refer to Department of Transportation regulations 49 CFR part 40.

Prohibited Alcohol Related Activities.

1. No employee shall report to work or be at work in an impaired condition due to alcohol.
2. No employee shall report to work or remain on duty while having an alcohol concentration of 0.02 or greater.
3. No employee shall use or possess an open container of alcohol during work.
4. No employee required to take a post-accident alcohol test hereunder shall use alcohol for eight (8) hours following the accident or until they undergo a post-accident alcohol test, whichever occurs first.
5. No employee shall refuse to submit to a post-accident, random, reasonable suspicion, return-to-duty, or follow-up alcohol testing.
6. No employee who is on stand-by shall use alcohol during the specified stand-by hours. The Supervisor shall provide the employee an opportunity to acknowledge the use of alcohol at the time they’re called to report for duty and the inability to drive. The employee will be required to take an alcohol test if they acknowledges the use of alcohol at the time they report for duty, but claims the ability to drive.

Prohibited Controlled Substance Activities. No employee shall report for duty or remain on duty while under the influence of any Controlled Substance.

1. No employee shall report for duty, or remain on duty, if the employee tests positive for Controlled Substances.
2. No employee shall refuse to submit to Controlled Substances testing.
3. No employee shall manufacture, distribute, dispense, possess or use any Controlled Substance in the workplace, while on duty or while performing City business.

Consequences of Policy Violation.

1. A violation of this policy shall result in disciplinary action.
2. A positive controlled substance test and/or an alcohol test indicating an alcohol concentration of 0.02 or more shall result in disciplinary action.
3. If an employee refuses to take a required alcohol or controlled substance test, there shall be a presumption that the employee tests positive for alcohol or one of the controlled substances. Refusal to submit to a required alcohol and/or controlled substances test shall result in disciplinary action.
4. If an employee refuses or fails to comply with testing procedures, it shall be considered a positive test. The testing procedures include the following:
 - a. Appearing for any test within a reasonable time, as is determined by the employer.
 - b. Remaining at the testing site until the testing process is completed.
 - c. Permitting the observation or monitoring of the provision of a specimen.
 - d. Taking a second test the employer or collector has directed the employee to take.
 - e. Signing the certification at Step 2 of the ATF.
5. Any attempt by an employee to tamper with a urine sample or otherwise obstruct the testing process shall be considered to have refused to take a test resulting in disciplinary action.
6. The refusal of an employee to participate in a Substance Abuse Professional (SAP) evaluation and/or comply with any corresponding SAP recommended/prescribed rehabilitation and/or treatment programs where directed by the City as a condition of returning to work, shall disqualify the employee from employment with the City.

Types of Testing. All employees covered by this Policy may be subject to testing prior to employment and prior to returning to duty after completion of substance abuse treatment or if the employee has not performed a safety sensitive function for ninety (90) consecutive calendar days and they were not included in a random selection pool during that time period (also referred to as pre-employment testing). In addition, employees covered by this Policy will be subject to random, reasonable suspicion, post-accident and fitness for duty testing where appropriate.

Pre-employment Testing. All prospective employees who have been given a conditional offer of employment with the City for a position covered herein and current employees transferring from a non-CDL to a position covered herein must undergo and pass a controlled substances; drug and alcohol test. A verified positive test will result in a rescinding of the conditional offer of employment. Employees seeking to transfer to a position covered by this Policy will be denied transfer and shall be subject to disciplinary action. Prospective or transferring employees who refuse to take the controlled substances test or who test positive shall be considered ineligible for City employment; positions covered herein for six (6) months. In accordance with 49 CFR Part

40, Section 655.41(a)(2), when a covered employee or applicant has previously failed or refused a pre-employment drug test administered under this part, the employee must provide the City proof of having successfully completed a referral, evaluation and treatment plan as described in 49 CFR Part 40, Section 655.62.

Random Testing. Employees covered by this policy are subject to random alcohol and controlled substances testing in accordance with the following:

1. At least ten percent (10%) or as amended by FMCSA of the average number of covered employees shall undergo random alcohol testing in each calendar year, or a sufficient number of employees equal to an annual rate not less than the minimum annual percentage determined by the Department of Transportation (DOT).
2. At least twenty-five percent (25%) or as amended by FMCSA of the average number of covered employees shall undergo random controlled substances testing in each calendar year, or a sufficient number of employees equal to an annual rate not less than the minimum percentage determined by the DOT.
3. The selection of employees for random alcohol and controlled substances testing shall be made by a scientifically valid method, such as a random number table or a computer-based random number generator that is matched with the employees' Social Security numbers, payroll identification numbers or other comparable identifying numbers. Under the selection process used, each covered employee shall have an equal chance of being tested each time selections are made.
4. Random alcohol and controlled substances tests shall be unannounced and the dates for administering such random tests shall be spread reasonably throughout the calendar year.
5. Employees who are notified of selection for random alcohol or controlled substances testing shall proceed to the test site immediately.

Reasonable Suspicion.

1. Employees covered by this Policy are subject to a controlled substance or alcohol test, when there is a reason to suspect that they are under the influence of alcohol or a controlled substance immediately prior, during or immediately after performing job duties or anytime while on duty.
2. An employee shall submit to alcohol and/or controlled substance test at the employers' expense whenever a Supervisor or Manager has a reasonable suspicion to believe that the employee is under the influence or impaired by alcohol and/or a controlled substance. The employee shall be removed from duty immediately in order to undergo testing.
3. A Supervisor's or Manager's determination that reasonable suspicion exists for alcohol and/or controlled substances, drug or alcohol use shall be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech and/or body odors of the suspected employee. The required observations must be made by a Supervisor or Manager who has received training to detect symptoms of alcohol

misuse and the signs and symptoms of drug use. The Supervisor shall make a signed written record of their observations within twenty-four (24) hours of the observed behavior or as soon as reasonably practical thereafter.

4. No employee shall be subject to reasonable suspicion alcohol testing later than eight (8) hours following the determination that reasonable suspicion exists to require the employee to undergo such test.

Post-Accident Testing. Employees covered under this Policy are subject to post-accident alcohol and controlled substances testing in accordance with the following:

1. Fatal accidents. As soon as practicable following an accident involving the loss of human life, and regardless of fault, the driver of the subject vehicle, at the time of the accident, and any other covered employee whose performance could have contributed to the accident, shall be tested for alcohol and controlled substances.
2. Non-fatal Accidents. As soon as practicable following an accident not involving the loss of human life, the driver of the subject vehicle at the time of the accident shall be tested for alcohol and controlled substances unless the City determines that the employee's performance can be completely discounted as a contributing factor to the accident. Any other employee whose performance could have contributed to the accident shall also be tested for alcohol and controlled substances.
3. If a post-accident alcohol test is not administered within two (2) hours following an accident, the Supervisor of the employee shall prepare and maintain on file a record stating the reasons the test was not administered within that time period. If a test is not administered within eight (8) hours after the accident, the Supervisor shall cease attempts to have the alcohol test administered and prepare and maintain on file a record stating the reasons the test was not done within eight (8) hours.
4. If a post-accident controlled substance test is not administered within thirty-two (32) hours after the accident, the Supervisor shall cease attempts to have the controlled substances test administered and prepare and maintain on file a record stating the reasons the test was not done within said thirty-two (32) hours.
5. An employee subject to post-accident testing shall remain readily available for such testing, including notifying their Supervisor of their location if they leave the accident scene. An employee who fails to do so shall be deemed to have refused to submit to testing. Nothing herein shall be construed to require the delay of necessary medical attention for the injured, or to prohibit an employee from leaving the accident scene for the time period required to obtain emergency assistance.

Return to Duty Testing. If an employee who has engaged in and/or violated the alcohol and/or controlled substances prohibitions remains in the City's employ, they shall not be allowed to return to duty until that employee has complied with the following:

1. If the employee has violated the alcohol prohibitions, they shall undergo a return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02, and the employee shall provide a true copy of the retest results to their Supervisor.
2. If the employee has violated the controlled substances prohibitions, they shall undergo a return-to-duty controlled substances test with a result indicating a verified negative result for controlled substances use, and the employee shall provide a true copy of the results to their Supervisor.
3. The employee has been evaluated by an SAP who shall determine what assistance, if any, the employee needs in resolving problems associated with alcohol misuse and/or controlled substances.
4. The employee has complied and remains in compliance with any and all SAP prescribed/recommended rehabilitation and/or treatment programs.
5. Upon completion of SAP prescribed/recommended rehabilitation and/or treatment program and successful return to work, an employee will be subject to follow-up testing for alcohol and or controlled substances. The SAP shall determine the frequency and duration of the follow-up testing, but such shall consist of at least six (6) unannounced tests in the first twelve (12) months following the employee's return to duty. After that period of time the SAP may recommend additional follow-up testing or termination of follow-up testing. Follow-up testing shall not go beyond sixty (60) months after the employee returns to duty.

Additional Employee Rights and Responsibilities.

1. An employee or applicant who wishes to challenge a positive controlled test must do so within seventy-two (72) hours of notification of the positive result: The employee or applicant must notify the Medical Review Officer (MRO) that they wish to challenge the test result. The re-test must be processed at a Department of Health and Human Services-certified laboratory. The employee will be solely responsible for the costs necessary for the re-test.
2. An employee required to undergo reasonable suspicion or post-accident alcohol and/or controlled substance testing shall be put on paid administrative leave for the time period necessary for conducting the testing.
3. The City supports employees who volunteer for treatment of alcohol or drug abuse prior to engaging in any prohibited conduct or violating City rules. Alcoholism and drug dependency can be successfully dealt with if identified in their early states and referred to an appropriate source for treatment. The City encourages employees to seek treatment voluntarily and makes available the EAP. Any employee who comes forth and notifies the City of alcohol or chemical abuse problems prior to engaging in misconduct will be given assistance and insurance coverage for treatment will be provided to the extent of individual coverage.

4. Employees are encouraged to contact Human Resources for help in understanding benefits and leave policies. Any decision to seek help through the EAP or privately will not interfere with an employee's continued employment or eligibility for promotional opportunities. Confidentiality of information by Human Resources and management will be maintained at all times as much as possible to the extent allowed by law.
5. While the City is anxious to assist employees with alcohol or chemical dependency problems, employees are expected to remember that safety is the City's first priority. Therefore, employees must not report for work or continue working if they are under the influence or impaired by drug or alcohol use. Failure to observe the Prohibited Conduct rules established in this Policy will result in disciplinary action, regardless of whether or not an employee has requested or is participating in a treatment program. Such employees are expected to observe all other job performance standards and work rules, including attendance, required of all employees.

Collection and Testing Procedures.

1. All alcohol and controlled substance testing shall comply with DOT's Procedure for Transportation Workplace Drug and Alcohol Testing Programs, 49 CFR Part 40, as amended. These procedures are designed to ensure the accuracy and integrity of the test results and include screening tests, confirmation tests, chain of custody safeguards and appropriate privacy and confidentiality protections.
2. Controlled substance testing will normally be performed by urinalysis in a test laboratory certified by the U.S. Department of Health & Human Services ("DSHS"). The test involves an initial screening performed by the enzyme multiplied immunoassay test ("EMIT"). Any positive test is then confirmed by a second test of the same sample by Gas Chromatography/Mass Spectrometry ("GC/MS"). The City's designated MRO shall receive and interpret test results and report them to the City.
3. Prior to reporting a positive test result, the MRO shall give the employee an opportunity to discuss the test result. If the employee meets with the MRO and fails to present information affecting the test result, or if the employee-refuses to meet with the MRO, the MRO will verify a positive test result and will inform Human Resources on a confidential basis that the employee tested positive. The MRO will also inform the employee at the time the test result is verified that he or she may request a "re-test" at their own expense within seventy-two (72) hours. Upon request, the employee shall be given a copy of the positive test results.
4. Alcohol testing will normally be performed by a trained breath alcohol technician (BAT) utilizing an evidential breath-testing device (EBT). Testing will take place at a site designated by the City. The BAT will inform an employee of the EBT results at the time of testing. If the screening test shows an alcohol concentration of greater than 0.02, a confirmation test will be conducted after fifteen (15) minutes of the screening test and before thirty (30) minutes if the confirmation test shows an alcohol concentration of 0.02 or greater. The BAT will show the employee the painted test results and shall notify City Human Resources of the test results.

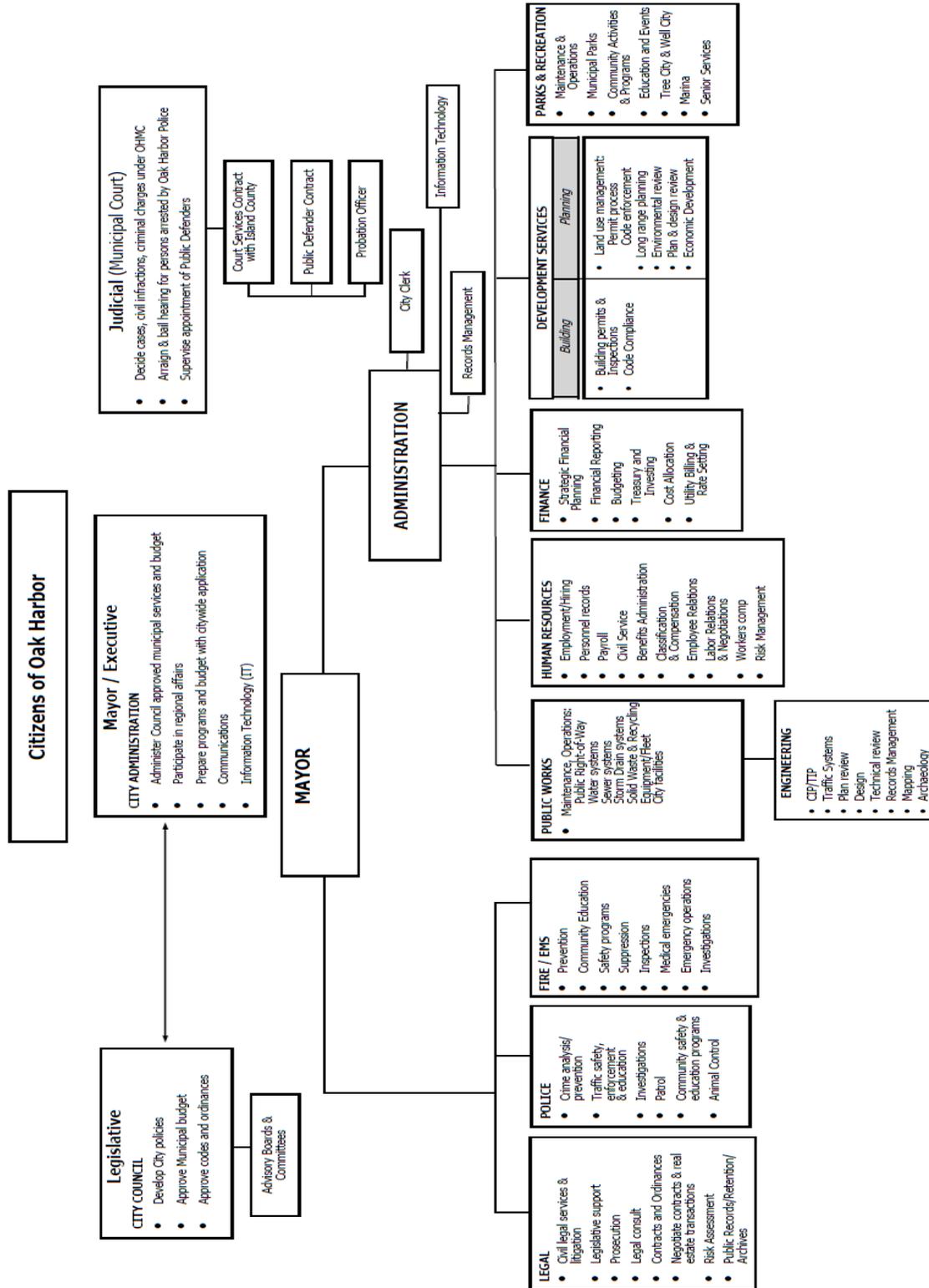
5. In extremely limited circumstances, such as where it is not possible to test by urinalysis, the City may authorize blood tests to test for the presence of controlled substances or alcohol, under strict procedural requirements of the MRO. If the blood test is utilized, the employee will normally be notified of the results by the MRO. An employee, at their own expense, may make a written request for re-test of a test sample within seventy-two (72) hours of receiving the test results.

Retention of Records and Confidentiality.

1. The City shall maintain records regarding alcohol and controlled substance testing as required by law.
2. The City shall also maintain all records required to be retained under DOT rules and regulations in a secure location with controlled access. Only City management representatives with a “need-to-know” responsibility will be made aware of substance abuse situations or test results. Except as required by law or expressly authorized, the City shall not release information that is contained in records required to be maintained under the DOT rules and regulations. Upon written request, an employee may obtain copies or any records pertaining to the employee’s use of controlled substances and/or alcohol. All results of alcohol and/or controlled substances testing conducted pursuant to the DOT rules and regulations shall be made available upon request, to appropriate government officials having regulatory authority over the City and its employees.

APPENDIX E

ORGANIZATIONAL CHART



Updated 3-2025

APPENDIX F

EMERGENCY PROCEDURES FOR EMPLOYEES

A. PURPOSE

To help familiarize City of Oak Harbor employees with procedures and safety considerations, in referring to the Accident Prevention Program (APP) and the Comprehensive Emergency Management Plan (CEMP).

B. SCOPE

This guide is designed to help City employees respond to and prepare for emergency situations in city owned buildings and used in conjunction with the *City of Oak Harbor Emergency Evacuation Plan*.

C. COMPREHENSIVE EMERGENCY MANAGEMENT PLAN (CEMP)

The CEMP may contain the following but is not limited to:

- Administration and Records
- Agriculture and Natural Resources
- Animal Care
- Communications
- Concept of Operations
- Continuity of Government
- Damage Assessment
- Definitions and Abbreviations
- Direction and Control
- Emergency Assistance, Housing, and Human Services
- Emergency Fiscal Procedures and Records
- Emergency Management
- Emergency Operations Plan
- Emergency Powers
- Energy
- Evacuation and Movement
- External Affairs
- Finance
- Firefighting
- Logistics Management and Resources Support
- Long-Term Community Recovery
- Oil and Hazardous Materials Response
- On-Going Plan Management and Maintenance
- Proclamation of Local Emergency
- Public Health and Medical Services
- Public Information
- Public Safety and Security
- Public Works and Engineering
- References
- Religious Voluntary Agency Affairs
- Responsibilities
- Search and Rescue
- Situation
- Training, Educational Services, and Exercises
- Transportation

D. BOMB THREATS

1. Response.

- a. Listen carefully and write down as much information as possible -- where the bomb is located and when it is expected to detonate.
- b. Try to get the caller's name. If not possible, note the apparent gender and any accent, vocal characteristics, or background noises.
- c. Call or text 911 from a phone other than the one the call was received on to report the incident.
- d. Do not attempt to search for the bomb.
- e. Do not use portable radios or cell phones.
- f. Do not touch, or move anything.
- g. Move away from windows.
- h. While exiting the building leave all interior doors open.
- i. If safe to do so, secure all transactions and secure all money.
- j. Evacuate to the pre-designated meeting site immediately until an investigation is complete and it is safe to return to the building.
- k. If possible take purses, keys, coats and the like since employees may not be able to re-enter the building.
- l. Conduct a roll-call to verify all personnel are out of the building.

Bombs can be constructed to look like almost anything and can be placed or delivered in any number of ways. The probability of finding a bomb that looks like the stereotypical bomb is almost nonexistent. The only common denominator that exists among bombs is that they are designed or intended to explode. A suspicious-looking box, package, object, or container in or near a work area may be a bomb or explosive material. Do not handle or touch the object.

E. EARTHQUAKE PREPARATION AND RESPONSE GUIDE

The following are best practices recommended by the Federal Emergency Management Agency guidelines for earthquake safety.

1. Response.

Indoors: Remain indoors and seek protection until the earthquake subsides. Stay calm and take precautions to protect yourself from potential debris by:

- a. **Drop** to the floor and get under or adjacent to a sturdy table, desk, or permanent fixture.
- b. **Cover** your head and neck with your arms and hands.
- c. **Hold On** to the table or desk you are under as objects may shift during the earthquake.
- d. If you are not near a sturdy table or desk, drop to the floor against an interior wall and **Cover Your Head** and neck with your arms and hands.
- e. **Stay Away** from windows, overhead fixtures, objects on walls, tall furniture, large appliances and cabinets filled with objects that may be displaced and fall during an earthquake.
- f. **Stay Inside** until the shaking stops and it is safe to go outside. Do not exit the building during the shaking. Research has shown that most injuries occur when people inside buildings attempt to move to a different location inside the building or try to leave.
- g. **Be Aware** that the electricity may go out or the sprinkler systems or fire alarm systems may turn on.
- h. If trapped under debris do not move about or kick up dust. **Cover Your Mouth** with a handkerchief or clothing. Tap on a pipe or wall so that rescuers can locate you. Shout only as a last resort. Shouting can cause you to inhale dangerous amounts of dust.

Outdoors: Move away from buildings, overhangs, trees, and power lines to a clear area such as a large open public area or field. The greatest danger exists directly outside buildings, at exits and along exterior walls. Most earthquake related casualties result from collapsing walls, flying glass, and falling objects.

*If an employee is driving, pull over and stop in an area that does not have any overhead hazards and remain in the vehicle. Once the earthquake has stopped, proceed cautiously and avoid roads and bridges that may have been damaged by the earthquake.

After the Earthquake: Once the earthquake has stopped do the following:

- a. **Exit the Building** when safety permits and move to the designated assembly areas.
- b. **Conduct** roll call and report missing persons to emergency response personnel.
- c. **Expect** aftershocks. These secondary shockwaves are usually less violent than the main quake but can be strong enough to do additional damage to weakened

structures and can occur in the first few hours, days, weeks, or even months after the quake.

- d. Give first aid where appropriate. Do not move seriously injured persons unless they are in immediate danger of further injury. Remember to help customers and co-workers who may require special assistance.
- e. Do not re-enter any building until it has been assessed for damage and deemed structurally safe to enter.
- f. Look for and extinguish small fires. Fire is the most common hazard after an earthquake.
- g. Listen to a battery operated radio or a car radio for the latest emergency information.
- h. Be aware of possible tsunamis. When local authorities issue a tsunami warning, assume that a series of dangerous waves are on the way. Stay away from the beach areas.
- i. Go to a designated public shelter if your home has been damaged and is no longer safe. Text SHELTER + your zip code to 43362 (4FEMA) to find the nearest shelter in your area (example: shelter 98277).
- j. Never re-enter a building that appears to have structural damage.
- k. After it has been determined that it is safe to return, safety should be the primary priority as clean up and recovery begins. If reporting to work following an earthquake, wear long pants, a long sleeve shirt, sturdy shoes and work gloves to protect against injury from broken objects.
- l. Inspect Utilities:
 - i. Check for gas leaks. If there is a smell of gas or the sound of a blowing or hissing noise, open a window and quickly leave the building. Turn off the gas at the outside main valve and call the gas company from a safe location. If you turn off the gas for any reason, it must be turned back on by a professional.
 - ii. Look for electrical system damage. If there are sparks or broken or frayed wires, or if there is the smell of hot insulation, turn off the electricity at the main fuse box or circuit breaker.
 - iii. Check for sewer and water line damage. If there may be reason to suspect sewer lines are damaged, avoid using the toilets and contact a plumber. If water pipes are damaged, secure water to the building and contact public works.

- m. Open cabinets cautiously. Beware of objects that can fall off shelves.
 - n. Check work area and clean up minor spills. Leave the area if there is a smell of gas or fumes from other chemicals.
 - o. Limit personal cell phone usage to text messaging only to allow emergency response communications to function properly.
 - p. If employees are unable to re-enter a work area for an extended period of time consider alternate work arrangements and discuss them with a Supervisor or instructor.
 - q. Limit travel as major roadways may be congested due to regional evacuations and emergency responses.
 - r. Monitor Island County Department of Emergency Management webpage for information updates.
 - s. Buildings and roadways may remain closed for a period following an earthquake while damage assessments and repairs are conducted.
4. Preparation. Earthquakes cannot be forecasted therefore it is best to be prepared. The following are best practices recommended by the Red Cross and the Federal Emergency Management Agency guidelines to prepare for earthquakes.
- a. Create a family plan that identifies alternate meeting locations.
 - b. Identify a contact such as a friend or relative who lives out-of-state for household members to notify they are safe. It may be easier to make a long-distance phone call than to call across town, so an out-of-town contact may be in a better position to communicate among separated family members.
 - c. Text messages can often get around network disruptions when a phone call might not be able to get through.
 - d. Consider purchasing a solar or hand crank cell phone battery charging system.
 - e. Identify a Primary and Alternate Assembly Areas.
 - f. Store heavy or breakable objects in closed cabinets, as low as possible.
 - g. Secure appliances, book shelves, water heaters and other heavy items to prevent them from falling during an earthquake.
 - h. Evaluate where hanging and suspended objects are placed. Pictures unsecured near seating areas could fall and cause injury. Arrange or secure items so they do not pose a fall hazard to those below.

- i. It is vital that all employees know how to secure gas, water and electricity to the building that they occupy. This should be located and demonstrated on an annual basis.
- j. Locate safe spots in each room under sturdy tables or against an inside wall. Reinforce this information by moving to these places during drills.
- k. Hold earthquake drills: Drop, cover and hold on.

F. FIRE SAFETY IN THE WORKPLACE

The following are best practices recommended by the National Fire Protection Association and the International Fire Code.

1. Response.

Prior to a fire: All employees shall be trained in the proper operation and location for all portable fire extinguishers. Portable fire extinguishers shall be located on walls and shall be clearly marked. No portable fire extinguisher shall be obstructed or covered. Employees shall make themselves aware of the locations of all portable fire extinguishers.

At time of fire: Upon seeing smoke or flames the employee shall:

- Verbally sound the alarm, and notify co-workers of the fire. Begin the evacuation process.
- **IF** the fire is small, AND a portable fire extinguisher is readily available AND if an employee is capable of extinguishing the fire they may attempt to do so. A small fire is considered to be a fire that is still in the container/area of origin, such as a garbage can.
- **IF** the fire is large, or growing in size evacuate the building. Close doors and/or windows if this can be done without risk of personal injury.
- **IF** possible secure all open transactions and secure all money.
- **IF** possible, while evacuating the building activate the manual fire alarm pull station and obtain the roll-call notebook located at all exits. Once outside the building call 911. The automatic fire alarm system should activate and notification made to the alarm center.
- Once outside the building report to the ‘assigned meeting place’ and conduct an employee roll-call. Prior to exiting, and only if safe to do so, make sure to remove important personal belongs i.e. purse, keys, wallet and the like. Employees may not be able to re-enter the structure due to fire conditions and building safety.

- Once outside of the building do not reenter the building until the building is cleared by the Fire Department.

When using a portable fire extinguisher remember the P.A.S.S. acronym

P – Pull the pin

A – Aim at the base of the fire

S – Squeeze the trigger

S – Sweep the base of the fire

Smell of Smoke: In the event an employee smells smoke but sees no smoke or fire call 911. Notify others employees in the immediate vicinity. Investigate for the source of the smell.

ACKNOWLEDGEMENT OF RECEIPT OF EMPLOYEE MANUAL

I have received the City of Oak Harbor Employee Policy Manual and understand that it is my responsibility to read these policies and ask questions about anything I do not understand.

I acknowledge that these policies are general guidelines only. They do not promise specific treatment in specific circumstances, they do not create an employment contract either express or implied, and they do not guarantee employment for any length of time with the City. While I understand that the Employee Policy Manual does not amount to a contract, I understand it contains policies that are very important to the City's ability to provide a lawful and respectful work environment. I have reviewed the policies in the Manual including, but not limited to, the policies regarding unlawful harassment, workplace violence, safety, substance abuse and electronic communications and I agree to comply with those policies. I understand that violation of City policies may result in discipline, up to and including discharge, subject to legal and collective bargaining agreement requirements.

I acknowledge that the City must be flexible in responding to the needs of the public or changes in the law, and that the City has therefore reserved the right to revise, supplement, clarify, deviate from or rescind any policy or portion of a policy when deemed appropriate by the City and in accordance with any applicable collective bargaining obligations. I acknowledge that no elected official, Supervisor, Manager, or representative of the City has the authority to make any written or verbal statements or representations that are inconsistent with these policies.

I know that if I am covered by a union contract, that contract will control in the event of any conflict with the policies in this Employee Policy Manual and that the union contract is the exclusive source of information regarding my benefits with the City.

Employee Signature

Employee Printed Name

Date Signed