CITY OF WOODLAND

PERSONNEL POLICY
Ordinance No. 1184

July 6, 2010
Personnel Policies for

The City of Woodland

Reference Ordinance No. 1184

Adopted By

The Woodland City Council

July 6, 2010

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ORDINANCE NO. 1184

AN ORDINANCE OF THE CITY OF WOODLAND RELATING TO CITY EMPLOYMENT AND EMPLOYEES; ESTABLISHING PERSONNEL POLICIES AND PROCEDURES APPLICABLE TO EMPLOYEES NOT WITHIN THE CIVIL SERVICE; ADOPTING GENERAL PROVISIONS AND DEFINITIONS; ESTABLISHING CLASSIFICATION OF POSITIONS; ADOPTING AND EQUAL EMPLOYMENT OPPORTUNITY POLICY; PROVIDING FOR RECRUITMENT AND APPLICATIONS; PROVIDING FOR APPOINTMENT TO VACANT POSITIONS; ADOPTING A COMPENSATION PLAN; ESTABLISHING STANDARD FOR PERFORMANCE OF DUTIES; ESTABLISHING HOURS OF WORK; PROVIDING FOR SICK LEAVE, OTHER LEAVES, AND VACATION; PROVIDING FOR PROMOTION, TRANSFER, REDUCTION IN FORCE, RESIGNATION AND RETIREMENT; PROVIDING FOR DISCIPLINARY ACTION; ADOPTING A CODE OF ETHICS; AND REPEALING ORDINANCE NO. 1001.

WHEREAS, the authority to create departments, offices, and employment within the City, to determine the powers and duties of each department or office, and to fix compensation of appointive officers and employees, is vested in the City Council; and

WHEREAS, the authority to appoint and remove department heads, officers and employees of the City, except members of the City Council and subject to laws, rules and regulations relating to civil service, is vested in the Mayor, with authority to delegate appointment and removal authority to department heads; and

WHEREAS, in so establishing departments, offices and employment and in so appointing officers and employees, the City Council finds that personnel policies and procedures should be adopted to provide uniformity and fairness, without discrimination, in the selection and treatment of all City employees and to provide for the development and retention of a knowledgeable, capable and efficient career work force; and

WHEREAS, the City Council has previously enacted the following Resolutions relating generally to employees, any and all portions of which conflict with provisions of this Ordinance
should be deemed superseded by this Ordinance; and

WHEREAS, the City Council finds that Ordinance No. 1001 no longer meets the needs of the City and therefore is repealed and replaced by this Ordinance:

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WOODLAND

DO ORDAIN AS FOLLOWS:

SECTION 1. GENERAL PROVISIONS.

(a) **Objective.** It is the objective and purpose of these policies and procedures to provide uniformity and fairness, without discrimination, in the selection and treatment of all City employees and to develop and retain a knowledgeable, capable and efficient career work force. These policies and procedures shall not, however, apply to employees holding positions subject to civil service insofar as these policies and procedures conflict with any laws, rules or regulations relating to civil service.

(b) **Interpretation.** Interpretation of these policies and procedures shall be consistent with the following general principles.

1. Promote and increase economy and efficiency in the conduct of City business;

2. Provide for equitable and uniform procedures;

3. Provide for the grouping of positions with comparable duties and responsibilities into appropriate classes;

4. Provide for initial appointment of employees based on merit within a given classification, thus assuring the recruitment and retention of well qualified employees;

5. Provide for advancement of city employees within the classification whenever practical;

6. Provide for continuous employment in a classification subject to competency, good behavior and efficiency, and for the removal of unqualified or inefficient employees;

7. Provide, as authorized by these policies and procedures, for the right of employees to appeal actions taken which affect them adversely and to be heard on all matters appealed;

8. Assure that every employee will, be given a job description as to that employee's duties and responsibilities upon hire;

9. Provide each employee with adequate administrative and supervisory direction,
with periodic review of each employee's performance, and with counseling and training to improve the level of each employee's performance and, when necessary, to provide for progressive discipline.

(c) **Effect of Collective Bargaining.** When a collective bargaining agreement establishes a condition of employment, benefit or procedure which conflicts with any provision of these policies and procedures, the collective bargaining agreement shall take precedence with respect to those employees covered by the agreement, so long as the following conditions are met:

1. The condition of employment, benefit or procedure created by the collective bargaining agreement is lawful; and
2. The collective bargaining agreement has been adopted by the City Council by Resolution.

(d) **Modification of Policies and Procedures.** The City Council may modify, amend or revise these policies and procedures at any time consistent with needs of the City. Notice of any such modification, amendments and revisions shall be given to each City employee and shall also be posted on the City bulletin board.

**Section 2. Definitions.**

(a) **Absence.** Failure of an employee to report for duty on designated work days and during designated working hours. If any employee's absence is unauthorized, such employee is "absent without leave". If an employee's absence is authorized, such absence is a "leave.

(b) **Absent without leave.** Any absence of an employee without specific authorization.

(c) **Administrative Leave.** Leave granted by the Mayor for “exempt” employees.

(d) **Allocation.** The assignment of an employment position to its proper class within the Classification Plan in accordance with the duties, authority, and responsibility of the position.

(e) **Anniversary date.** The annual recurring calendar date on which the employee commenced employment with the City.

(f) **Anniversary Date after promotion.** This is the annual recurring date on which the employee entered into a new position that occurred due to promotion, reclassification. i.e. and is eligible for a Step increase, if applicable.

(g) **Applicant.** A person who has applied for employment with the City.

(h) **Applicant Form.** The official document to be completed by an applicant seeking employment with the City.
(i) **Appointment.** The selection and employment of an applicant to a position within the Classification Plan.

(j) **Beneficiary.** The person or persons designated by an employee to receive benefits under the employee's pension or insurance, in event of the employee's death. In the absence of any such designation, the beneficiary is the employee's estate.

(k) **Candidate.** An employee seeking a promotion or transfer.

(l) **City.** The City of Woodland, a municipal corporation of the State of Washington.

(m) **City Council.** The legislative body of the City of Woodland.

(n) **Mayor.** The individual elected by the citizens of the City to have general supervision over the administrative affairs of the City as provided by state law.

(o) **Classification Plan.** The orderly arrangement of all employment positions with the City into separate and distinct classes, so that each class contains those positions which involve substantially similar or comparable skills, duties and responsibilities.

(p) **Close Relative.** Any of the following kin or relations: father, mother, son, son-in-law, daughter, daughter-in-law, sister, brother, spouse, half-brother, half-sister, grandparent, grandchild.

(q) **Compensation.** Salary of wages, and benefits, paid to an employee for service in a position, but excluding any reimbursement for expenses incurred incidental to employment.

(r) **Compensation Plan.** A list of all positions, by title, within each classification, showing a schedule of pay ranges, cost of living allowances, and on-call pay, as appropriate.

(s) **Compensatory Time.** Leave granted with pay in lieu of overtime pay for work performed either on an authorized overtime basis or for authorized work performed on a holiday.

(t) **Consumer Price Index (CPI).** The index measuring the change in cost of typical wage-earner purchases of goods and services expressed as a percentage of the cost of the same goods and services in a base period as published by the Bureau Of Labor Statistics as the Consumer Price Index for all urban consumers in the Portland-Vancouver metro area.

(u) **Continuous Service.** Employment without interruption except for approved leaves of absence.

(v) **Demotion.** The re-assignment of an employee from a position having a higher rate of pay to a position having a lower rate of pay.

(w) **Department.** An organizational unit shown on the Classification Plan, complete in itself,
the employees of which are responsible to a Department Head who reports directly to the Mayor.

(x) **Department Head.** An employee designated by the Mayor with confirmation of the City Council to be responsible for management and supervision of a Department.

(y) **Discharge.** The separation of an employee by the City for cause.

(z) **Discrimination.** Any action taken in regard to employment, and any threats, harassment or abuse of an employee (including part-time and temporary employees), applicant or candidate, which is illegally based upon such person's race, color, creed, religion, national origin, age, sex, marital status, or the presence of any sensory, mental or physical handicap, unless based upon a bona fide occupational qualification.

(aa) **Employee.** (See type of employee, ie: Full-time, Part-time, Exempt, etc). While volunteers are considered “employees” under some aspects of the law, this policy is applicable to full time, part time and exempt employees. Volunteer policies and procedures are addressed by the Departments that volunteers are assigned or per Woodland Municipal Code.

(bb) **Exempt Employee.** An employee who holds an administrative professional or executive position defined as exempt under the Fair Labor Standards Act. For purposes of civil service, the term refers to employees not within the civil service system pursuant to law, other ordinances of the City and rules of the Civil Service Commission.

(cc) **Equal Employment Opportunity.** The policy set forth by federal and state law requiring that all recruitment, hiring, training, promoting, an transferring of employees shall be done without regard to race, color, creed, religion, national origin, sex, age, marital status, or the presence of a sensory, physical handicap which does not constitute a bona fide occupational qualification.

(dd) **Full-time Employee-Regular.** A person who is hired to work a predetermined schedule on a regular basis of at least 35 hours per week. (See (z) Employee).

(ee) **Holidays.** Those days declared to be legal holidays by the City Council.

(ff) **Hourly Rate of Pay.** An employee's normal hourly rate of pay, or, if the employee is salaried, such employee's monthly salary, exclusive of pay for overtime, multiplied by twelve and the product thereof divided by 2080.

(gg) **Layoff.** Termination of service without fault on the part of the employee, due to a "reduction in force".

(hh) **Leave.** Any authorized absence of an employee from designated work days and during designated working hours, with pay.

(ii) **Leave of Absence.** Any authorized absence of an employee from designated work days and during designated working hours, without pay.
(jj) **Nepotism.** The prohibited practice of appointing persons who are close relatives to positions where one might supervise the other or where one might exert, or appear to exert, direct influence on the appointment, promotion, transfer, compensation, or performance evaluation of the other.

(kk) **On-call.** The status of an employee when required to be available after normal work hours in order to respond to emergencies.

(ll) **Overtime.** Work performed in excess of the standard eight-hour day or forty-hour work week.

(mm) **Overtime Pay.** The compensation paid to an employee for overtime work performed.

(nn) **Part-Time Employee-Regular.** A person who is hired to regularly work less than 35 hours per week, but at least 20 hours a week, budgeted for and works 180 days or greater. Regular part time employees are eligible for some prorated benefits. (See (aa) Employee).

(oo) **Part-Time Employee-Temporary.** A person who is hired to work less than 20 hours or less per week less than 180 days and the position may not continue year-to-year, but is determined as budgeted. This employee is not eligible for any benefits.

(pp) **Performance Evaluation.** A formal review and rating of an employee's work performance.

(qq) **Position.** A group of duties and responsibilities requiring the full-time services of an employee, having a definite title, and being allocated by the Classification Plan.

(rr) **Position Description.** A comprehensive, written statement of the distinguishing characteristics, representative duties, knowledge, abilities, qualifications and any special requirements inherent in a position allocated by the Classification Plan.

(ss) **Probationary Employee.** An employee of the City who is serving during a probationary period.

(tt) **Probationary Period.** The initial one (1) year period of employment in a position, during which period an employee may be discharged without cause.

(uu) **Promotion.** The assignment of an employee to a position having greater responsibility and/or higher compensation.

(vv) **Provisional Employee.** An employee who is hired to fill a Civil Service vacancy for a specified period of time until a hiring eligibility list is established and a permanent employee hired.

(ww) **Reduction In Force.** Termination of service due to lack of work, lack of funds, or due to considerations of efficiency unrelated to any employee's job performance.
(xx) **Re-employment.** The appointment to a position of a former employee who had previously separated from employment.

(yy) **Regular Employee.** An employee who has successfully completed his or her initial probationary period. Regular employees are credited with continuous service from the date of hire.

(zz) **Regularly Scheduled Day Off.** A day, designated by an authorized schedule of work, on which an employee is not required to work.

(ab) **Reinstatement.** The appointment to a position of a former employee who had been laid off or who has returned from an approved leave of absence.

(ac) **Reprimand.** A written statement to an employee by the Department Head or Mayor for disciplinary purposes.

(ad) **Resignation.** Termination of employment by the voluntary action of an employee.

(ae) **Retirement.** Termination of employment in conjunction with an employee's election to exercise matured rights to a retirement or pension system.

(af) **Salary.** The compensation paid to an employee for services rendered, excluding reimbursement for expenses incurred incident to employment.

(ag) **Separation.** Termination of employment regardless of reason.

(ah) **State Retirement.** The Public Employees' Retirement System (PERS) and Law Enforcement Officers and Firefighter’s (LEOFF) System of the State of Washington as established by state law.

(ai) **Step date upon promotion or reclassification.** This is the annual recurring date on which the employee entered into a new position that occurred due to promotion, reclassification. i.e. and is eligible for a Step increase, if applicable.

(aj) **Suspension Without Pay.** A disciplinary leave of absence without pay for a specific period of time.

(ak) **Suspension Leave.** A leave of absence for investigation or other actions for a specified or unspecified period of time until said actions can be completed and a resolution identified.

(al) **Temporary Employee.** An employee who is employed for a specific period of time and for a special purpose such as unusual or emergency workloads, vacation relief, or other situations involving fluctuating work requirements. Such employees receive no benefits unless authorized by the Mayor and City Council.

(am) **Transfer.** The assignment of an employee from one position to another position of
substantially similar responsibilities and compensation.

(an) **Vacancy.** A position allocated by the Classification Plan which is not filled.

(ao) **Veteran.** Every person who has received an honorable discharge or received a discharge for physical reasons with an honorable record and:

(1) Has served in any branch of the armed forces of the United States between World War I and World War II or during any period of war; or

(2) Has served in any branch of the armed forces of the United States and has received the armed forces expeditionary medal, for opposed action on foreign soil.

A "period of war" includes World War I, World War II, the Korean conflict, the Vietnam era, and the period beginning on the date of any future declaration of war by the congress and ending on the date prescribed by presidential proclamation or concurrent resolution of the congress. The "Vietnam Era" means the period beginning August 05, 1964 and ending on May 07, 1975. May also include certain veterans of “Desert Storm.” Also, see RCW 41.04.005.

(ap) **Volunteer.** A person who offers himself/herself for a service of his/her own free will and receives no compensation. Works under the direction of a department head or authorized designee.

(aq) **Vital Public Services.** Certain operations in the City must provide at least partial services at all times regardless of or because of unusual or inclement weather situations. Vital Public Services include the Police and Fire Department (clerical staff are excluded) and certain Public Works Employees which include but are not limited to the Wastewater Treatment Plant and Water Treatment Plant. The Department Heads with the responsibility for these operations, in conjunction with the Mayor, will determine what services and staffing levels must be maintained in unusual or inclement weather situations.

(ar) **Year of Employment.** The annual interval between any two consecutive anniversary dates during which time the employee shall have been continuously employed.

**SECTION 3. Classification of Positions.**

(a) **Purpose.** The purpose of the Classification Plan is to provide for:

1. The orderly allocation of positions into separate and distinct classes so that each class shall contain those positions which involve substantially similar and comparable skills, duties, authorities, and responsibilities;

2. Uniform methods of recruitment, examination and selection to positions within each classification; and
3. Similar schedules of compensation applied equitably to all positions within each classification.

(b) Position Descriptions. The Department Head with input and advice of the Personnel Committee and employees as the Department Head may deem appropriate, shall prepare a comprehensive position description for each position allocated within the Classification Plan. Each such position description shall set forth distinguishing characteristics, representative duties, knowledge, abilities, qualifications and any special requirements necessary for satisfactory performance of such duties. Position descriptions shall, however, be construed as a general description of duties and qualifications and shall not limit or restrict the authority of Department Heads, in assigning specific tasks and responsibilities related to or ancillary to the general description.

(c) Limitation of Employment To Classification Plan Positions. No person shall be appointed to or be employed in any position not allocated within the Classification Plan and identified by an adopted position description.

(d) Amendments. In preparing the budget for each ensuing year, the Personnel Committee shall review the Classification Plan and position descriptions, together with advice and recommendations of such Department Heads and employees as the Mayor may deem appropriate, to determine the appropriateness and accuracy of the Plan and descriptions. At a regular meeting of the City Council of each year, the Mayor shall submit for approval any proposed amendments, additions or deletions to the Classification Plan. Notwithstanding the foregoing, the City Council may amend or change the Classification Plan at any time consistent with needs of the City.

(e) The Classification Plan. All positions of employment with the City are allocated into the following classifications and titles:

Classification: Supervisor - Management
- Clerk-Treasurer
- Deputy Clerk-Treasurer
- Public Works Director
- Police Chief
- Fire Chief
- Building Official/Inspector
- Community Development Planner

Classification: Office & Clerical
- Clerk I
- Clerk II
- Clerk III
- Clerk IV
- Clerk Part-time
- Planning Assistant
- Code Enforcement Officer #
Classification: Fire Department
Assistant Chief*
Division Chief*
Battalion Chief*
EMS Coordinator*
EMS Responder*
Lieutenant*
Volunteer Recruitment & Retention Officer (VRRO) *rank of Captain (^)
Firefighter/EMT (^)
EMS Responder*
Intern*
Fire Cadet*
(Fire) Public Safety Clerk I-IV (^)

Classification: Police Department
Sergeant (^)
Officer (^)
(Police) Public Safety Clerk I-IV
Police Reserves*
Community Service Officer */ # (^)
Volunteers*

Classification: Public Works
Senior Lead Worker
Lead Worker
Wastewater Treatment Plant Superintendent
Water Plant Superintendent
Treatment Plant Manager
Treatment Plant Operator
Mechanic
Utility Service Worker II/Mechanic
Utility Service Worker I/II
Laborer
Park Laborer
Engineering Technician
Engineering Aide I
Building Inspector

*denotes volunteer positions
#denotes combination position (full-time; part-time and/or volunteer)
(^) denotes Civil Service

(f) Supervisory Ratio.
The number of persons reporting directly to their supervisor and/or department head must be limited. The recommended ratio for fire and police is 3 to 7 employees to 1 supervisor. Therefore to ensure unity of command, clearly defined lines of authority must be drawn so that there exists a structural relationship between each employee and their supervisor.
Section 4. Equal Employment Opportunity Policy.

(a) **Statement of Policy.** It is the policy of the City to provide equal employment opportunity to all persons.

(b) **Prohibition Against Discrimination.** The interpretation and implementation of these personnel policies and procedures, and all recruitment, hiring, training, promoting and transferring of employees shall be done without regard to race, color, creed, religion, national origin, sex, age, marital status, or the presence of any sensory, mental or physical handicap which does not constitute a bona fide occupational qualification.

(c) **Prohibition Against Harassment.** The Mayor, Department Heads, and all employees shall avoid, and shall not tolerate, any physical or verbal abuse or harassment of any employee, based upon race, color, creed, religion, national origin, sex, age, marital status, or the presence of any sensory, mental or physical handicap which does not constitute a bona fide occupational qualification.

(d) **Veterans' Preference.** Notwithstanding the policy of equal employment opportunity and the prohibition against discrimination, veterans shall be granted a preference in all competitive examinations, as authorized by state law, RCW 41.04.010.
SECTION 5. Recruitment and Applications.

(a) The Mayor as Personnel Officer. The Mayor or designee is the City's personnel officer. All persons inquiring about employment and all applicants and candidates shall be directed to the Mayor or designee. The Mayor shall determine if, and when, applications shall be accepted, dependent upon current and anticipated employment needs of the City. The Mayor or designee shall be responsible for the administration of recruitment, testing and interviewing pursuant to these policies and procedures. In the absence of the Mayor the designee, shall serve as the City's personnel officer. In addition, the Mayor shall retain authority to be personally involved in the recruitment and shall ultimately be responsible for appointment of department heads, with confirmation of the City Council.

(b) Civil Service Rules & Regulations. Qualifications, recruitment, examination and hiring procedures for positions covered by Civil Service will be following the current edition of the City of Woodland Civil Service Rules & Regulations.

(c) Methods of Recruitment. (See Policy #94-03 Hiring Policy.) As positions become vacant, or when it is anticipated that positions may become vacant, the Mayor or a designee determine the nature and extent of recruiting for each such position, based upon the desirability of attracting a number of qualified applicants within the limitations of cost and time. Job will be posted for five (5) days in a designated area.

(d) Notice of Qualifications. The Mayor or a designee shall ensure that all recruiting programs provide notice, by advertisement or by written statement included with application forms, to prospective applicants of the minimum qualifications necessary for selection to the position or positions. If complete, the position description may be used for this purpose. Otherwise, any such statement of qualifications shall include the following, together with any additional qualifications the Mayor or designee shall deem necessary as per job description.

(e) Application Form. An application form shall be used which complies with state laws prohibiting discrimination and with the federal equal employment opportunity laws. The form shall elicit sufficient information so that it may be determined whether an applicant possesses the basic qualifications required for the vacant position. All applicants shall be required to submit a completed application form in order to be considered for employment.

(f) Testing of Applicants. Tests may be administered to candidates for a vacant position, when deemed appropriate by the Mayor, to competitively rate the candidates or to establish proficiency or knowledge at a predetermined level. All candidates for similar positions shall be tested uniformly. Test materials may be procured from reliable outside sources or may be developed by or on behalf of the City.

Under no circumstances, however, shall any candidate other than a candidate making initial application for employment in public safety (law enforcement and fire), be required to take a polygraph, lie detector or similar test of veracity.
(g) **Interviews.** The Mayor, Department Head and the Personnel Committee shall conduct interviews of candidates, when deemed necessary or desirable, to elicit pertinent information or to assist in evaluating or rating such candidates.

(h) **Medical Examinations.** A medical examination may be required in order to ascertain whether the candidate meet the physical requirements of the position. However, no candidate shall be tested for the presence of HIV infection.

**SECTION 6. Appointment to Vacant Positions.**

(a) **Experience As Substitute For Education.** Employees and former employees who apply for appointment to any vacant position which requires higher education, may substitute work experience with the City, or other work experience involving similar duties and responsibilities, for such higher education, on a year-for-year basis unless specified in the job description that higher education is mandatory.

(b) **Selection.** When a vacant position is to be filled, the Mayor, together with the Personnel Committee or such Department Heads or other employees as may deemed appropriate, may review and evaluate the application forms, test results, interview results, and such other information as might properly be available.

If only one employee or former employee is being considered as a candidate for preferential appointment, or if only one applicant has applied for the vacant position, the Personnel Committee or Department Head shall ensure that the candidate or applicant meets the required qualifications. If more than one candidate or applicant has applied, the Department Head may recommend to the Mayor and Personnel Committee to select the best qualified.

1. **Criminal Records Checks;** a criminal record check will be obtained prior to final appointment of candidate. Generally, all convictions or prison release within the previous seven (7) years should be disclosed and will be considered for employment selection.

(c) **Nepotism Prohibited.** No candidate or applicant shall be appointed to any position if such appointment would result in the candidate and existing employee who is a close relative of the candidate holding positions where one might supervise the other or where one might exert, or appear to exert, direct influence on the appointment, promotion, transfer, compensation, or performance evaluation of the other.

(d) **Appointment.** The Mayor or the appropriate Department Head, shall offer the vacant position to the candidate or applicant selected and, upon acceptance, shall appoint such candidate or applicant to that position. In the event the selected candidate or applicant shall decline the offered position, the Mayor, the appropriate Department Head, or the Personnel Committee, whichever is appropriate, shall offer the position to the next best qualified candidates or applicants. Department Head appointments will be confirmed by the City Council.

(e) **Probationary Period.** The initial one (1) year period of service by an employee in any position allocated by the Classification Plan shall constitute a probationary period. A
probationary employee may be separated or demoted by the Department Head or the Mayor at any time during the probationary period, without cause. A probationary employee so discharged or demoted shall have no recourse to the grievance procedures contained in these policies and procedures. Upon satisfactory performance evaluation, and at the end of the one (1) year probation period, permanent employment status shall be granted.

(f) Performance Evaluations. A formal review and evaluation of the work performance of each probationary employee shall be conducted at least once prior to the end of the probationary period. A formal review and evaluation of the work performance of each regular employee shall be conducted at least once per calendar year on or near the employee's anniversary. The review and evaluation shall be conducted by the Department Head, or designee. Department Heads shall be evaluated by the Mayor.

(See Union Contract for bargaining unit employees)

(a) Purpose. The Compensation Plan is intended to ensure regular review and adoption by the City Council of all wages, salaries and other compensation so that:

1. Compensation will be equivalent and competitive with compensation paid for similar employment by other public and private employers;
2. Compensation paid by the City will attract, motivate and promote retention of skilled employees;

(b) Annual Review of Plan. On an annual basis, the Personnel Committee together with Department Heads and the Mayor as appropriate, may review the current Compensation Plan to determine whether existing pay ranges, additional compensation, and benefits are adequate to meet the purposes of the Compensation Plan. Concurrent with this review, the Personnel Committee shall survey compensation currently paid by other public and private employers to employees holding positions comparable to the positions allocated by the City's Classification Plan. This survey shall be considered in determining the adequacy of the current Compensation Plan. In addition, the Personnel Committee shall obtain the Consumer Price Index for all urban consumers in the Portland-Vancouver metropolitan area, as published by the Bureau of Labor Statistics, for the year, and shall determine a recommended cost of living allowance, if any.

(c) Annual Adoption of Plan. The Personnel Committee, with the advice and input of Department Heads, shall prepare a preliminary Compensation Plan for the ensuing year, with such changes as may be deemed necessary, and together with a recommended cost of living allowance, and shall submit the same to the Mayor for review. The Mayor shall submit the same, together with recommended changes, to the City Council for consideration at an appropriate regular meeting of each calendar year. The City Council shall review the preliminary Compensation Plan and the recommended cost of living allowance, if any, shall make any revisions or modifications thereof which may be deemed necessary, and shall then adopt the same as the Compensation Plan for the ensuing year.
(d) **Pay Periods.** There shall be one pay period in each month. The number of days in each pay period and any overlap into prior or subsequent months shall be established by the Clerk-Treasurer, or designee. Part time employees shall only be paid for actual hours worked through the period in which timesheets are due according to the schedule as set forth by the Clerk-Treasurer. Pay days shall be the last working day of each month. A draw at mid-month will be permitted. If the pay period ends on a weekend or holiday, the Friday previous to that day will be considered the end of the pay period. Full-time employees may draw up to 1/3 of their gross for the month in questions on the fifteenth (15th) day of the month or on the last work day preceding if said date is a weekend or holiday. (see Woodland Municipal Code 2.48) Part-time employees are eligible for a draw up to 1/3 of their total gross for the hours they have worked through the 15th of the month in which the pay is earned. Employees may only modify the amount of the draw no more frequently than annually unless otherwise authorized by the Clerk-Treasurer.

(e) **Timesheets.** Employees shall turn in a timesheet to their Department Head monthly. The Department Head will then review the timesheets, approve, sign and forward to the Clerk-Treasurer department. A schedule showing the due dates will be distributed annually by the Clerk-Treasurer department.

(f) **Compensation of New Employees.** New employees shall normally be appointed at the minimum compensation, Step 1, in effect for the position to which the appointment is made. At the request of a Department Head, or the Personnel Committee, the Mayor may approve compensation at a higher step level, not to exceed Step 3, if qualified applicants cannot be recruited at the minimum rate or if the Mayor determines that the best qualified applicant or applicants have experience and qualifications in excess of the entry requirements for a given position. The Mayor may recommend, and the City Council may approve, compensation at a step level higher than Step 3 in appropriate cases.

(g) **Compensation upon Reinstatement.** A person who is reinstated in the same class or in a lower class within the same classification allocated by the Classification Plan shall be compensated at the same Step level as such person was compensated at the time of reduction in force or leave of absence. If reinstated to a position within a different classification, such person shall be appointed at the minimum compensation, Step 1, applicable to the position to which such person is reinstated.

(h) **Step Increases in Compensation.** All step increases in compensation shall be based upon performance. Step increases will not, in the absence of unusual circumstances and approval by the Mayor with concurrence of the City Council, be permitted more often than once per year of service.

(i) **Compensation upon Promotion.** Any employee who is promoted to a position within a classification with a higher compensation range shall receive the greater of Step A compensation or compensation at such other step as results in an increase of compensation to the promoted employee.

(j) **Compensation upon Transfer.** When an employee is transferred from one position to another within the same classification, or to a position within another classification with the same, or a lower, compensation range, the employee's compensation shall not change.
However, the compensation paid to an employee upon transfer must not exceed the maximum of the compensation range for the new position.

(k) **Compensation upon Demotion.** When an employee is demoted for reasons of physical inability to perform, or for other cause, the employee's compensation shall be reduced to the comparable Step in the compensation range for the employee's new position. When an employee in good standing voluntarily accepts demotion for reasons other than unsatisfactory performance, or other cause, the employee shall receive compensation at the highest Step for the new position which does not exceed that employee's compensation immediately prior to demotion.

(l) **On-Call Compensation.** Compensation for on-call duty shall be in an amount determined by the Union Contract with advice of the Personnel Committee, with concurrence of the City Council. No other compensation shall be paid to an employee by reason of on-call status unless such employee is actually called to work, in which case the employee shall also be entitled to regular or overtime pay during the time worked.

(m) **Overtime Pay.** Any employee, other than the Mayor, and Department Heads, who works more than eight (8) hours in any one day, or more than forty (40) hours in any one week, shall be paid at the rate of one and one-half (1 ½) times that employee's regular hourly rate for each such overtime hour worked. Any employee, who works on a holiday shall be paid at the rate of one and one-half (1 ½) times that employee's regular hourly rate for each hour worked during the holiday. If any such employee is salaried, such employee's hourly rate of pay shall be computed by multiplying such employee's monthly salary, as shown on the Compensation Plan, by twelve (12) and then dividing the product thereof by 2080. In every case, however, overtime work and pay must be approved, in advance, by the Department Head, or designee. If acceptable to the employee and to the Department Head, compensatory time, at the overtime rate, may be granted in lieu of overtime pay.

(n) **Health Care, Hospitalization And Medical Aid.** Employees shall receive the benefits provided by resolution of the City Council. Regular part-time employees are covered for medical insurance per Policy No. 2001-001.

1.0 **Purpose.**
To establish the City policy on the provision of health insurance and leave accruals for non-union part-time employees.

2.0 **Policy.**
It shall be the policy of the City of Woodland to allow regular part-time employees to participate in the Health Plan(s) offered by the City. Said eligible regular part-time employee shall be defined as working a minimum of 20 hours per week, but not more than 40 hours per week. To be eligible for coverage by the Health Plan the employee shall also meet the position requirements as defined by the State of Washington Department of Retirement Systems.

2.1 Regular Part-time Employee. Definition. The employee shall work an average of more than 20 hours but less than 40 hours per week. If the position is budgeted for a minimum of 20 hours per week, in a five (5) month period and meets the eligibility requirement set forth below, then the employee would be
eligible for coverage and may enroll on the first of the month following the date of hire; and
2.2 Eligible position. The position must normally require at least (5) five months each year in which regular compensation is earned for at least 70 hours per month to be eligible for coverage.
2.3 Exclusions. It shall also be the policy of the City that eligible regular part-time employees will not be included in the “union pooling” per Collective Bargaining Agreements.

3.0 Premium Payment. A requirement to participate in the medical portion of the health insurance plan is that the employee must contribute 50% of the premium, which shall be through payroll deduction. Dependents may be covered per plan rules, but the employee, through payroll deduction shall pay 100% of the premiums. The Dental, Vision, Life Insurance plan is not available, per City of Woodland policy, to regular part-time employees.

4.0 Open Enrollment. An open enrollment period for the medical and dental plans is offered annually in December. At that time, employees may join, add dependents, or transfer between plans without evidence of insurability.

5.0 Effective Date of Coverage. For eligible new hires that begin service on or after the first of the month, insurance coverage will commence on the first day of the month following date of hire.

6.0 Spouse/Dependent Coverage. New employees. Dependent coverage must be applied for at the time a new employee completes the hiring process, otherwise dependents cannot be added until the next open enrollment period. (See specific plan requirements for mandatory enrollment requirements and other plan requirements.)

7.0 Vacation/Sick/Holiday Leave Benefits. Vacation, Sick or Holiday leave benefits are not available for regular part-time employee, unless covered under a Collective Bargaining Agreement and said leave is bargained for.

(o) Dental Care. Employees shall receive the benefits provided by Employee contracts and/or Collective Bargaining Agreements.

(p) Long Term Life Disability Insurance. None provided.

(q) Cost Not Deemed Additional Compensation. Pursuant to RCW 41.04.190, the cost of the premiums for health care, hospitalization, dental care, and disability insurance (when provided) is deemed not to be additional compensation to the employees of the City.

(r) Reimbursement of Training Costs. It is the policy of the City to provide and encourage, within budget appropriations, training opportunities, including attendance at workshops and seminars, for any eligible employee, subject to prior approval by the Department Head or the Mayor. The objective of this policy is to encourage and motivate employees to improve their personal capabilities in the performance of their assigned duties. Tuition and fees for such approved training will be reimbursed upon verification of successful completion of the training. The city may also opt to pre-pay, use advance travel funds, or use a purchase order.

(s) Registration Fees. The City shall pay, in advance, directly to the sponsoring organization, agency, or institution any registration fee for attendance at authorized
conferences, seminars, conventions or training sessions. Advances will only be made upon preparation of a Travel Advance form.

(t) **Reimbursement for Use of Personal Automobiles.** Use of personal automobiles by employees in connection with officially assigned duties and other travel for approved public purposes shall be reimbursed at what the IRS allows per mile upon submission of a duly certified claim form. The City has the option to provide a City vehicle for use.

(u) **Reimbursement of Other Expenses.** The City shall reimburse employees for expenses of transportation, lodging, meals or other authorized activities incurred by such employees in connection with officially assigned duties or in connection with other travel for approved public purposes. Advance Travel Request form may be utilized.

(v) **Claims for Reimbursement.** All claims for reimbursement shall be certified by the employee on a City of Woodland Travel Authorization And Expense Claim form and shall be submitted to the Clerk-Treasurer, through the appropriate Department Head, not later than thirty (30) days after completion of the travel or authorized activity.

(w) **Deferred Compensation.** Deferred compensation plans shall be made available to employees. The administration of such plans, and benefits, are governed by state law, RCW 41.04.250 through .260.

(x) **Public Employees' Retirement.** All eligible employees shall be covered by the Washington State Department of Retirement (DRS).

(y) **Retirement Plan In Addition to Social Security.** Employees covered by any retirement system or plan made available by the City shall be eligible for the Federal Old Age and Survivors Insurance generally made available through the Social Security Administration. However, Medicare benefits shall, pursuant to federal law, be made available and the required employee contributions shall be deducted from employees' paychecks.

(z) **Exceptional Compensation: Declared Disaster Periods.** The City shall compensate all overtime exempt employees on an hourly basis for exceptional work performed which is required as a result of emergency needs created by a “declared” disaster. The “declaration” must be determined by the city, county, state or federal authority. Exceptional compensation hours are only those hours in which the exempt employee is performing work required by the City response to the declared disaster, and performing duties which are outside the routine functions of the individual exempt employee’s position. Only hours performed during the disaster declaration period qualify for exceptional compensation under this policy.

The hourly rate for exceptional compensation hours shall be determined by the Mayor or Clerk-Treasurer and shall be the salaried employee’s straight time rate or the overtime rate computed in accordance with FLSA regulations based upon the regular rate of pay paid to the salaried employee.

Exempt employees must submit a report of work hours and duties performed under this policy within five (5) business days of the close of the declared disaster period, and provide such interim reports as determined by the Mayor or designee. Work assignments
performed under this policy must be pre-approved by the Mayor, or designee.

The Mayor, or designee shall notify and update the Council of declared disaster conditions and projected needs under this policy, and will present a summary report for full council review within 30 days of the close of the disaster period.

The City shall seek reimbursement for exceptional payroll and other costs incurred to meet response needs during declared disasters through such sources as may be available to the City during the post disaster recovery period.

It is the policy of the City that Fire Department exempt employees who are activated and respond on State and EMAC Mobilizations are subject to overtime for work hours outside their normal duty hours for these deployments. The State of Washington will reimburse the Fire Department for the regular and overtime expenses for exempt employees on these mobilizations.

(aa) Wellness Program.

1.0 Purpose:
To create an environment that supports healthy lifestyles and offers opportunities for employees to optimize their health and well-being.

2.0 Goal:
To support wellness in the workplace by creating a program that meets the needs and interests of the employees of the City of Woodland.

3.0 Policy:

3.1 Membership of the City Wellness Committee:

3.1.2 The wellness committee shall consist of one representative per department and a management team representative.

3.1.2 The committee may change every year, if necessary, to give people an opportunity to participate.

3.13 The Clerk Treasurer Department will provide one permanent member to serve as the Wellness Coordinator.

3.2 General Committee Requirements:

3.2.1 All meetings will start promptly and end on time.

3.2.2 All committee members are equal participants and have equal rights and responsibility to voice opinions and ideas and share in the success of the program.

3.2.3 Committee members are strongly encouraged to participate in all Wellness program activities.

3.2.4 Attend scheduled Wellness meetings.
3.2.5 Representing your department and educating them of the various Wellness activities.

3.2.6 Assisting (as required) other members in the execution of their wellness events.

3.2.7 Wellness Committee members are permitted to spend 1 – 2 hours per month to attend meetings and facilitate programs.

3.3 **Wellness Coordinator Requirements:**

3.3.1 Setting the time and place of meetings.

3.3.2 Preparing an agenda in advance of all meetings.

3.3.3 Managing the meetings and following the presented agenda.

3.3.4 Applying for, obtaining, and managing annual grant funding requirements.

3.3.5 Managing the budget and financial program requirements.

3.3.6 Attending conferences and training when possible.

3.3.7 Preparing and distributing minutes of Committee meetings.

3.3.8 Finding new avenues to work with benefit administrators and businesses to maximize Wellness resources and relationships.

3.4 **Program Activities:**

3.4.1 Any participation in the programs and activities of the Wellness Program is on a voluntary basis.

3.4.2 The Wellness Committee will promote its programs through cultural change and recurring awareness. Specifically, it will advance its agenda through three types of service:
   a. Information and Awareness
   b. Environmental Change
   c. Behavior Change

3.4.3 Employees are permitted to participate in some wellness programs such as health screenings, blood donations, or health education seminars during work hours as the normal work demands are appropriately met and as approved in advance by their supervisor.

3.4.4 **Resources.** Existing resources within the City which are available to the general public will be considered first for utilization by the Team in preparing their plans.
3.45 **Program Liability and Consent.** Any employee who engages in exercise or fitness programs and activities of the Wellness Program shall be encouraged to undergo fitness evaluations and screening by their physician. Consent forms shall be utilized to provide participants in programs which may be strenuous or otherwise pose a hazard to the unprepared employee with information regarding the program, and, in appropriate situations, to require the employee to place on file with the Program Coordinator a City Employee Wellness Program consent and waiver form.

3.46 **Program Support.** The City Council, through their annual budget review will determine which programs and activities of the City Employee Wellness Program will be funded. Some programs and activities may only require minimal supplies and staff time and may be offered as determined by the Team and/or Coordinator.

3.47 **Wellness Incentives.** Wellness program participants may be given incentives as approved by the Mayor and recommended by the Wellness Committee. Incentives may consist of time off with pay (not to exceed eight (8) hours annually), gift certificates (funded by the annual budget process and/or grants), and mini-grants for gym or physical fitness use. Incentives will be based on participation in the Wellness program with minimum standards to be met, as established by the Wellness Committee and approved by the Mayor.

(bb) **Employee Use of City Facilities.** Regular, full-time employees and volunteers are eligible for use of City facilities to include, but not limited to the Community Center, Horseshoe Lake Park shelter, City Hall Council Chambers, Annex Conference Room, and Fire Department meeting room. The employee and/or volunteer may use a facility, at no charge, up to two (2) times per year. A written request must be made to the Clerk-Treasurer’s office through the Facilities Use Agreement. The employee must be present at the event to qualify for use.

(cc) **Employee/Volunteer Recognition Program.** (Per Resolution No. 425).

1.0 **ORIGINATION**

The employee/volunteer recognition committee or otherwise known as the Personnel Committee was asked to look into some way to recognize outstanding performance and/or contributions by its employees and volunteers. The committee met and discussed several ways and types of recognition for these employees and volunteers. These recommendations are not to be considered the end of the program, they are only the beginning of a program that will certainly change and may grow in scope depending upon its success.

2.0 **THE PROGRAM**

If the program is implemented it will recognize employees and volunteers with the City of Woodland for “Employee of the Year” and “Volunteer of the Year” Awards. Each award will be given to employees or volunteers who have made an exceptional contribution to the City of Woodland. Candidates may consist of full-time paid employees (not department heads), fire and police volunteers, police reserves, Explorers,
3.0 DETAILS

Nominations will be accepted for the awards by all City of Woodland personnel (employees and volunteers) during a specified period each year. Only one (1) vote will be allowed per person. Nominations must be submitted on the original form as supplied by the City of Woodland.

The Personnel Committee, along with the Department Heads will review nominations and make the decision on the finalists for the awards. Awards will be presented annually at a City sponsored event (picnic, awards banquet, etc.) as scheduled by the City Council and staff.

Award recipients will receive the following:

1. Engraved plaque for “Employee of the Year” and “Volunteer of the Year”.
2. $50.00 dinner gift certificate to a restaurant of their choice in the local area (Woodland, Longview, Vancouver).
3. Picture in the paper (if desired).
4. Name on a permanent plaque located at City Hall.
5. Letter of commendation in personnel file from the mayor.

3.1 Attachment to Resolution No. 425

Other awards based on years of service:
(Pins are 24K Gold Electroplate)

<table>
<thead>
<tr>
<th>Years</th>
<th>Pin</th>
<th>Description</th>
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<tbody>
<tr>
<td>One (1)</td>
<td>Pin Gold</td>
<td>(awarded to volunteers only, for 1 year of service)</td>
</tr>
<tr>
<td>Five (5)</td>
<td>Pin Gold with sapphire</td>
<td></td>
</tr>
<tr>
<td>Ten (10)</td>
<td>Pin Gold with ruby</td>
<td></td>
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<tr>
<td>Fifteen (15)</td>
<td>Pin Gold with diamond, and</td>
<td></td>
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<tr>
<td>Twenty (20)</td>
<td>$50.00 Dinner Gift Certificate or $50.00 Clothing Gift Certificate</td>
<td></td>
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</tbody>
</table>

*In the first year (1999) of this recognition program, service awards will be distributed as follows:

- 5-9 years Gold
- 10-14 years Gold with sapphire
- 15-19 years Gold with ruby
- 20 + years Gold with diamond

(dd) Cellular Phone Acquisition and City Official/Employee Use. (Per Policy No. 1996-001).

1.0 Purpose: The purpose of this policy is to delineate policies and procedures related to cellular telephone Acquisition and use by City officials and employees.
2.0 Department Affected: All Departments

3.0 Policy:
Two types of telephone acquisition and use are available.

3.1 Cellular telephones issued in the name of the City, hereinafter “City-owned cellular telephone”.

3.2 Cellular telephones authorized by the Mayor, principally for private use by the requesting City official or employee, where the City agrees to be secondarily liable to the applicable Telephone company in the event of non-payment by the official/employee, hereinafter “private cellular telephone”.

3.3 With respect to private cellular telephone use, (3.2), the city finds it is a benefit to the City to assist in facilitating the acquisition of private cellular telephones by its official/employees for use in the event of a significant emergency such as an earthquake, volcanic eruption or similar catastrophe.

4.0 Procedure:
The following policies and procedures shall be adhered to with respect to the acquisition and use of cellular telephone within the respective above-referenced categories:

4.1 City-owned cellular telephones:

4.1.1 Cellular telephones of the typed described in this category shall be authorized only by the Mayor or his/her designee.

4.1.2 Costs of acquisition and monthly charges shall be the responsibility of the affected department.

4.1.3 Cellular telephone use should be limited to business use only. In the event non-business calls are made, a check for payment shall accompany the invoice for payment that is forwarded to the Clerk/Treasurer.

4.1.4 Calls home or to family, etc. by City official/employee when required to work extended hours shall be considered business calls.

4.1.5 Billing of City-owned cellular telephones will be reviewed by the Clerk/Treasurer for authorization.

4.1.6 Cellular telephone use should be limited to use where two-way radio service is not available or no other less expensive method is available.

4.1.7 The City reserves the right to monitor and audit all calls made on City-owned cellular telephones.

4.2 Private Cellular Telephones:

4.2.1 Acquisition and use of cellular telephones within this category are available to City
officials and regular employees, subject to the approval of the Mayor.

4.2.2 No portion of the billing for telephones within this category shall be the responsibility of the City unless the call or use was specifically pre-authorized by the Mayor.

4.2.3 The respective obligations and duties of the City official or employee and the City shall be controlled by a contract substantially in the form attached hereto as Exhibit “A”.

4.2.4 The Mayor is hereby authorized to execute contracts in behalf of the City in the form set forth in Exhibit “A”. For the duration of the contract, it shall be the Clerk/Treasurer’s responsibility to insure that the City official or employee complies with the terms and conditions of the contract.

4.2.5 It shall be the Clerk/Treasurer’s responsibility to insure that when any official or employee, who is a party to an Exhibit “A” contract, leaves the service/employ of the City that the following occurs:

4.2.5 (a) That the telephone company is notified in writing that the City is no longer secondarily responsible for the City official or employee’s telephone bill.

4.2.5 (b) That the proper steps are taken so that a final paycheck is not issued until the City is assured that the official or employee’s cellular telephone has been transferred off the City’s account and all outstanding charges incurred while on the program have been paid.

This policy shall be reviewed by the City Council annually to determine whether the program should be continued.


(a) Policy as To Job Performance. It is the policy of the City that all personnel actions, including recruitment, appointment, compensation, promotion, demotion, transfer, suspension, reduction in force, disciplinary actions, and discharge, shall be based solely upon performance of duties and fitness, or the lack thereof. Interference with employee performance, including discrimination, harassment or tolerance of such discrimination or harassment, shall also result in disciplinary action.

(b) Conflicts of Interest and Outside Employment. Conflicts of interest, real or apparent, the acceptance of gratuities, and outside employment relating to services normally provided by the City, is deemed to adversely affect employee performance and is therefore subject to disciplinary action. No employee shall have any financial interest in any contract, service, or other work performed by the City, nor personally benefit directly or indirectly from any contract, purchase, sale, or service between the City and any person or company.

No employee shall personally or as an agent provide any surety, bail, or bond subject to approval by the City. No employee shall accept for personal benefit any services, compensation, reward or concession from any person or company offered as an inducement or gratuity for performance of such employee's duties. No employee shall be engaged in outside employment which interferes with that employee's performance of duties.
Volunteering by City Employees. (See policy 1997-003). Employees of the City of Woodland are encouraged to volunteer their services provided they meet the following criteria:

1. Employees must obtain the approval of their department head prior to providing their services to another public entity. The department head will ensure that there are no conflicts of interest and that the activity does not violate the current bargaining unit agreements and any applicable laws. This approval shall not be unreasonably withheld.

2. Employees may volunteer for a governmental entity separate from the City of Woodland or for a different department of the city performing duties substantially different from the employee’s normal duties. Should the employee volunteer for another governmental entity, performing duties which the City of Woodland normally pays them to perform, the employee may not provide any services, under the auspices of such entity, within the city limits of Woodland or for the citizens of Woodland.

2.3 Because of regular-occurring first alarm and mutual aid responses, full-time Fire Department employees are not allowed to volunteer with fire agencies who directly border the Woodland City limits.

3. When a city employee wishes to volunteer for a different department within the City of Woodland a written understanding will be prepared. This document will outline the volunteer duties to be performed and inform the employee that the volunteer activity will involve no compensation other than that received by the other volunteers.

4. Employees will not respond to the volunteer activity from their normal job duties unless released by their supervisor.

5. When City employees are engaged in the volunteer activity they will not perform any duties normally associated with their paid job, except in case of an extreme emergency which may result in serious injury, or death, or with the approval of their department head.

Administrator. The Mayor and such Department Heads, and such other employees as may be designated, shall be responsible for administering the merit policy, subject to the grievance procedures contained in these personnel policies and procedures.

Grievance. Any employee believing himself or herself to be aggrieved by the result of any performance evaluation shall be entitled to follow the grievance procedures set forth in this Ordinance.

SECTION 9. Hours of Work.

(a) Normal Hours. Eight (8) hours shall constitute a day's work for all employees of the City. Five (5) days shall constitute a week's work for all employees of the City, except for Firefighter/EMT’s. Where appropriate, work schedules may be established by the Department Head which shall provide for other than eight hours per day and other than five days per week with corresponding changes in hours off and in days off, providing that not more than forty (40) hours shall be worked per week, unless overtime shall be specifically authorized by the Department Head. The Department Heads, or designees,
shall keep daily attendance records. Firefighter/EMT’s work an alternative schedule. This is determined in the Collective Bargaining Agreement.

**Flex Schedules.** For Regular Employees, Flex schedules shall constitute a forty (40) hour work week and shall be arranged within that week as agreed upon by the employee and their department head. Requests shall be submitted by the employee, in advance, to the Department Head. Vacation and sick leave accruals shall not be affected upon implementation of any flex work schedule approved by the Department Head.

For Exempt or Department Heads, Flex schedules are as approved by the Mayor. There is no carryover of these hours from one year to the next, except December accrual which must be used prior to the following December.

A Flex Log showing the accrued and used dates and times and will be kept by each employee and turned in monthly with the timesheet to the Payroll Clerk and/or Clerk Treasurer.

**(b) Overtime Policy.** The providing of city services may necessarily require overtime work, from time to time. However, all overtime work must be specifically authorized by the Department Head. Overtime pay, or compensatory time in lieu of overtime pay, shall be at the rates provided for by this Ordinance.

**(c) Holidays.** Employees, with the exception of Police and full time Firefighter/EMT’s, shall be granted holidays with pay on those days declared to be legal holidays by state law, which are presently the following days:

<table>
<thead>
<tr>
<th>Holiday</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>NEW YEAR’S DAY</td>
<td>1st day of January;</td>
</tr>
<tr>
<td>MARTIN LUTHER KING, JR. Day</td>
<td>3rd Monday of January;</td>
</tr>
<tr>
<td>PRESIDENT’S DAY</td>
<td>3rd Monday of February;</td>
</tr>
<tr>
<td>MEMORIAL DAY</td>
<td>Last Monday of May;</td>
</tr>
<tr>
<td>INDEPENDENCE DAY</td>
<td>4th day of July;</td>
</tr>
<tr>
<td>LABOR DAY</td>
<td>1st Monday of September;</td>
</tr>
<tr>
<td>VETERAN’S DAY</td>
<td>11th day of November;</td>
</tr>
<tr>
<td>THANKSGIVING DAY</td>
<td>4th Thursday of November;</td>
</tr>
<tr>
<td>DAY IMMEDIATELY FOLLOWING</td>
<td></td>
</tr>
<tr>
<td>THANKSGIVING DAY</td>
<td>4th Friday of November;</td>
</tr>
<tr>
<td>CHRISTMAS EVE</td>
<td>24th day of December;</td>
</tr>
<tr>
<td>CHRISTMAS</td>
<td>25th day of December;</td>
</tr>
</tbody>
</table>

1. The above holidays shall be observed on the dates listed, except that when the day recognized as the holiday falls on a Saturday, the preceding Friday shall be observed as that holiday, and when the days recognized as the holiday falls on a Sunday, the Monday which immediately follows will be observed as that holiday.

2. Any work performed by an employee at the request of the Employer on holidays recognized in (i) of this section shall be paid at the rate of pay specified in Section 7(n) Overtime.
3. Employees will be paid for above holidays provided that they work all time scheduled on the work day which immediately precedes the holiday, and all scheduled time on the work day which immediately follows the holiday. Employees who receive authorized sick pay or authorized vacation pay for the workday immediately preceding or immediately following the holiday shall be paid for the holiday.

4. An employee who is on authorized vacation or sick leave for a recognized holiday shall receive pay at straight time for the holiday, and will not have his or her vacation or sick leave accrual as the case may be charged for the holiday.

5. Police Officers and Firefighter/EMT’s do not have holidays off and are paid overtime for the holidays they work.

(d) On-Call Policy. To meet emergency needs of the City, the Department Heads, or the Mayor, may require certain employees to be on call each weekend from 5:00 p.m. Friday to 8:00 a.m. Monday. On-call employees shall remain able to respond to an emergency call within one hour or less from the time the call is received and, for that purpose, shall have on or near such employee's person a portable radio at all times. Additional compensation shall be paid for on-call duty, in addition to overtime pay earned when responding to emergencies or trouble calls while on-call. For union employees, this will be applied pursuant to the Collective Bargaining Agreements.

(e) Compensatory Time. All work which has been authorized by the City in excess of the regularly scheduled shift shall be paid at one and one half (1 ½) times the employee’s regular rate of pay. Upon request, an employee may have time off in lieu of pay at one and one half (1 ½) times the employee’s base rate. In no event shall the supervisor approve additional compensatory time accumulation for any employee who has accrued forty eight (48) hours in their compensatory time off bank.

Scheduling of compensatory time off shall be at the discretion of the supervisor, however, employees will at no time be required and/or directed to use compensatory time. Work attributable to programs funded by outside sources shall be paid for and not subject to compensatory time credit.

Upon separation, an employee shall be paid for any accumulated compensatory time. Conversion of compensatory time to payment as cash for active employees shall be requested by the employee in writing and submitted with the employees monthly timesheet with the Department Head’s signature.

(f) Administrative Time. Management/Designated Exempt positions are eligible for up to 96 hours of “Administrative Leave” per year at the Mayor’s (or person appointed by the Mayor) discretion. This is in recognition of the amount of additional time necessary to perform their tasks. There is no carryover of these hours from one year to the next, except December accrual which must be used prior to the following December. No payment for unused hours will be made if employee leaves the employer.

(g) Attendance. Employees must be in attendance at their work station or work site in accordance with the rules regarding hours of work, holidays and leaves as set forth in
these policies. Employees are expected to be at their work station or work site and be prepared to begin work at the starting time. Abuse of attendance or hours of work rules may result in disciplinary action.

SECTION 10. Sick Leave.

(a) Accrual of Sick Leave. An employee shall accrue sick leave at the rate of eight (8) hours for each month of employment in paid status, including the probationary period of employment. Sick leave is accrued to no more than 1,600 hours. Sick leave is not earned during a leave without pay. Employees do not earn sick leave and may not use any earned but unused sick leave, during a suspension without pay.

(b) Use of Sick Leave. Sick leave shall not be available for use during the first thirty (30) days of the probationary employment period and, thereafter, will be granted for, and shall be used for, the following purposes only:

1. Personal illness, hospitalization, or out-patient medical care;
2. Medical quarantine;
3. Personal dental care;
4. Death of a member of the employee's immediate family when three days of funeral leave has been used;
5. Care of a member of an employee's immediate family (spouse, child, grandchild, parents, grandparents, brother or sister) or any family member or other person dependent upon the employee, with a health condition that requires treatment or supervision.

(c) Procedure for Claiming Sick Leave. An employee shall promptly report to the Department Head or their designee any condition or anticipated condition necessitating the use of sick leave and shall keep the Department Head informed of the duration of the employee's absence. Upon return to work, the employee shall complete any required sick leave forms, and if the Department Head so requires, shall supply a doctor's or dentist's certificate concerning the employee's or child's medical or dental condition, or a copy of a death certificate or obituary notice, as appropriate.

Note: Employee calling in sick should talk to someone in charge, not leave message on voice mail.

(d) Transfer To Leave of Absence or Vacation. If any employee exhausts all accrued sick leave, but still unable to return to work, such employee shall request, in writing, vacation or leave of absence from the Department Head.

(e) Penalties for Abuse of Sick Leave. Any employee found to have abused sick leave benefits by falsification or misrepresentation shall be subject to disciplinary action.

(f) Payment of Accumulated Sick Leave. Upon death, termination or retirement, an employee (or a deceased employee's beneficiary) shall receive payment equal to twenty-
five percent (25%) such employee's then accrued and unused sick leave hours at the employee's last hourly rate of pay: Provided, however, that under no circumstances may an employee's payment for accumulated sick leave and vacation leave exceed two hundred forty (240) hours. Sick leave is accruable to no more than 1,600 hours.

(g) Leave Sharing. (See Ordinance No. 804).

A. The Department Supervisor, with the Mayor's approval, may permit an employee to receive shared leave under this ordinance if:
   i. The employee suffers, or has an immediate family member suffering from an illness, injury, impairment, or physical or mental condition which is of an extraordinary or severe nature and which has caused, or is likely to cause, the employee to: a) go on leave without pay status; or b) terminate City employment;
   ii. The employee's absence and the use of shared leave are documented by a qualified medical professional;
   iii. The employee has depleted or will shortly deplete his or her monthly vacation leave, sick leave and compensatory reserves and is ineligible for any other benefits which might be available, with the exception of state public assistance; and
   iv. The employee has been found to be ineligible for benefits under RCW Chapter 51.32 (Worker's Compensation) and ineligible to receive or is not receiving disability insurance payments. LEOFF I Members are excluded from giving or receiving under this ordinance; and
   v. The employee has been eligible for sick leave and abided by City rules regarding sick leave use.

B. The Clerk-Treasurer shall determine the amount of sick leave and/or vacation leave, if any, which an employee may receive as outlined in Section (A). The amount of sick leave and/or vacation leave which an employee may receive as a donation shall be based on the expected duration of the absence from work. No employee shall receive more than a total of 90 days.

C. Donated leave shall be utilized in the order of receipt by the Clerk-Treasurer (first in, first out). Such leave shall be donated in eight (8) hour increments.

D. An employee who has an accrued sick and vacation leave balance of more than thirty (30) days may request that the Clerk-Treasurer transfer a specified amount of sick or vacation leave to another employee authorized to receive leave under subsection (A) of this section. To be eligible to donate sick or vacation leave, the donating employee must retain 25% of their accrued sick and vacation leave, or not less than thirty (30) days, after the transfer of shared leave.

E. Transfers of leave authorized by the Department Supervisor and the Mayor under subsection (D) of this section, shall not exceed the approved amount. All donations of shared leave shall be entirely voluntary.
F. While an employee is on leave transferred under this section, he or she shall continue to be classified as a City employee and shall receive the same treatment in respect to salary, wages, and employee benefits as the employee would normally receive if using accrued monthly sick and/or vacation leave. All such current accruals shall also be depleted prior to any continuing use of donated hours.

G. The amount of any leave transferred under this section which remains unused may be returned to the employee(s) who transferred the leave if the Clerk-Treasurer finds that the leave is no longer needed or will not be needed at a future time in connection with the illness or injury for which the leave was transferred. To the extent administratively feasible, the unused leave shall be returned on a pro-rata basis.

(h) Leave of Absence. All leaves without pay will be submitted by the employee through his/her Department Head to the Mayor for review and approval. If approved, the employee will be reinstated as follows:

a. If the leave was due to an industrial injury, to the position held at the time of the leave, provided the position is still available, or, if it is not available, to another available position that the employee can perform.

b. If the leave was due to a non-industrial injury or illness, to any available position that the employee can perform.

An employee on an approved leave of absence without pay will have the first thirty (30) calendar days counted for purpose of computing sick leave and vacation pay provided he/she has completed at least one (1) year continuous employment with the Employer.

(i) Leaves of Absence - General. A personal leave of absence is a privilege the City may extend to qualified employees for specific periods of time under certain circumstances. It allows an employee to take time off from work for medical or personal reasons, or to fulfill a military obligation in excess of fifteen (15) calendar days per year. All such leaves are taken without pay.

A leave of absence must be requested in writing and submitted to the employee’s immediate supervisor as soon as the need for such a leave is known. The City reserves the right to grant or deny any leave request. All leaves granted are without pay unless the policies provide that previously accrued fringe benefits may be used to offset loss of pay during the leave. No benefits such as vacation or sick leave are earned while on leave. Employees on leave may return early from leave if they notify the supervisor at least three (3) work days in advance. Failure to return from leave on or before the agreed upon date, however, will result in termination.

A leave of more than fifteen (15) consecutive days will affect an employee’s salary review date. This date will be adjusted forward until the employee has completed as many days of continuous employment as the length of the leave of absence.
Employees who are on approved leave of absence for sixty (60) or less consecutive days will not be replaced. An employee will normally be assured of returning to his/her position for a leave of absence of less than thirty (30) days duration.

Because of staffing requirements, however, it may be necessary to fill the current position for a leave of absence in excess of thirty (30) days. In this event, efforts will be made to place the employee in an available, open, comparable position.

During any unpaid leave of thirty (30) days or more, an employee may keep health, life, and dental insurance in effect by paying the premium amount to the City in advance.

Sick leave accrual shall not be used for non-medical leaves of absence.


An employee who is eligible for sick leave accrual and is injured on the job shall be paid during any resultant period of disability up to 120 days for each new and separate injury, in addition to, and prior to, the use of sick leave accumulations, as provided hereafter in this Section:

a. The employee's eligibility for payment and the extent thereof will be based on the determination of the State Industrial Insurance Division under the State Workmen's Compensation Act.

b. The employee shall be paid an amount by the City which when combined (through the use of accrued sick leave hours) with the payment received from the State Industrial Insurance Division will equal 100% of the employee's normal wage. Amount from Labor and Industries will be endorsed to the City. A portion of sick leave shall be deducted for each day absent for an employee who is receiving time loss payments. Time loss payments, as determined by Labor and Industries, will be begin immediately if the employees sick leave balance is exhausted at the time of the filing of the claim.

No employee shall be required to use vacation or compensatory leave when off work with a job related injury and drawing worker's compensation, but they may upon written notification to their supervisor and to the clerk-treasurer.

c. Such payments shall be made during the period of disability up to 120 days, and for as long thereafter as the employee's sick leave accruals provide, according to the following schedule:

1. Charges shall be made against sick leave accruals, if any, for the date of injury and for the three day waiting period not covered by the State Workmen's Compensation Act. If injury time loss exceeds fourteen (14) calendar days, then sick leave used during the three day waiting period shall be returned and compensation computed at the 100% level as provided above;

2. After such payments during the initial 120 days of disability, charges shall be made against sick leave accruals, if any, at the rate of one-half day per day for any
further time loss due to the injury. Compensation shall continue at the 100% level as provided above;

3. Charges may be made against sick leave accruals, if any, in any case where the City of Woodland is contesting that the injury occurred on the job. In the event the State determines in favor of the employee, sick leave so charged shall be recredited to the employee's sick leave accrual balance and all payments in excess of the difference between the employee's regular pay and that received from the State shall be recovered by the City and may be deducted from future payments due the employee from the City;

4. In the event eligibility for payment under the Workmen's Compensation Act is denied by the State, the employee shall be eligible to utilize sick leave accruals, if any, retroactive to the date of injury, subject to the provisions of Section 10 of this Ordinance;

5. Upon making such payments as are provided for in this Section, the City shall be subrogated to all rights of the employee against any third party who may be held liable for the employee's injuries to the extent necessary to recover the amount of payment made hereunder. Provided: that where actual recovery is made against a third party hereunder, sick leave charged against the employee's accruals shall be re-credited to the extent such funds reflect recovery for payments attributable to compensated sick leave;

6. In order to limit the obligation of the City for each new and separate injury, the City may require the employee to furnish medical proof or submit to a medical examination by the City at its expense to determine whether a subsequent injury is a new and separate injury or an aggravation of a former injury received while in the service of the City.

d. Notwithstanding the foregoing, the City's obligation to supplement the income of an employee disabled by an on-the-job injury shall terminate upon the date on which the employee commences receiving disability benefits under any insurance plan paid by the City.

SECTION 12. Other Leave.

(a) Maternity Leave. (See Medical Leave of Absence).

(b) Medical Leave of Absence. Medical leaves of absence may be granted to employees who are recovering from illnesses or an accident. Medical leaves may also be used for periods of actual disability associated with pregnancy or childbirth.

This medical leave of absence requires a doctor's certification and cannot exceed six months. During medical leave, the employee may receive previously earned sick leave and earned but unused vacation benefits. A written request for medical leave of absence must be returned to a supervisor along with a doctor's certification, indicating the nature of the medical problem and the anticipated length of absence.

A medical leave of absence may be extended upon written request when accompanied by an explanation from the employee's doctor of the need for an extension period.
Employees returning from medical leaves of absence must provide a doctor's written certification of their ability to return to work.

Employees returning from medical leaves are entitled to return to the same position or a similar position of like pay and status if the leave of absence is only for the actual period of disability and the leave of absence in no case exceeds six months.

If business necessity requires the city to fill the position before or during the medical leave of absence, it will be filled by a temporary employee.

The city does not pay its share of any employee group insurance premiums during the medical leave. The employee may continue his/her group medical insurance coverage after the city discontinues paying its portion of the premiums by prepaying the entire premium during any affected period of the sick leave. Employees must arrange for a continuation of such coverage with the city prior to the commencement of the medical leave extension period.

**Medical Leave of Absence without Pay.** If the employee has exhausted all sick, vacation and compensatory leave balances, they will be placed on non-paid status. (Also see section 10. H).

(c) **Family and Medical Leave.** Not applicable because City has fewer than fifty (50) employees.

(d) **Military Leave.** Every employee who is a member of the Washington National Guard or of the Army, Navy, Air force, Coast Guard, or Marine Corps Reserve of the United States, or of any organized reserve or armed forces of the United States shall be entitled to and shall be granted military leave, with compensation, for a period not exceeding fifteen (15) days during each calendar year. Military leave shall be granted in order that the employee may take part in active training duty in such manner and at such time as the employee may be ordered to active training duty. Such military leave is in addition to vacation time. Additionally, any employee, who is a member of the organized militia of Washington and who is ordered upon active duty, shall be entitled to military leave without compensation, and shall be reinstated thereafter unless such active tour of duty shall have continued for a period longer than three (3) months.

(e) **Jury Duty Leave.** When an employee is summoned for Jury Duty, the employee shall notify their department head, in writing, on the next regularly scheduled work day. Upon presentation to the Department Head of a summons for jury duty, an employee shall be granted jury duty leave for such period of time as the employee is required to serve on jury duty. If the employee is summoned during a critical work period, the City may ask the employee to request a waiver from duty. The employee shall continue to keep their department head informed as far in advance as possible, as to the dates that they are required to appear. During such leave, the employee will be paid his or her regular compensation less any juror's fee received. The fee received from Jury Duty shall be paid back to the City upon receipt by the employee. The mileage portion of the payment shall be retained by the employee.
(f) **Bereavement Leave.** An employee shall be granted up to three (3) working days, but no more than thirty (30) hours respective of what shift applies, of bereavement leave with regular pay in the event of a death in the immediate family. An employee’s immediate family shall include: spouse, children, parents, spouse’s parents, grandchild, grandparents, and siblings. Bereavement leave for aunts, uncles, cousins or in-laws shall be granted through the use of sick leave. Employees shall be excused from work, with pay, to attend the funeral of a deceased city employee formally employed at the time of death with the approval, obtained in advance of the funeral of the Employer. An employee shall promptly report to the Department Head any death necessitating the use of bereavement leave. Upon return to work, the employee shall, if the Department Head so requires, supply a copy of death certificate or obituary notice.

(g) **Unusual/Inclement Weather Conditions.** During times of inclement weather or natural disaster, it is essential that the City continue to provide vital public services. Therefore, it is expected that employees make every reasonable effort to report to work without endangering their personal safety. An inclement weather situation is generally one in which snow, ice or other conditions present a significant hazard to employees and customers in getting to and from City facilities. Certain operations in the City must provide at least partial services at all times regardless of or because of unusual or inclement weather situations. Vital Public Services include the Police and Fire Department (clerical staff are excluded) and certain Public Works employees, which include but are not limited to the Wastewater Treatment Plant and Water Treatment Plant. The Department Heads with the responsibility for these operations, in conjunction with the Mayor, will determine what services and staffing levels must be maintained in unusual or inclement weather situations. An employee who is unable to get to work or leaves work early because of unusual/inclement weather conditions may charge the time missed to: vacation, special day off, compensatory time, or leave without pay. The employee shall advise the supervisor by phone as in any other case of late arrival or absence.

**Closures.**

1. The Mayor or designee retains authority to determine when inclement conditions warrant closing down City offices and services. The Mayor may choose to delegate this authority to a Department Head who is authorized to make the closure decision.
2. Once a closure directive has been issued, department heads are authorized to determine which services and facilities will remain open to provide vital critical or emergency services. They are encouraged to develop specific written inclement weather policies and procedures, keyed to the general requirements of this policy.
3. When a closure directive has been issued, all departments will be notified through the department head or a designated contact person.

**Staffing Levels.** When an inclement weather closing is directed, department heads or the Mayor must determine which employees and services must remain available during the shut-down. For services that must continue, they shall determine the level of staffing required, and the process by which it is decided which employees can be released and which must remain on duty.
Employee-Initiated Time Off.
1. In hazardous conditions, but short of a shut-down declaration, employees are authorized some discretion in deciding not to report for work or to leave work early. When employees legitimately believe that travel to or from work is overly hazardous, or circumstances at home require their presence, they may request the time off and may use paid leave to continue compensation during the absence. Leave charged for this purpose may be vacation, Special Day Off or comp time. Sick leave may not be used.
2. Time off under this section must be requested and approved by the employee’s immediate supervisor or the person they would normally contact for time off. Requests will be honored provided the circumstances reasonably justify the employee’s concern and the employee’s presence is not required for critical services.

Pay During Shut-Downs.
1. When the determination is made to close down a facility, on duty employees will be paid for the remainder of their scheduled shift and paid leave need not be charged. This time is considered inclement weather leave and is authorized by the Mayor’s declaration of a shut-down.
2. If the shut-down is announced in advance of the work day and employees do not report on that basis they must use their own paid leave for the day.
3. When a shut-down is declared, employees who had left work or did not report due to personal concerns relating to the inclement weather situation are eligible for inclement weather leave from the beginning of the shut-down to the end of their shift. Personal leave accounts need only be charged for their absence prior to the shut down. For example, an employee who leaves at 9:00 AM on a day a shut-down is declared at 11:00 AM must use two hours of leave and will receive five hours of inclement weather pay beginning at 11:00 AM. This section does not apply to employees who were off duty for the full day due to other reasons -- scheduled vacation, sick leave, etc. They must use paid leave for the full day as originally planned.
4. Non-critical employees must have their supervisors approval to continue working once a shut-down has been announced. The inclement weather leave will not count as time worked for the purposes of overtime calculation for the week.

SECTION 13. Vacation.
(a) Accrual of Vacation Time. Each employee shall be entitled to the following vacation time to be awarded the month end after one year of employment. No vacation time will be awarded until employee has been employed by the City for one (1) year.

<table>
<thead>
<tr>
<th>Continuous full-time employment</th>
<th>Hours per month</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-2 yrs</td>
<td>8.00</td>
</tr>
<tr>
<td>At the beginning of 3rd yr</td>
<td>8.67</td>
</tr>
<tr>
<td>At the beginning of 4th yr</td>
<td>9.33</td>
</tr>
<tr>
<td>At the beginning of 5th yr</td>
<td>10.00</td>
</tr>
<tr>
<td>At the beginning of 6th yr</td>
<td>10.67</td>
</tr>
<tr>
<td>At the beginning of 7th yr</td>
<td>11.33</td>
</tr>
</tbody>
</table>
At the beginning of 8th yr  12.00  
At the beginning of 9th yr  12.67  
At the beginning of 10th yr  14.00  
At the beginning of 12th yr  15.33  
At the beginning of 14th yr  16.67  
At the beginning of 16th yr  18.00  
At the beginning of 18th yr  19.33  
At the beginning of 20th yr  20.67  

Employees shall be entitled to their normal compensation during vacation time.

(b) **Vacation Requests.** Vacation requests for the year must be received by the Mayor or Department Heads for subordinates, no later than April 1. Requests received after that date will be processed based on the date of receipt, availability, and not necessarily by seniority.

(c) **Accumulated Vacation Time.** An employee shall be entitled to accumulate and to carry over into the following year any unused vacation time at the discretion of the Mayor (also, see Collective Bargaining Agreements).

(d) **When Vacation May Be Taken.** Vacation may be taken during the month of employment following the month of employment in which it was earned, unless employee is in the first year of employment (see “a” above). Vacation may be taken for any reason that sick leave may be used after exhaustion of sick leave benefits. Vacations shall be scheduled by the Department Head, or Mayor, so as to cause the least possible interference with operations of the City. Weekends and holidays shall not be counted as vacation days.

(e) **Payment of Accumulated Vacation.** Upon death, termination or retirement, an employee (or a deceased employee's beneficiary) shall receive payment equal to such employee's then accrued and unused vacation time at the employee's last hourly rate of pay.

**SECTION 14. Promotion.**

(a) **Preference for Promotion.** It is the policy of the City to fill vacancies, whenever possible, by promotion of qualified employees, subject only to preference for reinstatement.

(b) **Preparation for Promotion.** On-the-job training, variation of work assignments, advice and encouragement by Department Heads, performance evaluations, and counseling and formal training courses shall be utilized to assist employees in qualifying themselves for promotion.

(c) **Selection for Promotion.** When vacancy is to be filled by promotion, the Mayor, with the assistance of the Department Head and Personnel Committee as may be deemed necessary, shall review the personnel files on all employee applicants possessing the minimum qualifications for the position. Appointments shall be made on the basis of past performance, skill level and completion of appropriate training. In the case of
employees who are equal in performance and training, selection shall be made on the basis of longest continuous service. The Department Head may require an examination in the best interest of the City.

(d) **Promotion/Probationary Period.** Upon promotion, an employee shall serve a one (1) year probationary period in the new position.

(e) **Compensation upon Promotion.** Compensation to be paid upon promotion shall be as set forth as one (1) of the following:

1. Resolution of the City Council; or
2. Employment Contract(s); or
3. Collective Bargaining Agreements; or
4. Annual adoption of City Budget (by Ordinance)

SECTION 15. Transfer.

(a) **Preference for Transfer.** When a vacancy cannot be filled by promotion of a qualified employee, preference may be given to filling the vacancy by transfer of a qualified employee who is willing to accept the new position.

(b) **Preparation for Transfer.** To the extent possible, on-the-job training, variation of work assignments, advice and encouragement by the Department Head, performance evaluations, and counseling and formal training courses shall be utilized to cross-train employees and to assist employees in qualifying themselves for transfer.

(c) **Selection for Transfer.** When a vacancy is to be filled by transfer, the Department Head, together with the assistance of the Personnel Committee as may be deemed necessary, shall review the personnel files of all employees possessing the minimum qualifications for the position. Appointments shall be made on the basis of past performance, skill level and completion of appropriate training. In the case of employees who are equal in performance and training, selection shall be made on the basis of longest continuous service. The Department Head may require an examination in the best interest of the City.

(d) **Promotion/Probationary Period.** Upon transfer, an employee shall serve a one (1) year probationary period in the new position.

(e) **Compensation upon Promotion.** Compensation to be paid upon transfer shall be as set forth in this Ordinance.


(a) **Authorization of Reduction.** The Department Head, with concurrence of the Mayor, shall order a reduction in force when necessary due to lack of work, lack of funds or considerations of efficiency. The ordered reduction in force shall specify which positions within classifications allocated by the Classification Plan shall be vacated and employees holding those positions shall be laid off.

(b) **Order of Layoffs.** When a reduction in force vacates a class which consists of only one position, filled by one employee, that employee shall be laid off. If a class consists of more than one position or more than one employee, and not all of the positions will be
vacated, then the order of layoff of employees shall be on the basis of continuous service. An employee to be laid off shall be given written notice not less than two (2) calendar weeks prior to the effective date of the layoff. Any employee laid off shall be placed on the recall list for a period of six (6) months.

(c) **Transfer or Demotion.** In lieu of layoff, upon a reduction in force, employees shall be considered for transfer or demotion to any vacant positions. An employee selected for demotion in lieu of layoff shall be given written notice two (2) calendar weeks before the effective date of the demotion and shall, during that period of time, be entitled to accept either the demotion or layoff.

(d) **Preference for Reinstatement.** In the event of position vacancies after reduction in force, preference shall be given to reinstatement of laid off employees prior to promotion or transfer or recruitment of new employees if the layoff has not exceeded six (6) months.

(e) **Notification for Reinstatement.** Any notice of re-employment to an employee who has been laid off shall be made by phone or certified mail. The employee shall keep the employer advised of his/her current address and phone number. Failure of such employee to report for work within ten (1) working days of notification to report for reinstatement shall result in loss of job.

(f) **Compensation upon Reinstatement.** Compensation to be paid upon reinstatement shall be as set forth in this Ordinance. Employees on the recall list that are recalled for up to this six (6) month period will not suffer any reduction in wages or job grade upon return to work.

**SECTION 17. Resignation.**

(a) **Resignation Procedure.** An employee who desires to resign shall notify the Department Head, in writing, at least two (2) calendar weeks before the last anticipated day of work. If this required notice is not given by the employee, the employee's personnel record shall so indicate.

(b) **Severance Pay.** If the Department Head determines to release the employee immediately upon receiving notice of intention to resign, then the employee shall be paid a severance pay equal to two (2) work weeks at the employee's normal rate of compensation.

(c) **Automatic Resignation.** Failure to return to work at the expiration of a leave of absence, other authorized leave, or vacation, shall be considered as an automatic resignation. Such automatic resignation may be rescinded by the Department Head, with concurrence of the Mayor, if the employee presents satisfactory reasons for the failure to return, within three (3) days of the date of automatic resignation.

(d) **Exit Interview.** In all separations from employment of regular status employees, an exit interview will be conducted with the employee prior to issuance of the final check.

1. In the case of any separation from employment, the exit interview will be conducted by the Department Head and may include the Clerk-Treasurer, and will consist of a discussion of:
   a. The reasons for separation from employment, i.e. resignation, termination, and lay-off including re-employment options, if any.
   b. Determination of any complicating factors of the separation, including
whether work related injuries have been sustained by the employee.

c. Arrangement for the return of all City-owned uniforms, equipment and other City-owned items.

2. The employee will be afforded the opportunity to constructively comment on city employment through a discussion with the Department Head or Mayor.

(e) Employment References. Unless otherwise required by a valid court order, the city will furnish only the following information about past or present city employees to persons outside city government.

1. Dates of Employment
2. Current job title or job title at date of termination
3. Verification of salary information
4. Employment references.

All requests for any information regarding past or present city employees will be directed immediately to the Clerk-Treasurer or designee. All other personnel will not respond directly to any requests for information. Due to potential liability to the City, all requests for employment references are to be referred to the Clerk-Treasurer.

(f) Letters of Recommendation. Letters of recommendation may be written or given at the discretion of the Department Head. If employees write or give a letter of recommendation under the authority of the City, the letter must be approved, in advance by the department head, before it is released. A copy of all letters of recommendation are to be placed in the employee’s personnel file or city correspondence file which is located in the Clerk-Treasurer’s department.

SECTION 18. Retirement.

(a) Retirement Procedure. All eligible employees shall be covered by the Washington State Department of Retirement System (DRS). Eligibility for retirement and procedures for retirement are governed by State Law, Chapter 41.40 RCW and Chapter 41.50 RCW. An employee who desires to retire shall notify the Department Head, in writing, at least ninety (90) days before the anticipated last day of work, in order to permit adequate time for processing in accordance with those statutes and applicable regulations.


19.1 Overview of Disciplinary Process

City employees are subject to disciplinary action up to and including discharge should the Mayor determine that such action is necessary for the good of the City. Chapter 19 describes the City’s disciplinary process. The circumstances which prompt disciplinary or corrective action are rarely the same and the City retains complete discretion to apply disciplinary or corrective measures as the particular facts may require. The City also retains complete discretion as to what form and what level of discipline or corrective action is appropriate in any given situation. Neither past practice nor discipline imposed in prior disciplinary actions will prevent the City from exercising its discretion as it sees fit on a case by case basis. (This process described in this Section is not and is not...
intended to be a policy of progressive discipline.) The City may employ any disciplinary action described in Section 19.4 or combination of actions it deems in the best interest of the City.

19.2 Application to Specific Employees

1) Employees subject to Collective Bargaining Agreements, Civil Service Rules and Individual Contracts – The sequence, applications or imposition of disciplinary or corrective actions depends on the seriousness of the infraction and is subject to those alternate procedures set forth in any applicable collective bargaining agreement pursuant to Section 1(c) of this Policy, civil service rules and regulations pursuant to Section 1(a) of this Policy, or individual unwritten employment contracts. Section 19.3 provides guidance regarding specific conduct which may violate more general prohibitions contained in collective bargaining agreements, civil service rules and regulations and individual written employment contracts.

2) Department Heads – Disciplinary action listed in Subsection 19.4 may be taken against a Department Head by the Mayor, for any reason, including, but not limited to, the specific reasons listed in Subsection 19.3 of this Section, which, in the judgment of the Mayor, is sufficient to show that the best interests of the City will be served by such disciplinary action. If the disciplinary action is discharge, the Mayor shall give to the Department Head written notice not less than two (2) calendar weeks prior to the Department Head’s last day of work. In lieu of such notice, the Mayor may pay two (2) weeks compensation to the Department Head and make the discharge immediately effective. No notice or payment is required when discharge of the Department Head is, in whole or in part, based upon the conviction of crime or actions involving moral turpitude.

3) Volunteers – Volunteers are not employees and participate in City activities at the pleasure of the mayor. Volunteers can be separated from volunteer service at any time with or without cause. However, for purposes of guidance, a volunteer whose actions violate any of the provisions set forth in Section 19.3 will be asked to discontinue his or her volunteer service. Policies applicable to volunteer firefighters are set forth in Woodland Municipal Code Title 2.16 as presently enacted or later amended.

19.3 Acts or Omissions Subject to Discipline

To provide guidance to employees, the following are examples of conduct which, if engaged in by a city employee, would be detrimental to the City’s objective of providing good service to city residents and maintaining a healthy, non-adversarial relationship of trust with the community. Because the listed conduct is the type of conduct considered detrimental to the City’s objective and mission, engaging in such conduct may lead to disciplinary action by the City. The examples should be considered illustrative and not comprehensive or exclusive. City employees should be aware of City policies otherwise described in this Policy or set forth in other documents adopted by the City. Violations of those policies can also lead to disciplinary action.

1) Knowing, reckless or negligent violation of City policies.
2) Making a false or misleading statement of fact or practicing any deception, fraud or misconduct in connection with securing employment with the City, including withholding pertinent facts at time of application.

3) Illegal or unauthorized use or misuse of any City facilities/property, supplies, equipment, services, funds or time.

4) Unauthorized operation, use or possession of machines, tools, or equipment to which the employee has not been specifically assigned.

5) Violation of any policy or other provision of this handbook, including violation of the anti-discrimination, anti-harassment or anti-retaliation policy. (See Sexual Harassment Policy No. 99-01)

6) Unauthorized use of position with the City for personal gain or advantage, accepting unlawful gratuities or bribes.

7) Lying and purposeful misrepresentation.

8) Insubordination.

9) Violation of a lawful duty.

10) Smoking in unauthorized areas or creating fire hazards in any area.

11) Violation of appearance and behavior standards.

12) Failure to report an occurrence causing damage to, or misuse of, City, customer or public property.

13) Failure to properly secure City facilities or property.

14) Vending, soliciting, or collecting contributions for any purpose whatsoever during work time on the premises without the permission of the supervisor or in violation of the non-solicitation policy.

15) Unauthorized recording of another employee’s time record (both employees can be subject to disciplinary action).

16) Intentional falsification of records or paperwork.

17) Habitual tardiness or absence from work; absence without proper notification to immediate supervisor, excessive absenteeism, absenteeism unrelated to an approved leave or insufficient reason for absenteeism; or loitering, goofing off or failing to assist others in a work situation.

18) Making malicious, false, or derogatory statements that are intended to or could reasonably be expected to damage the integrity or reputation of the City or its employees, on or off premises.

19) Disorderly conduct, including fighting on the premises.

20) Rudeness, discrimination, harassment, intimidation, coercion, use of obscene language, gesture or lack of courtesy to the public or fellow employees.

21) Immoral conduct while on duty.
22) Inability, inefficiency, or negligent work performance, including a refusal or failure to perform assigned work.

23) Concealing defective work.

24) Failure to observe safety practices, rules, regulation and instructions; negligence which results in injury to others; failure to wear required safety clothing and equipment; or any conduct that impairs job safety or endangers another or the employee.

25) Failure to promptly report an on-the-job injury or accident involving an employee, equipment, property or visitor to the employee’s immediate supervisor.

26) Dishonesty or theft, including deliberate destruction, damage or removal of the City’s or another’s property from City property, facilities or any job site.

27) Possession, use, sale, distribution, or being under the influence of alcohol, illegal drugs or other controlled substances in the workplace or while on City business, including while on standby duty; arriving on the job under the influence of, or while in possession of, alcohol, illegal drugs or other controlled substances; abuse of non-prescription or prescription drugs on the job; or failure to notify supervisor of any on-the-job use (including already being under the influence of) or possession of prescription or over the counter drugs which could impair the employee’s work efficiency or the safety of the employee or others. (See City of Woodland Drug Free Workplace Policy)

28) Possession of explosives, firearms, or weapons on the premises or at any job site, except when required for the job.

29) Conviction of a felony, gross misdemeanor, or misdemeanor involving moral turpitude, which impacts the employee’s ability to effectively perform all of the duties of his or her position or the public’s confidence in the employee for the duties the employee carries out; or the filing of criminal charges against the employee alleging such a felony or gross misdemeanor, which charges are reasonably believed by the City to be true.

30) Any act of dishonesty or willful disregard of the City’s interest.

31) Failure to maintain skills, certifications, licenses or other requirements of the job.

32) Violation of the duties or rules imposed by this Manual or any other City ordinance, resolution, rule, regulation, administrative order or applicable state or federal law.

33) Garnishments served upon the City on three or more separate indebtedness with in any period of twelve consecutive months.

19.4 Types of Disciplinary Actions

Disciplinary action may consist of any one, or a combination of the following:

1) Oral Warning – An oral warning should be given to an employee in private, if possible. This type of discipline should be applied for infractions of a relatively minor degree. Department Heads should inform the employee that he or she is administering an oral warning, that the employee is being given an opportunity to correct the condition, and that if the condition is not corrected, the employee may be subject to more severe disciplinary measures.
2) **Written Warning** – This notice may be issued by the Department Head and/or Mayor in the event the employee continues to disregard a verbal warning, or if the infraction is severe enough to warrant a written record in the employee’s personnel file.

   a. The Department Head or Mayor will put in writing the nature of the infraction in detail and sign the notice. The Department Head and/or Mayor will discuss the written warning with the employee to be certain that the reasons for the warning are understood.

   b. A copy of the written warning will be given to the employee at the time of the discussion of the warning. The original copy will be placed in the employee’s personnel file.

   c. At the request of the Department Head or the Mayor, a written warning may be removed from the employee’s personnel file after a period of one (1) year provided that no further disciplinary action is taken during the one (1) year period. If subsequent disciplinary action takes place within that one (1) year period, the written warning becomes a permanent record in the employee’s file.

3) **Written Reprimand**

   a. A written reprimand may be issued by the Department Head and/or Mayor in the event the employee continues to disregard previous disciplinary measures of verbal or written warnings, or the severity of the infraction is such to warrant a written reprimand to be made a permanent record in the employee’s file.

   b. The Department Head and/or Mayor will put in writing the nature of the infraction in detail and sign the notice. The Department Head and/or Mayor will discuss the reprimand with the employee to be certain that the reasons for the reprimand are understood. A copy of the written reprimand will be given to the employee at the time of the discussion of the infraction. The original copy will be placed in the employee’s personnel file.

4) **Probation** – An employee may be required to serve an additional (6) six month probationary period for disciplinary reasons, which may be extended once for an additional six months. If placed on probation for disciplinary reasons, all provisions of probationary status apply, unless otherwise specified. At the end of the probation, the employee may be returned to regular status, demoted or terminated. Probation and extensions of probation must receive final approval of the Mayor. A pre-disciplinary meeting is required prior to requiring probation or an extension of probation.

5) **Demotion** – Demotion should be used in rare instances where an employee is clearly unable to satisfactorily perform the responsibilities of their position but is capable of performing in a position of less responsibility and otherwise exhibits the qualities of a good public employee. Demotions may be recommended by the Department Head but must receive a final approval by the Mayor. A pre-disciplinary meeting is required prior to a demotion for disciplinary reasons.

6) **Suspension** – This form of discipline should only be used for a severe infraction of rules or standards, or for continued violation after the employee has received one or more
written warnings and has not made a satisfactory effort to improve performance. It can be applied only after a thorough evaluation and with final approval by the Mayor.

a. The Department Head will put in writing all facts leading to the recommended suspension, and the duration recommended.

b. A pre-disciplinary meeting will be held with the employee to make certain that the employee is fully aware of the reasons for the considered action and has an opportunity to respond and supply additional information. A pre-disciplinary meeting is required prior to a suspension for disciplinary reasons.

c. Exempt personnel are not subject to unpaid disciplinary suspensions except in increments of full work weeks unless the infraction leading to the suspension is for a violation of a safety rule of major significance.

19.5 Pre-disciplinary Hearing
In the case of possible suspension, demotion or termination of an employee, other than probationary or trial employees, the City will conduct a pre-disciplinary hearing. The pre-disciplinary hearing serves as a check against mistaken decisions and as an opportunity for an employee to furnish additional facts before a final disciplinary decision is made. A pre-disciplinary hearing shall be conducted informally.
In the event a Department Head or the Mayor desires to discipline an employee using a level of discipline which requires a pre-disciplinary hearing, the employee shall be provided with a notice of the proposed disciplinary action. The notice will include:

1) Identification of the charges or grounds on which the proposed disciplinary action is based;
2) An explanation of the City’s evidence;
3) The date, time and location of the pre-disciplinary hearing;
4) Notice of the employee’s opportunity at the hearing to respond to the charges, either verbally or in writing, including a chance to explain why the City should not go ahead with discipline; and
5) Notice of the employee’s right to have a representative present at the hearing.

If the employee fails or refuses to appear at the designated time and place, the disciplinary action may proceed or, at the option of the City, be continued to another time within 24 hours of the originally designated time, for reasonable cause. Pre-disciplinary hearings will be presided over by the Mayor or a designated representative. The employee may have legal counsel or union representation present at the pre-disciplinary hearing and shall notify the City if attending with legal counsel so that the City can also be represented by its legal counsel. Although the written notice of the City’s evidence should be sufficient to inform the employee of the basis for discipline, this procedure shall not be construed to limit the City at any subsequent hearing or proceeding from presenting a more detailed and complete case related to the basis for discipline, including the presentation of witnesses and documents not introduced at the pre-disciplinary hearing. If the Mayor decides to proceed with termination, or some other disciplinary action, the City will give the employee written notice of termination or the other discipline to be imposed.
19.6 Termination
All City employees serve at the pleasure of the Mayor. Subject to any applicable state or federal laws, or specific provisions in collective bargaining agreements, civil service rules and regulations, or employee contracts, the Mayor, or his/her designee, may discharge any employee at any time with or without cause. Removal from employment should normally follow oral and/or written warnings previously given and made a part of the employee’s personnel file. A pre-disciplinary meeting is required for all terminations.

1) A regular employee terminated from employment will normally be given at least two (2) weeks notice with a letter of dismissal. However, in the event the infraction or situation is so serious that it requires “on the spot” removal or the employee’s return to work will disrupt City operations, the employee will leave his work station immediately, if so directed by the appointing authority or his designee. Such removal is not a termination. The employee shall remain available to receive pre-termination hearing notice and termination can only follow such hearing.

2) Copies of all disciplinary actions and termination letters are to be placed in the appropriate personnel record.

3) A final written performance appraisal will be completed on any terminated employee.

19.7 Resignation
An employee is requested to provide two (2) weeks notice of resignation. This time limit maybe waived by the employee’s Department Head or the Mayor.

An employee wishing to leave the City service in good standing shall file with the Clerk-Treasurer, at least two (2) weeks before leaving, a written statement as to the reasons for leaving and the effective date of leaving. A copy of the resignation shall be forwarded to the Mayor.

19.8 Other Hearings
The City retains the authority to conduct any additional meetings or hearings as may be required by statute, court decision, or constitutional provisions following any disciplinary action, including those pertaining to any property interest or liberty interest as those are defined by the appellate decision of the Courts of the State of Washington or of the United States.


(a) Purpose. The purpose of this Section is to acknowledge that all public employees hold a public trust and are expected to adhere to a standard of behavior that does not violate, provide an opportunity to violate, or appear to violate that trust. In addition, it is declared to be the policy of the City that no employee shall use his or her public employment for the private financial gain of that employee, or to secure special privileges for that employee or any other person.

(b) Use of City Property. No employee shall request, or permit, the use of City vehicles, equipment, materials or property for personal use, personal convenience or profit. The
use of all City property shall be restricted to the authorized conduct of official business and to such services as are available to the public generally.

Employees shall take care to properly use, maintain and avoid damage of City property and shall be held accountable and responsible for all items of personal property assigned to them during the course of their employment.

(c) City Vehicle Use.

1. Policy.

The City may from time to time, or on a regular basis, provide city vehicles for use by select City employees. This policy defines appropriate uses of City vehicles by employees authorized to use such vehicles. City-owned vehicles shall be used for the conduct of municipal business. Use of a vehicle shall be authorized by the Department Head and/or Mayor where the normal operation of a City department requires the transportation of employees, materials, and/or other equipment in order to effectively and efficiently accomplish the work responsibilities of a department and/or the City.

Where the normal operations of a City department extend beyond the established work headquarters and/or work hours, and based upon the substantiated need of such departments for adequate supervision of job performance, vehicles may be assigned on the following basis:

a. 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; or

b. Employees who, on a continuous basis, are on call in case of emergency and who require special tools and equipment carried in their assigned vehicles in order to perform their emergency duties.

Assigned vehicles shall be used in the conduct of municipal business only and, when authorized, may be stationed during non-working hours at the residence of the individual to whom assigned. Vehicles stationed at the residence of an officer or employee of the City shall be locked and secured when not in use.

Employees shall not perform any mechanical maintenance on City vehicles on off-duty time. All mechanical maintenance shall be scheduled, performed, or coordinated by the applicable City Department.

No one other than City employees, volunteers, police reserve officers or persons under arrest will be allowed in a City vehicle, unless permission is granted by the Department Head or Mayor.

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

2. Rules applicable to all city vehicles.

a. City vehicles and equipment are intended to be used for official City business.

b. Each driver must have a valid Washington drivers license.
c. Each driver will annually have their motor vehicle driving record reviewed by the City. Drivers without a clean driving record, as determined by the City, may have their City driving privileges suspended or revoked. The Department Head, with the Mayor’s approval, will be responsible for recommending reinstatement of driving privileges.

d. Each driver shall be at least 18 years of age.

e. Seatbelt use is required pursuant to Washington State laws.

f. At all times, City vehicles and equipment shall be driven and operated in a manner consistent with standard safety guidelines and procedures.

g. All tool and City garage use is limited to only City vehicles or equipment.

h. City gasoline and petroleum products will be used in City equipment only.

i. An accident control kit is provided for each vehicle. A kit is to be kept in the glove compartment of each city vehicle. This kit contains the materials employees need at the scene of an accident. Employees are to report any accident, and complete an accident report regardless of who is at fault or how "minor" it may be.

j. All accidents/incidents will be reported to the Department Head and Clerk-Treasurer’s Office within 24 hours of occurrence.


   a. Public Works vehicles and equipment will not be used for personal commuting, except when approved by the Public Works Director and/or the Mayor.

   b. The Public Works Director may authorize after hour use of public works vehicles, if it is in the best interest of the City. For example, vehicles can be taken home if personnel have to leave early or return late from a school or meeting.

   c. Specialized Public Works equipment will not be used for tasks other than City approved projects.

   d. Drivers: Only City employees will drive a city vehicle, unless authorized by the Department Head or Mayor.

4. Public safety vehicles and equipment.

   a. Due to need for immediate response in a public safety situation, public safety vehicles or equipment may be used for commuting when authorized by the Police Chief, Fire Chief and/or the Mayor.

   b. Public safety vehicles may not be used for personal use when off duty; EXCEPT, when an employee is on mandatory standby ordered by the Police Chief or Fire Chief, a city Public Safety vehicle may be used for personal business within Cowlitz and Clark County.

   c. Drivers: Only City employees, fire volunteers and/or police reserve officers shall drive a city vehicle, unless authorized by the Department Head or the Mayor.
d. Riders: Police and Fire vehicles: During working hours civilian riders are permitted as set forth in City of Woodland Police Department and Fire Department Policies.

(d) **Interest Defined.** "Interest", for purposes of this Section, means direct or indirect monetary or material benefit accruing to an employee as a result of a transaction or contract which is, or may be, the subject of an official act or action by or with the City, except for such transactions or contracts which confer similar benefits upon all other persons and/or property similarly situated. For purposes of this Section, an employee shall be deemed to have an interest in the affairs of:

1. Any close relative of the employee, or any person with whom the employee has a close or on-going business relationship;
2. Any business entity in which the employee is an officer, director or employee;
3. Any corporation in which the employee holds the legal or beneficial ownership of more than one percent of the outstanding stock, directly or indirectly;
4. Any person or business entity with which the employee has a contractual relationship: Provided, that a contractual obligation of less than Five Hundred Dollars ($500.00), a commercially reasonable loan made in the ordinary course of business, or a contract for a commercial retail sale shall not create an interest in violation of this Section.

(e) **Conflict of Interest - General.** No City employee shall engage in any act which is in conflict with, or creates an appearance of conflict with, the performance of official duties. An employee is deemed to have a conflict of interest if the employee:

1. Employs or uses any person, property, or money under the employee's official control, or in the employee's official custody, for the private benefit or gain of that employee or any person or entity other than the City;
2. Uses, or attempts to use, his or her official position to secure privileges or exemptions for that employee of any other person or entity;
3. Accepts, agrees to accept, or solicits any gift, favor, reward, gratuity, or anything of economic value based upon an implicit or explicit understanding that the official services of the employee will be provided, or official actions of the employee would be influenced, thereby;
4. Accepts, agrees to accept, or solicits any gift, favor, reward, gratuity, or anything of economic value from any person, corporation, or entity involved in a transaction or contract which is, or may be, the subject of official action by the City: Provided, that the prohibition against such acceptance shall not apply to:
   A. Attendance at a hosted reception or meal when provided in conjunction with a meeting directly related to the conduct of City business or where official attendance by the employee as a staff representative is appropriate;
B. An award publicly presented in recognition of public service; or

C. Any gift which would have been offered or given to the employee irrespective of employment with the City.

5. Accepts employment or engages in any business or professional activity which reasonably could conflict with performance of the employee's official responsibilities, or which reasonably could require the disclosure of confidential information acquired by reason of public employment;

6. Engages in, accepts private employment from, or renders services for private interests when such employment or services are incompatible with the proper discharge of official duties, or would tend to impair independence of judgment or action in the performance of official duties.

(f) **Conflict of Interest - Contracts.** No City employee shall be beneficially interested, directly or indirectly, in any contract, sale, lease, or purchase which may be made by, through or under the supervision of such officer, in whole or in part, or which may be made for the benefit of that employee, and no City employee shall accept, directly or indirectly, any compensation, gratuity, or reward from any other person or entity beneficially interested therein, except as permitted by State law, RCW 42.23.030 and 42.23.040.

(g) **Disclosure of Information or Records.** Employees shall not disclose to any unauthorized person any confidential City information. No employee shall disclose or use confidential City information for direct or indirect personal gain or benefit. Although records and documents maintained by the City are generally public records available for public inspection and copying, the following are exempt from public inspection and copying and shall not be disclosed or provided by any employee:

a. Personal information and any files maintained for prisoners;

b. Personal information in any files maintained for City employees, appointees or elected officials to the extent the disclosure would violate their right to privacy;

c. References or other information pertaining to the employment of former City employees, other than the fact of employment, job position and term of employment, unless the request for such reference or information be in writing and unless the former employee shall have filed a written consent with the City;

d. Information required of any taxpayer or City license holder in connection with the assessment or collection of any tax or license fee if the disclosure of the information to other persons would violate the taxpayer or licensee's right to privacy or would result in unfair competitive disadvantage to such taxpayer or licensee;

e. Specific intelligence information and specific investigative files compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the non-disclosure of
which is essential to effective law enforcement or for the protection of any person's right to privacy;

f. Information revealing the identity of persons who file complaints with investigative, law enforcement, or penology agencies, if disclosure would endanger any person's life, physical safety, or property, or if the complainant has indicated a desire for non-disclosure;

g. Test questions, scoring keys and other examination data used to administer license, employment or civil service examinations;

h. Except as provided by RCW Chapter 8.25, the contents of any real estate appraisals made for or by an agency, including the City, relative to the acquisition of property by the City until the property is abandoned or until such time as all of the property has been acquired, but in no event shall disclosure be denied for more than three years after the date of the appraisal;

i. Valuable formulas, designs, drawings and research data obtained or produced by the City, its officers, employees and agents within five years of any request for disclosure thereof, when disclosure would produce private gain and public loss;

j. Preliminary drafts, notes, recommendations and intra-departmental memorandums in which opinions are expressed or policies formulated or recommended, except that a specific record shall not be exempt when publicly cited by the City in connection with any public action;

k. Records which are relevant to a controversy to which the City or any of its officers, employees or agents is a party, but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts;

l. Lists of individuals requested for commercial purposes;

m. Any public record access which the Cowlitz County District Court or the City of Woodland Municipal Court has found would damage any person or vital governmental function;

n. Residence addresses and telephone numbers of City employees, volunteers, utility customers, and any other person who has, in writing, requested non-disclosure by reason that such disclosure would endanger that person's life, physical safety, or property;

o. Applications for employment, including the name of applicant, resume, and other related material submitted with respect to an applicant.

(h) Employee Political Activity. Employees shall have the right to vote and to express their opinions on all political subjects and candidates and to hold any political office or participate in the management of a partisan, political campaign. Employees shall further have the right to participate fully in campaigns relating to constitutional amendments,
referendums, initiatives, and issues of a similar character, and for nonpartisan offices. However, the said rights shall be reasonably restricted as follows:

1. No employee shall use, or authorize the use of, any public facilities for the purpose of assisting the campaign of a candidate of the promotion or opposition of a ballot proposition;

2. No employee who may reasonably be expected to come into contact with the public shall wear or display any campaign buttons or campaign literature during City business hours;

3. No employee shall, directly or indirectly, campaign or assist any campaign during City work hours;

4. Employees hosting or participating in fund raising activities, and other campaign activities, shall make clear that the employee does not represent the City, and that the City does not endorse any particular candidate or position, unless the City has lawfully taken action of endorsement;

5. No employee shall attempt to obtain political contributions from fellow employees by promise of, or threat of, disciplinary action, unusual treatment or preferential treatment.

(i) Sunshine Funds. Employees may voluntarily donate funds in small amounts for the purchase of birthday cards, cakes, flowers, etc. for related events including birthdays, funerals, farewells, or similar events for the benefit of fellow employees. Collection of such “sunshine” funds, if done, will involve no City funds. Solicitation of sunshine funds must be conducted in accordance with the City’s solicitation policy. The fund coordinator will be a volunteer City employee. All membership or participation in the fund is to be voluntary.

(j) Solicitations. Most forms of selling and solicitations are inappropriate in the workplace. They can be an intrusion on employees and citizens and may present a risk to employee safety or to the security of City or employee property. The following limitations apply:

1. Persons not employed by the City may not solicit, survey, petition or distribute literature on City premises at any time. This includes persons soliciting for charities, salespersons, questionnaire surveyors, labor union organizers, or any other solicitor or distributor. Employees may accept deliveries of orders made, but must keep such deliveries to a minimum and may consider this as part of their break period, as deemed necessary. (Exceptions to this rule may be made, by the Mayor or his designee, in special circumstances where the City determines that an exception would serve the best interests of the organization and the employees. An example of an exception might be the United Way campaign or a similar, community-based fund raising effort.)

2. Employees may not solicit for any purpose during work time. Reasonable forms of solicitation are permitted during non-work time, such as before or after work or during meal or break periods. Soliciting employees who are on non-work time may not distribute literature for any purpose during work time or in work areas. The employee lunchroom is considered a non-work area under this policy.
(k) **Personnel Records.** Personnel records will be maintained for each employee and are the property of the City. Personnel records will show the employee’s name, title of position held, the department assigned, salary, change in appointment status, training received, (with the exception of Police and Fire Department in-service training maintained in Departmental files), performance evaluations, fringe benefits administration, including vacation and sick leave rates of accumulation and use, notes regarding disciplinary action or other counseling sessions, and such other information as may be considered pertinent.

Employee records are confidential and accessible only to the employee, the employee’s Department Head, the Clerk-Treasurer and the Mayor, or other staff assigned to the personnel file. Employee records will also be accessible to an employee’s collective bargaining representative under circumstances when such access is appropriate under RCW 41.56.

Employees are entitled to review their own personnel file as often as reasonably necessary to remain informed as to what documents exist in the file. Requests for review will be made in advance and scheduled with the Department Head and the Clerk-Treasurer or Mayor’s designee. Those responsible for maintenance of such files shall not unreasonably delay access when requests are made. If an employee wishes to review their personnel file more often than once per calendar year, they shall notify the Clerk-Treasurer and their Department Head in advance of the request, to review the file. A log noting the date and time of inspection, signed by the employee and Clerk-Treasurer or Mayor’s designee, will be placed in the personnel file. Employee review will be conducted in the presence of authorized personnel in the Clerk-Treasurer’s office.

If the employee requests copies of documents contained in their personnel file, they should request them through the Clerk-Treasurer or Mayor’s designee pursuant to records requests and appropriate copy fees will apply.

Confidential personnel records will not be released to any unauthorized individuals except with the written consent of the employee or in response to valid court orders or government requests directing the provision of information from personnel records.

Employees have the opportunity to submit a letter of rebuttal regarding any information contained in their file that is in dispute.

**SECTION 21 Electronic Mail and Internet Policy.** (See Policy No. 2001-02).

a) **Statement of Purpose**

To ensure that use of the Internet among employees of the City of Woodland is consistent with City policies, all applicable laws, and the individual user’s job responsibilities.

b) **Electronic Mail (e-mail)**

This policy applies to all City employees and officers who use e-mail either on the local area network or through the City’s Internet capabilities. In addition, this policy applies to all persons who use e-mail as a representative or agent of the City of Woodland.
c) Repelling Unwanted E-Mail

There may be occasions when e-mails are received which the recipient did not solicit and which do not comply with this policy. No employee shall be subject to discipline for receiving such e-mail provided the employee promptly replies by e-mail to discourage the sender with the following or similar message to the sender: “You have sent me e-mail at the City of Woodland government which is not in compliance with City policies. E-mail sent to City of Woodland government e-mail address must be for City business purposes only. I do not wish to receive e-mail of the nature you sent at work. Please do not send me any additional material of this kind at a City of Woodland e-mail address.”

d) Liability

The same consideration and care must be used in e-mail communications regarding official actions or statements on behalf of the City that would be used in other forms of written correspondence. Any ongoing e-mail messages which express an opinion that has not been authorized as the official City position on the subject must include a disclaimer that the opinion is not that of the City of Woodland but the employee’s own personal opinion.

e) Discipline/Enforcement of Policy

Violators of this policy shall be subject to discipline. It is the responsibility of the Mayor or department head to enforce these policies, and to monitor and audit use of e-mail within each department. Employees who are found in violation of this policy may be subject to the following:

1. Internet and e-mail access may be revoked.
2. Access times may be restricted

Employees will be disciplined for violation of the Electronic Communications Policy. However, employees will not be disciplined for “deminimis” personal use of the electronic mail system or the Internet. The deminimis (too minor to warrant concern) standard would mean that some personal communications while not sanctioned, are not prohibited by this policy. Generally this would include such uses as adding a personal comment to an official e-mail, sending a short personal note to a colleague or other personal interactions that are routinely a part of day to day business interaction. Reasonable judgment should be applied to individual circumstances. The City retains sole discretion to determine what is deminimis and to discipline for all other use.

f) Types of E-Mail/Restrictions

Employees are accountable for their use of electronic communications just as they are for other conduct and communications in the workplace. Therefore, use of the electronic mail system is as follows:

a. The e-mail system is not to be used to create, send or copy any offensive, harassing or disruptive messages. Messages will be considered offensive if they contain information or language that would violate the City’s Harassment
Prevention policy. The City will view the appropriateness of any communication on the basis of how it would have been perceived and dealt with had it been conducted by telephone, in person or on paper.

b. The e-mail system is not to be used to send, receive, or download copyrighted materials, trade secrets, proprietary financial information, or similar materials without prior authorization.

c. Confidential and sensitive information such as performances reviews, disciplinary and/or corrective actions, attorney-client privileged information, personnel information, and health or medical information should not be communicated via e-mail.

d. Communications, which would be inappropriate under other City policies, are equally unacceptable if delivered via electronic communication. These communications may include, but are not limited to, harassing or discriminatory comments, breached of confidentially and insubordinate statements.

e. The electronic mail system may not be used for sales or to solicit anything for commercial ventures, religious, or political causes, outside organizations or other non-job related solicitations.

g) Technical Support

Employees may call the Clerk/Treasurer’s office for answers to questions concerning implementation of e-mail or about how to properly configure and use e-mail capabilities. The Clerk/Treasurer shall have the authority to establish procedures for the implementation of this policy. All users of the City’s e-mail systems must abide by any procedures established by the Clerk/Treasurer pursuant to this policy.

h) Internet Use

This policy applies to all City employees and officers who use e-mail either on the local area network or through the City’s Internet capabilities. In addition, this policy applies to all persons who use e-mail as a representative or agent of the City of Woodland.

i) Internet Use Limited to City Business

The City’s Internet capabilities may be used for City business purposes only. The term “internet” means the electronic information system of that name which connects smaller groups of linked computer networks. The term “City’s Internet capabilities” means any and all access to the Internet obtained through City sponsorship, ownership, or financial contribution, or by any employee or officer as a representative or agent of the City of Woodland, during work hours. The term “City business purposes” means the official work of City government undertaken for public benefit, as opposed to activities undertaken for personal, non-City or private purposes. Unacceptable sites or uses include, but are not limited to, the following:

- Pornographic sites and access to pornographic materials.
- Use of the City Internet to harass employees, vendors, customers, and others.
- Sports or games.
- Use of the City Internet for partisan political purposes.
• Unauthorized transfer of copyrighted materials utilizing City Internet capabilities.
• Any site that charges a fee (unless there has been prior written approval of justified City expense item by supervisor).
• Vendor sites to purchase personal items.
• Marketing of personal or private business.

While this policy does restrict Internet Use to official business, limited personal use (within acceptable use guidelines) during breaks or before/after work hours will be allowed as a way to encourage staff to become more proficient in using the Internet as a research and communication tool. Authorized personal use is subject to adequate capacity in the system. Internet and e-mail maybe used for minor personal matters to accommodate the demands of daily living so long as the use is occasional and does not cost the City money or interfere with City work. However, City departments may enforce more restrictive policies on computer, Internet, and e-mail use.

j) Authorized Users
No City employee or officer shall be authorized to use the City’s Internet capabilities until he or she has signed a document indicating that the employee or officer has read and agrees to be bound by the terms of this policy. (See Policy 2001-02 for Attachment “A”)

k) No Privacy Rights
Electronic communications are not private or confidential. All Internet communications utilizing the City’s Internet capabilities are the property of the City of Woodland and may be public records under the Public Disclosure Act (RCW 42.17.). There are no rights to individual privacy in any communications or information obtained through the City’s Internet capabilities.

l) Professional and Courteous Communications
The standards for conduct for City of Woodland employees apply to use of the City’s Internet capabilities. All communications across the Internet shall be professional and courteous.

m) Duty to abide by Procedures Established by the City Clerk Treasurer
The City Clerk/Treasurer shall establish procedures for posting content on the Internet, accessing information (including downloading information or software), virus detection and control, access controls and related security mechanisms for use of the City’s Internet capabilities.
Employees should keep personal log-ons and passwords confidential, and through the system administrator, will change passwords on a regular basis. Failure to adhere to this policy jeopardizes network security and puts users at risk of potential misuse of the system by other individuals, network user’s may be held responsible for all actions taken using their personal network access permissions.

n) Supervision
It is the responsibility of the elected official or department head to enforce these policies, and to monitor and audit use of the City’s Internet capabilities within each agency or department.

o) Discipline/Enforcement of Policy
Violators of this policy shall be subject to discipline. It is the responsibility of the elected official or department head to enforce these policies, and to monitor and audit
use of e-mail within each agency or department. Employees who are found in violation of this policy may be subject to the following:

1. Internet and E-Mail access may be revoked.
2. Access times may be restricted

Employees will be disciplined for violation of the Electronic Communications Policy. However, employees will not be disciplined for “deminimis” personal use of the electronic mail system or the Internet. The deminimis (too minor to warrant concern) standard would mean that some personal communications while not sanctioned, are not prohibited by this policy. Generally this would include such uses as adding a personal comment to an official e-mail, sending a short personal note to a colleague or other personal interactions that are routinely a part of day to day business interaction. Reasonable judgment should be applied to individual circumstances. The City retains sole discretion to determine what is deminimis and to discipline for all other use.

SECTION 22 Sexual Harrassment Policy & Procedure (1999-001)

a) Purpose

Sexual Harrassment of employees is prohibited by the City of Woodland. This policy is intended to establish standards for defining and preventing Sexual Harassment and offensive behavior of a sexual nature, to establish a means for reporting and complaining about Sexual Harassment and to define the range of disciplinary action that will be taken by the City in cases where Sexual Harassment has occurred.

Harassment based on unlawful discrimination such as to race, ethnicity, religion, marital status, age, disability or national origin is also prohibited and is subject to the reporting procedures of this policy.

b) Policy And Objectives

It is the policy of the City of Woodland:

To communicate this Sexual Harassment policy to all employees, volunteers, and supervisors in order to assure that all employees, volunteers and supervisors understand that Sexual Harassment is prohibited.

To recognize the unique nature of complaints of Sexual Harassment, to encourage early reporting by employees, victims or witnesses, and to resolve complaints promptly, confidentially, and, when possible, at the lowest levels of the organization.

To prohibit retaliation against any employee because he or she has made a report of alleged Sexual Harassment, or retaliation against any employee who has testified, assisted, or participated in any manner in an investigation of the allegations.

To prohibit and prevent actions which unlawfully discriminate on the basis of race, gender, religious belief or national origin in areas such as compensation, benefits, privileges, transfers, layoffs, returns from layoff, training and social programs.

To provide education to employees or, under some circumstances, to non-employees; to raise awareness of Sexual Harassment as a workplace issue; to prevent Sexual
Harassment by providing information about Sexual Harassment in general and about this policy in particular.

Sexual harassment does not refer to occasional compliments of socially acceptable nature. Instead, it refers to behavior that is not welcome, that is personally offensive, that lowers morale and that, therefore, interferes with productivity. Conduct or actions that arise out of a personal or social relationship and that are not intended to have a discriminatory effect on employment may not be viewed as harassment.

All employees are to be advised of this policy to assure them that they are not to endure insulting, degrading or exploitive sexual treatment.

To the extent appropriate, this policy shall also be applicable to volunteers while performing city related functions.

c) Definitions:

“Sexual Harassment” means unwelcome sexual advances, requests for favors and other offensive verbal or physical conduct of a sexual nature when:

a) submission to such conduct is made either explicitly, or implicitly, a term or condition of an individual’s employment;

b) submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions affecting such individual; or

c) such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive working environment.

“Intimidating, hostile, or offensive working environment” means a workplace in which:

a) repeated, unwelcome, sexually-oriented jokes, innuendoes, obscenities, pictures or any action with sexual connotation has the cumulative effect of making an employee feel uncomfortable in the workplace; or

b) aggressive, harassing behavior in the workplace whether or not sexual in connotation, is directed toward an employee based on the employee’s gender.

“Offensive conduct of a sexual nature” means physical contacts, sexual comments, obscenities, gestures, propositions, unnecessary touching, sexually explicit, or offensive pictures, discussion of sexual activities, commenting on another person’s anatomy or attributes, using demeaning or diminutive terms toward officers, employees or members of the public such as “babe”, “hunk” or “honey”, ostracizing employees of one gender by employees of another, granting job favors to those who participate in consensual sexual relationships or activities, or any other action with sexual connotation whether at, or away from work, which is unwelcome or which makes an employee feel uncomfortable in his/her employment.

“Management” means the immediate or first level supervisor who is not involved in the alleged harassment and other managers in the direct line of authority above these supervisors.

“Employee” means any person employed in a full-time, part-time, temporary, appointed or elected position with the City of Woodland.
“Retaliation” means acts of reprisal such as: open hostility to the complainant, participant or others involved; exclusion/ostracism of the complainant or others; creation of or the continued existence of a hostile work environment; gender-based negative remarks about the complainant, participants or others; special attention to, or assignment of the complainant, participant or others to demeaning duties not otherwise performed; tokenism or patronizing behavior; discriminatory treatment; subtle harassment; or unreasonable, supervisory-imposed time restrictions on employees on preparing complaints or compiling evidence of Sexual Harassment activities or behaviors.

d) Reporting Procedures:

Complainant’s Responsibility:

An employee who believes he or she has been a victim of Sexual Harassment is encouraged to report the incident(s) or working conditions as soon as possible after the alleged harassment occurs.

The complainant shall submit, in writing, the complaint of Sexual Harassment to the immediate supervisor. Victim’s written complaint shall contain the name of the alleged offender, a description of events, dates, times, locations, the names of any witnesses, and the desired remedy.

Prompt reporting is encouraged because the ability of management to investigate and act on reports diminishes with time. Employees may bring reports to the attention of any or all of the following:

a. The alleged harasser. When reporting or giving notice to the alleged harasser, the employee should clearly request that the action stop immediately;

b. The immediate supervisor or the first level of management who is not directly involved in the alleged harassment;

c. The Clerk-Treasurer; or

d. The Mayor may be contacted if the Clerk-Treasurer is unavailable or implicated in the allegation, or if the employee for other reasons, is not willing to disclose the matter to the Clerk-Treasurer.

It shall be a responsibility of the employee to cooperate with management, the Clerk-Treasurer or the responsible management official in all efforts to investigate and verify such reports.

e) Management’s Responsibility:

All reports of alleged Sexual Harassment received by management, shall be promptly referred to Clerk-Treasurer. The Clerk-Treasurer shall immediately initiate an investigation or recommend another appropriate management representative to initiate the investigation. Both the complaint and the investigative steps and findings shall be documented as thoroughly as possible.

Any report of Sexual Harassment and its investigation is confidential. Dissemination of confidential information shall be limited to persons with a need to know to participate in the investigation or implement an action resulting from the investigation. If discipline is anticipated, it may be necessary to disclose the name of the complaining employee to the employee accused of harassment.
The standard to be applied in evaluating allegations of Offensive Conduct of a Sexual Nature or an Intimidating, Hostile or Offensive Working Environment shall be that of a reasonable victim. For instance, if an allegation is made by a female employee, the standard under this policy shall be whether, to a reasonable woman, such conduct would have the effect of making a woman feel offended, uncomfortable, threatened or intimidated. If the allegation is made by a male employee, the allegation shall be evaluated from the perspective of a reasonable male.

If, as a result of investigation, sufficient facts are gathered to support the complaint, management will contact the alleged harasser to obtain a response to the complaint. If the alleged harasser denies the allegation, he/she may be afforded an opportunity to provide details, witnesses or documentation to support his/her denial of the allegation.

Records pertaining to the investigation shall be maintained in a file separate from the complainant’s personnel file.

f) Employees’ Responsibility (not the alleged victim):

Employees who are not personally victims of Sexual Harassment, but who observe actions which they have interpreted to be harassment or offensive conduct of a sexual nature, are strongly encouraged to immediately report such matters to management. Supervisors and members of management must report observations which they have interpreted to be harassment or offensive conduct of a sexual nature.

g) Alleged Harasser’s Responsibility:

It shall be the responsibility of any employee accused of sexual harassment to fully cooperate with management in its investigation of complaints and to refrain from retaliating against the complainant for coming forward with the complaint.

h) Violations of Policy:

The investigator of the complaint will determine whether violations of this policy have occurred on the basis of facts verified during the investigation and after consultation with the City Attorney. If a violation of the policy has occurred, the investigator of the complaint will recommend disciplinary action to the Mayor or his/her designee. False accusations will result in disciplinary action up to and including termination.

Substantiated violations of this policy may result in disciplinary action in accordance with the City of Woodland Personnel Policy and Procedure Manual. Appropriate discipline may include discharge, if the initial violation is sufficiently severe, if the violator’s position within the organization has had the effect of worsening the harassment, or if lesser violations are repeated after discipline or warnings have been given.

In addition, or as an alternative, to traditional disciplinary actions, violators of this policy may be subject to corrective measures such as educating the harasser about Sexual Harassment, requiring counseling or reassignment.

Disciplinary action taken under this policy may be subject to the City’s grievance policy as described in the City of Woodland Personnel Policy and Procedure Manual, to
applicable civil service rules and procedures or to collective bargaining agreements.

i) Attachments:

Sexual Harassment Procedural Checklist
- Informal
- Formal

SECTION 23. Drug-Free Work Place.

(a) Expectations of Employees. Employees are expected and required to report for work in appropriate mental and physical condition. Use, possession, or working under the influence of any substances that adversely affect alertness, coordination, decision-making, safety, or job performance will not be tolerated. Employees must, as a condition of employment, abide by the terms of this policy. Violations will result in disciplinary action up to and including termination, and may have legal consequences.

(b) Tobacco Use. (See Resolution No. 353). The State Legislature by its adoption of Chapter 70.160 of the Revised Code of Washington recognized that tobacco smoke creates danger to the health of some citizens of the State. RCW prohibits persons from smoking in public places except in designated areas. The City Council seeks to regulate the emanation of tobacco smoke and to also regulate the use of other tobacco products on City premises.

1. The use of tobacco products is prohibited in City facilities and vehicles except in designated areas as identified by the Mayor.
2. Said use of tobacco products shall also be prohibited in the City Library, Woodland Community Center, and City Shops except in designated areas identified by the Mayor.
3. City parks and other outdoor facilities of the City shall be excluded from the prohibitions set forth in Sections 1 and 2 above.

SECTION 24. SUBSTANCE ABUSE (SEE POLICY NO. 2002-001).

a) Purpose

The City of Woodland recognizes that its employees are its most important resource in fulfilling its charge of effective public service. The city has promulgated this policy in the interest of the safety and well-being of its employees and the efficiency of its workforce. This document outlines the City of Woodland policy regarding alcohol and drug abuse and provides guidance to supervisors in addressing substance abuse issues. This policy is intended to comply with the federal Drug Free Workplace Act of 1988 and with Federal Department of Transportation regulations governing commercial drivers.

b) Scope

This policy applies to all City of Woodland employees except that employees included in bargaining units are subject to drug testing only if: 1) the labor contract covering them specifically allows for such testing; or 2) the issue of drug testing has been legally bargained to final impasse; or 3) a written agreement between management and the employee’s bargaining agent has been signed and executed to provide for drug testing.
All other provisions of this policy, apart from the limits to drug testing as specified above, shall apply to all city employees. In cases where the provisions of this policy conflict with collective bargaining agreements duly agreed upon between the authorized employee organizations or unions and the city, the provisions of the collective bargaining agreements shall govern.

None of the exclusions mentioned in this Section shall waive or in any way diminish the City’s Personnel Policy Section 19. “Disciplinary Action and Rules of Conduct Policy” which covers all employees.

Neither the provisions nor the exclusions cited in this policy waive or modify the “employment at will” status of any city employee subject to that status either by law or as allowed under a collective bargaining agreement.

c) Policy

1. The City of Woodland recognizes that alcoholism and drug abuse may have an adverse effect on job performance and it is concerned with this impact.

2. The City of Woodland recognizes that alcoholism and drug abuse can be successfully treated, enabling the employee to return to a satisfactory job performance level.

3. Employees who are concerned about their alcohol and/or drug use are strongly encouraged to voluntarily seek assistance. Supervisors and department heads are available to all employees as a resource.

4. It is the employee’s responsibility to demonstrate satisfactory job performance.

5. It shall be the responsibility of supervisors at every level to encourage employees to use the resources available through city employment when deteriorating or unsatisfactory job performance does not respond to usual supervisory actions, or when a specific on-the-job incident is cause for concern. These resources include employer provided health insurance and leave benefits, which may be coordinated to enable assistance or treatment for the employee. The supervisor’s role is to observe and record behavior and performance of employees. Supervisors should not attempt to medically diagnose an employee’s problems.

6. The employee’s compliance with the recommendations of a health care professional is voluntary. Use of a remedial or treatment program does not replace normal disciplinary procedures for unsatisfactory job performance.

7. The employee’s job security and/or promotional opportunities will not be jeopardized by use of a remedial or treatment program. Paid or unpaid leave status during participation in a remedial or treatment program will be determined on a case-by-case basis, depending upon the circumstances involved.

8. Confidentiality is an essential element of substance abuse treatment. Any employee violating this confidentiality will be subject to disciplinary action.

9. Reporting to work under the influence of alcohol or drugs, or any substance, legal or illegal, which impairs an employee’s mental or physical health will not be tolerated.
When there are reasonable grounds to believe that the employee is under the influence of alcohol or drugs, the supervisor may direct the employee to submit to drug screening and blood alcohol tests. Refusal to submit to such tests can subject the employee to disciplinary action up to and including dismissal.

Under no circumstances will an employee be allowed to operate city equipment or drive a city motor vehicle after a supervisor has established reasonable grounds to believe that the employee is impaired.

Any employee using medication or prescribed drugs which may impair job performance must report this fact to his/her supervisor prior to accepting an assignment, which might be adversely affected by the side effects of the medication.

It is the responsibility of employees who are called out to work after regular hours to comply with the provisions of this policy. If the employee called out to work has been involved in activities that may have left him/her in an impaired or intoxicated condition, the employee must inform the person making the call out, so that an alternate can be found.

10. The unauthorized use, sale, purchase or possession of alcohol or controlled substances at the worksite is prohibited and shall be grounds for discipline up to and including dismissal. The unauthorized use of the employee’s position with the city to make, purchase or sell alcohol, controlled substances or illegal drugs is also prohibited and shall be grounds for discipline up to and including dismissal.

d) Assistance Program / Voluntary Referral

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

Sick leave, vacation leave or leave of absence without pay will be granted for treatment and rehabilitation as in other illnesses subject to City policy and / or contract language governing use of leave. Insurance coverage for treatment will be provided to the extent of individual coverage. Confidentiality of information will be maintained as much as possible at all times.

e) Compliance with Drug Free Workplace Act

It is the policy of the City of Woodland to comply with the federal, Drug Free Workplace Act of 1988. Toward that end, the following provisions and procedures shall be in effect:
1. In the event that an employee is convicted of any criminal drug statutory violation for a violation occurring in the workplace, the employee must notify his/her supervisor within five working days. The supervisor must inform his/her department manager within 24 hours of the notification. The department manager will notify the Mayor immediately. If the employee is directly involved in the performance of a contract for which the city receives federal funding, the contracting agency must be informed of the incident in writing within 10 days of the employer’s notice. A copy of the notification shall be sent to the Clerk-Treasurer.

The city is responsible to take appropriate disciplinary action and/or to require the employee to seek approved drug abuse treatment or rehabilitation within 30 days of receiving notice of the employee’s conviction.

2. All employees shall receive a copy of this policy. All employees will be required to sign a statement acknowledging that they have received a copy of this policy.

3. The city will make information and education on the prevention of alcohol and drug abuse available to its employees.

f) Compliance with Federal Regulations Applicable to Commercial Drivers

It is the policy of the City of Woodland to comply with the federal Department of Transportation regulations (Title 49, CFR subtitle B, chapter 382) which mandate prohibited behaviors and employer responsibilities for employee's holding safety sensitive positions which require the possession of a valid commercial driver's license.

1. Definitions - For purposes of this section, the following terms shall be defined as following:

   **Accident** - Accident means an occurrence involving a commercial vehicle on a public road which results in a fatality or a citation under state or local law for a moving violation and (1) bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; and/or (2) one or more motor vehicles incurring disabling damage requiring the vehicle to be transported away from the scene by a tow truck or other vehicle.

   **Driver** - This term includes all employees whose positions may involve driving a commercial vehicle and that require the possession of a Commercial Driver's License.

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

   **Drugs** - For the purposes of Section 6, in accordance with the applicable federal regulations, "drugs" refers to the following five substances: marijuana (THC), cocaine, opiates, phencyclidine (PCP), and amphetamines.

   **Medical Review Officer (MRO)** - The Medical Review Officer is the licensed physician responsible for receiving and interpreting laboratory results from the urine drug tests.
**Safety Sensitive Position** - For purposes of this policy, these are positions associated with the driving of commercial vehicles.

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

g. **Prohibited Behaviors:** In addition to any other prohibitions on the use of alcohol or controlled substances established through city policy or by contract, the following behaviors by employees whose positions require the possession of a valid commercial driver's license are prohibited:

1.) **Alcohol Concentration:** Reporting to duty and performing safety-sensitive functions while having an alcohol concentration of 0.04 or greater.

2.) **Alcohol Possession:** Unauthorized possession of alcohol while on duty or operating a commercial motor vehicle unless the alcohol is an insignificant ingredient in a medication that is either prescribed or a commonly recognized over-the-counter remedy and notice has been given to the employee's manager in advance.

3.) **Alcohol Use Following an Accident:** Use of alcohol within eight hours following an accident or before undergoing a post-accident alcohol test, whichever occurs first.

4.) **Alcohol Use on Duty:** Use of Alcohol while performing safety-sensitive functions. (This includes alcohol, which may be in medications).

5.) **Alcohol Use Prior to Duty:** Performing safety sensitive functions within four hours after having used alcohol. An on-call employee who consumes alcohol within four hours of being called in must acknowledge the use of alcohol and may not report for duty.

6.) **Controlled Substance (Drug) Use:** Reporting for duty or remaining on duty performing safety-sensitive functions after having used any controlled substance, except when the use is pursuant to the instructions of a physician who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle. The proper and lawful use of drugs is permitted provided their use does not interfere with the individual's ability to perform the essential functions of his/her job. Any employee taking prescribed medication that may impair his/her ability to work safely and productively must notify his/her department head/supervisor prior to commencing to work. The department head, in consultation with the employee's physician, if necessary, will make the determination regarding the employee's qualifications to work. Information provided to the department head will be treated as confidential. Disclosure by the City will only be required by
law or in the event of a proceeding initiated on behalf of the employee. Failure to notify the department head in advance of commencing to work will be cause for disciplinary action up to and including discharge.

7.) **Positive Drug Test:** Reporting for duty, remaining on duty, or performing safety sensitive functions after having tested positive for a controlled substance.

8.) **Refusal to Submit to a Required Test:** Refusing to submit to a post-accident, random, reasonable suspicion, or follow-up alcohol or controlled substance test as directed pursuant to this policy.

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

**h. Mandatory Training for Commercial Drivers**

The City shall provide all affected employees with copies of this policy and any other information as required by the federal regulations. Each driver shall sign a receipt upon having been provided the above referenced information including a copy of this plan and accompanying procedures for drug testing.

Department heads and supervisors designated to determine whether reasonable suspicion exists to require a commercial driver to undergo alcohol or drug testing will receive at least 60 minutes of training on alcohol and 60 additional minutes of training on substance abuse. The training will convey the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances.

**i. Drug and Alcohol Testing Program for Commercial Drivers (pursuant to RCW)**

1.) **Pre-employment Drug Testing:** All individuals who are covered by this policy must pass a drug test as a post-offer condition of employment.

2.) **Reasonable Suspicion Testing:** Employees subject to this policy shall submit to a drug and/or alcohol test when the City of Woodland reasonably suspects that this policy (except the prohibitions against unauthorized possession, transfer or sale of alcohol) may have been or is presently being violated. A referral for testing will be based on contemporaneous, articulate observations. Such referrals will be made by supervisory personnel who have received training concerning the signs and symptoms of drug and alcohol use.

Alcohol testing for reasonable suspicion may be conducted at any time during working hours. If removed from duty based on reasonable suspicion of alcohol use and an alcohol test is not administered within eight hours, the employee will not be allowed to perform or continue to perform covered functions until:

a.) An alcohol test is administered (normally within 2 hours of the determination of reasonable suspicion) and the driver's breath alcohol concentration measures less than 0.02; or
b.) 24 hours have elapsed following the determination that there is reasonable suspicion to believe that the employee has violated this policy concerning the use of alcohol.

j. **Post-Accident Testing:** Following an accident (as defined above) involving a commercial vehicle, the driver is required to submit to alcohol and drug tests when the driver receives a citation under state or local law for a moving traffic violation, or where a fatality occurs as a result of the accident. Testing should occur as soon as possible, but may not exceed eight hours after the accident for alcohol testing and 32 hours after the accident for drug testing. A driver who is subject to post-accident testing must remain readily available for such testing and may not take any action to interfere with testing or the results of testing. Drivers who do not comply with post-accident testing requirements will be considered to have refused to submit to testing and will be subject to sanctions for refusal to test as provided in this policy. While awaiting a post accident test, the driver will be in a paid status.

k. **Random Testing:** Employees covered by this policy will be subject to random, unannounced alcohol and drug testing.

l. **Return to Duty Testing:** Employees who have violated this policy, including those who have tested positive on a drug or alcohol test, and who under the discipline policy are allowed to return to work, must test negative prior to being released for duty. A return to duty test following alcohol misuse shall be less than an alcohol concentration of 0.02.

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

n. **Re-Tests:** Employees who test positive for drugs may request a second test of the untested portion of the split sample within 72 hours of notification of a positive test result by the Medical Review Officer.

o. **Test Results:** Test results will be expressed as positive or negative based on detection of levels of alcohol or controlled substances as established by federal Department of Transportation standards.

p. **Challenges to Test Results:** An employee who wishes to challenge a positive drug test must do so within 72 hours notification of the positive result. The employee must notify the City's medical review officer that he/she wishes to challenge the test and must pay for the retest. The retest must be processed at a DHHS-NIDA-certified laboratory. If the MRO certifies that the second drug test is negative, an employee will be reimbursed for the cost incurred including any lost compensation.
q. **Refusal by a Commercial Driver to Submit to an Alcohol or Drug Test:** Refusal to submit to a directed test is a prohibited behavior in section 24.g which shall subject the employee to the consequences outlined in section 24.s. No employee shall refuse to submit to an alcohol or drug test as directed under this policy. A refusal to submit shall include:

1) Failure to provide adequate breath for testing without a valid medical explanation after an employee has received notice of the requirement for breath testing in accordance with established procedures;

2) Failure to provide adequate urine for controlled substances testing without a valid medical explanation after an employee has received notice of the requirement for urine testing in accordance with the procedures manual; and/or

3) Engaging in conduct that obstructs the testing process.

r. **Securing Information from Previous Employers:** If a person is to be hired into a position subject to this policy and during the previous two years has worked as a driver of a commercial vehicle, that person must authorize a request of all employers of the driver within the past two years of information on the following:

a) positive alcohol or drug tests; or b) refusal to be tested.

The City of Woodland will make a good faith effort to obtain and review the information from prior employers within 14 days of the person performing safety sensitive duties for the first time.

If the information obtained from previous employer indicates either a positive test or that a refusal to be tested occurred within the past two years, that person will not be permitted to drive commercial vehicles unless subsequent information indicates that an evaluation by a Substance Abuse Professional was made and return to duty testing was administered.

s. **Consequences for Commercial Drivers of Engaging in Prohibited Behaviors and/or of Positive Drug or Alcohol Test Results:**

Employees found to have engaged in prohibited behavior as defined in Section 24.g. Prohibited Behaviors, or to have tested positive for drugs shall be subject to discipline up to and including termination from employment.

The following provisions apply to those employees who are not terminated for their policy violations:

1. If an employee tests positive for drugs or has an alcohol test that indicates a breath alcohol level of .04 or greater from a random, reasonable suspicion or post-accident test, or engages in prohibited conduct as outlined in Section 24.g., the employee will be immediately removed from duties requiring the driving of a commercial vehicle. The employee will not be permitted to return to work unless he/she:

   a. Has been evaluated by a qualified Substance Abuse Professional; and,

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

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

2. Employees with a breath alcohol concentration of at least 0.02 but less than 0.04 and who have not engaged in any other prohibited conduct, shall be removed from the duty requiring the driving of a commercial vehicle for at least 24 hours. The time away from work shall be charged to vacation, sick leave, or leave without pay at the employee's option, and will be considered an unscheduled absence.

t. Procedures for Drug or Alcohol Testing of City Employees other than Commercial Drivers

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

2. Observation: If a supervisor observes an employee who seems to be under the influence of alcohol or drugs, he/she should, if practical, seek the opinion of at least one additional department head, the Clerk-Treasurer or the Mayor.

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

3. Referral for Testing: If the department head determines that reasonable grounds exist to require a drug test and/or alcohol, the department head or supervisor shall direct the employee to accompany the supervisor to a testing site designated by the City for a drug screening and blood alcohol test to determine fitness for duty. The initial alcohol testing could be done using the BAC Datamaster machine. The department head shall be notified before the supervisor and employee leave city premises for the drug-testing site. The Mayor shall be notified of the incident, in writing, within 48 hours.
The employee should be informed that the tests will be conducted on city time, paid for by the city, and are part of his/her job responsibilities. The employee should be informed that refusal to take the test may result in disciplinary action up to and including dismissal. Additionally, an employee who refuses to take the test should be informed that he/she will be sent home on sick leave for at least the rest of the workday.

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

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

Tests, which are found to be positive, will be verified by additional tests, which may include a legal alcohol, and full drug screen. The City's designated test services provider will ensure adequate chain-of-custody for sample collection and testing.

4. **Test Results:** Employees who test positive on the day of testing shall be considered unfit for work and shall be relieved from duty for that day. It is the responsibility of the department head and/or the Mayor to notify the employee. The employee should not be allowed to drive a motor vehicle. Employees who comply with the testing procedures of this policy will be on paid leave on “City Business” until the status of the tests and the circumstances surrounding the impairment are determined.

5. **Discipline/Treatment:** If tests determine that the employee has the presence of alcohol and/or drugs in his/her system in violation of this policy, the department head shall contact the Mayor within 24 hours of test results notification. The Mayor and/or the department head shall, within 48 hours of receiving the test results, contact the employee to provide the employee an opportunity to respond to the test results.

Following the employee’s response opportunity, the Mayor and the department head shall meet to discuss the appropriate level of disciplinary action. The degree of disciplinary action depends on the factual circumstances and the severity of the infraction.

It is the responsibility of the department head, in conjunction with the Mayor, to evaluate the circumstances and facts thoroughly and objectively. Any disciplinary action shall be in accordance with provisions of the City Personnel Policies and Procedures Manual. If discipline is necessary, the discipline to be taken, shall be recommended by the department head to the Mayor. The Mayor shall then act on the recommendation.
6. **Sale or Transfer of Drugs:** A supervisor who observes an employee using alcohol or drugs; or an unauthorized employee selling, purchasing, transferring, or possessing alcohol or drugs while on the job should take prompt action. Observations about the employee’s behavior, as well as the discussions and contacts with him/her, should be documented as soon as practicable. The supervisor should report such observations to his/her own department head and appropriate disciplinary action should be taken in accordance with the procedures outlined in this policy.

In cases involving the unauthorized sale, purchase or transfer of illegal drugs or controlled substances at the workplace, the department head is required to notify the Woodland Police Department immediately. Employees who are found to have illegally sold, transferred, or delivered a controlled substance to another while on duty will be terminated.

Employees of the police department who are found to have illegally sold, transferred, or delivered a controlled substance to another will be terminated.

**u. Confidentiality and Record Retention**

All records related to drug and alcohol testing will be maintained in a secure location with controlled access. These records will be kept separate from records pertaining to all other employees.

**SECTION 25. Whistleblower.** (pursuant to Resolution No. 338)

(a) It shall be the policy of the City of Woodland to encourage the reporting of improper governmental actions by any City employee and will protect all employees against retaliatory employment actions for reporting improper governmental actions when the reports are made in compliance with the Employee Whistle-Blower Policy as adopted by resolution of the City Council and directed by the Local Government Employee Whistle-Blower Act.

(1) It is the policy of the City to provide a work environment for all employees that is harmonious and free from unlawful retaliation. Therefore, the City will not tolerate any form or degree of unlawful retaliation.

(2) An employee who engages in improper behavior may be in violation of federal and state law in addition to violating City policy.

(3) Prompt disciplinary action, up to and including termination, will be taken against an employee found guilty of violating this policy. Employees who report improper governmental action shall not be subjected to any form of retaliation. Any employee responsible for any form of retaliatory conduct shall be subject to disciplinary action.

(b) The City of Woodland adopts by reference the State of Washington RCW 42.40 as it relates to Whistleblower.

(a) **Employment.** City of Woodland will not discriminate in employment practices against people with disabilities.

(b) **Accommodations.** Reasonable accommodation will be made for the employee or applicant with a disability.

(c) **Policy.** The City of Woodland will comply with the federal and state laws concerning “reasonable accommodation” for employees with disability.

SECTION 27. Grievance Procedures.

(a) **Eligibility.** Any employee who believes himself or herself to be aggrieved by some condition of employment, adverse personnel action, or disciplinary action, shall be eligible to invoke these grievance procedures.

(b) **Step 1. Review By Immediate Supervisor.** Within five (5) working days after the event giving rise to the grievance, the employee involved shall personally present the grievance to his or her immediate supervisor for resolution. If the matter is settled at this point, an appropriate memo shall be placed in the employee's personnel file. If the aggrieved employee has no immediate supervisor, the employee may proceed directly to Step 2.

(c) **Step 2. Review By Department Head.** If the grievance cannot be settled at Step 1, the employee must reduce his or her complaint to writing and present it to the Department Head within five (5) working days after the event. The Department Head, with the assistance of the Mayor or Personnel Committee, may conduct a hearing, investigation or take other appropriate action and shall render a decision in writing not more than ten (10) working days after the receipt of the complaint. If the matter is resolved at this point, it shall be so noted in the employee's personnel file.

(d) **Step 3. Review By Mayor.** If the grievance cannot be settled at Step 2, the matter shall be referred by the Department Head to the Mayor for disposition. The Mayor shall conduct a hearing, investigation or take other appropriate action and shall render a decision in writing not more than ten (10) working days after receipt of the matter. If the grievance is resolved at this point, it shall be so noted in the employee's personnel file. The decision of the Mayor shall be final and there shall be no appeal therefrom.

SECTION 28. Severability.

Should any section, paragraph, sentence, clause, or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

SECTION 29. Repealer.

Ordinance No. 1001 is hereby repealed.
SECTION 30. Effective Date.

This Ordinance shall become effective five (5) days after passage, approval and publication as provided by the law.

ADOPTED this 6th day of July, 2010

CITY OF WOODLAND:

_____________________________
Charles E. Blum, Mayor

ATTEST:

_____________________________
Mari E. Ripp, Clerk-Treasurer

APPROVED AS TO FORM:

_____________________________
William Eling, City Attorney

Attachments:

1. Policy #1994-003 Hiring Policy
2. Resolution 338 – Whistleblower Policy & Procedure
3. Exhibit “A” to Cell Phone Policy – Section 4.2.3
4. Attachment “A” to Email/Internet – Section 21(j)
5. Attachments Section 22(i) – Sexual Harassment
6. Policy 2003-001 Credit Card/Purchasing Policy
7. Ord 1178 – Purchasing Policy and Public Works Process
8. Res 535 – Travel & Per Diem
9. Form: Advance Travel Form & Reconciliation
10. Form: Reimbursement Form
11. Acknowledgement /s/ form of Personnel Policy
SUMMARY OF ORDINANCE NO. 1184  
OF THE CITY OF WOODLAND, WASHINGTON

On July 6, 2010, the City Council of the City of Woodland, Washington, approved Ordinance No. 1184, the main point which may be summarized by its title as follows:

AN ORDINANCE OF THE CITY OF WOODLAND RELATING TO CITY EMPLOYMENT AND EMPLOYEES; ESTABLISHING PERSONNEL POLICIES AND PROCEDURES APPLICABLE TO EMPLOYEES NOT WITHIN THE CIVIL SERVICE; ADOPTING GENERAL PROVISIONS AND DEFINITIONS; ESTABLISHING CLASSIFICATION OF POSITIONS; ADOPTING AND EQUAL EMPLOYMENT OPPORTUNITY POLICY; PROVIDING FOR RECRUITMENT AND APPLICATIONS; PROVIDING FOR APPOINTMENT TO VACANT POSITIONS; ADOPTING A COMPENSATION PLAN; ESTABLISHING STANDARD FOR PERFORMANCE OF DUTIES; ESTABLISHING HOURS OF WORK; PROVIDING FOR SICK LEAVE, OTHER LEAVES, AND VACATION; PROVIDING FOR PROMOTION, TRANSFER, REDUCTION IN FORCE, RESIGNATION AND RETIREMENT; PROVIDING FOR DISCIPLINARY ACTION; ADOPTING A CODE OF ETHICS; AND REPEALING ORDINANCE NO. 1001.

The full text of this Ordinance will be mailed upon request.

APPROVED by the City Council at their meeting on July 6, 2010

________________________________________
Mari E. Ripp, Clerk-Treasurer

Published: July 21, 2010
Effective: July 26, 2010
Attachments 1 to 11
HIRING POLICY
of the
City of Woodland

Title: Hiring
Subject: Hiring & Recruiting

Effective Date: 12/5/94

Prepared by: Personnel Committee & Staff Recommendation

Robin S. Jones, Mayor

Adopted by the City Council:

Patrick Rychel
Barbara Karnis

Carmen Webb
Charles E. Blum
I. PURPOSE

To establish policy for all phases of the hiring process, including applicant recruitment, interviewing, selection, and appointment.

II. ORGANIZATIONS AFFECTED

All departments.

III. REFERENCES

A. RCW 35A.12.090.
B. CITY OF WOODLAND PERSONNEL POLICY. ORDINANCE 782 WMC
C. CITY OF WOODLAND CIVIL SERVICE RULES AND REGULATIONS.

IV. JOB DESCRIPTIONS

V. APPLICANT RECRUITMENT

A. Recruitment practices are conducted solely on the basis of ability, merit, qualifications and competence, without regard to race, color, religion, national origin, sex, marital status, pregnancy, disability or age and conducted in the spirit of Equal Employment Opportunity.

B. The Personnel Committee and/or the involved Department Head assists the Mayor, as necessary, in formulating the job announcement and determining extraordinary applicant sources; no job announcements or job descriptions will be approved for distribution without Mayoral approval.

C. The City does not, under normal circumstances, use the services of any private employment agency, either employer or employee-paid. However, if such services may be utilized as a cost or time efficiency measure they may be authorized.
D. Civil Service positions (Police and Fire) are subject to the Rules and Procedures of the Civil Service Commission.

VI. INTERVIEW PROCESS

A. The Mayor shall be responsible to ensure that the guidelines are followed in the conduct of interviews for positions within the purview of this policy.

B. The interviewer will be familiar with the requirements of the position to be staffed. Before announcing the position, the department head supervisor will ensure that the critical elements of the position (e.g. experience, education, and skills necessary to perform the tasks required) and essential functions of the job posting and job description.

C. In an effort to identify qualified and acceptable candidates interested in City employment, a qualified interview team will establish an eligibility list of candidates to keep on file up to twelve months.

VII. EMPLOYEE SELECTION

A. The Mayor/Administration serves as a resource for designing examination materials, participates in the selection procedures, and makes the final employment decision.

B. Civil Service positions (Fire and Police) are subject to the rules and procedures of the Civil Service Commission.

VIII. DEFINITIONS

A. Examination

Any device used to select employees. Application forms, interviews, and the other tests mentioned above are all considered "examinations".

B. Temporary Employment

Appointment to City employment on other than an emergency or regular basis shall be considered temporary. Temporary appointment must be approved by the Mayor and may be allowed:

1. As a substitution for a regular employee who is absent from his/her position;
2. When it is impossible to make a regular appointment due to recruitment difficulties; or

3. Where budget appropriation provides only for a temporary employee.

IX. PROCEDURE

A. Applicant Recruitment

1. Positions will be opened according to category as follows:

a. Management/Supervisory

   Management level position recruitment will be based on the nature of the position, organizational needs, etc. A high degree of flexibility will be used in designing recruitment mechanisms for these positions.

b. Full or Part-Time Regular Positions

   To all current full or part-time regular city employees for a period of five (5) working days; thereafter, to outside applicants. Vacancies shall be filled wherever possible with existing employees through competitive examinations. If, in the opinion of the Mayor, it is in the best interest of the City to advertise externally concurrent with internal posting, this will take place.

2. Position openings are communicated by means of a formal job announcement by the Mayor.

3. This announcement is distributed to all City divisions/departments and posted on appropriate bulletin boards. For positions seeking outside applicants, the announcement is also sent to other agencies, municipalities and shall at a minimum be published in the designated publication of record.

4. Each applicant shall complete and sign an application form prior to being considered for any position. Resumes may supplement, but not replace, the City’s official application.

5. Any applicant supplying false or misleading information is subject to immediate
disqualification or termination, if hired.

6. No applications for a position are accepted after the published closing date/time. If there are not sufficient qualified candidates at the closing date, the position may be reopened and re-advertised.

B. Employee Selection

The selection process consists of several distinct activities as outlined below.

1. Examination Development

a. The form of the examination (if one is required) is determined by the appropriate department head and the Mayor, which will take into consideration the nature of the position, the qualifications required, and the resources available.

b. The examination may consist of one or more structured interview, practical tests, written tests, or a combination thereof. In all cases, the examination will be directly job-related and designed to determine candidates’ knowledge, skills and abilities for the position. Examination contents are confidential, and their unauthorized disclosure is grounds for discipline.

c. In selecting for key management positions; (e.g., department heads) an assessment center, or other selection procedure may be used at the discretion of the Mayor. In these cases, outside professionals may be consulted to assist in examination development.

2. References & Hiring Decision

a. Before any offer of employment is tendered, employment references shall be verified, by Department Head or Department Clerk. This is normally accomplished by telephone contact with the candidate’s former employers. Poor work references should prompt a review before a selection decision by the interviewing panel.

b. The interviewing panel shall secure the Mayor’s written approval. This
concurrency shall only be granted if the following documentation is submitted.

1) A completed application form, with all associated attachments, that gives information on employment history.

2) The department head’s summary of the reference check completed for each employment position held by the applicant.

3) A police background check if required and/or permitted under current state law.

4) If permitted under current State law, a drug test will be required.

3. Applicant Notification

a. After references are verified and a final decision reached, the department notifies the candidate of his/her selection and requests that the offer be accepted or rejected within a specific number of days.

b. Once the offer has been made and prior to commencement of employment, the City may require persons selected for employment to successfully pass a medical examination. The purpose of the examination is to determine if the individual is physically able to perform the job and to ensure his/her physical condition will not endanger the health, safety or well-being of other employees or the public. The offer of employment may be conditioned on the results of the examination.

c. A candidate may be disqualified from consideration if: (1) found physically unable to safely perform the essential functions of the position (and the individual’s condition cannot reasonably be accommodated in the workplace); (2) the candidate refuses to submit to a medical examination.

C. Appointments

1. A candidate is formally notified of appointment
C. Appointments

1. A candidate is formally notified of appointment to a position following the recruitment and selection process. The appointment letter states the position title, salary, starting date, probation period and, if applicable, other terms of employment.

2. Civil Service appointments are made in accordance with the applicable Civil Service Rules and Regulations.

A. Funding for new positions or unfilled positions must be approved by the City Council as part of an annual budget or on an individual basis by ordinance amending the budget.

B. Job descriptions for new positions must be approved by the Mayor.

X. JOB DESCRIPTION

A. A job description will be prepared for each job title. The job description will include the following items:

1. Job title and employment status (i.e., full time, part time, Civil Service, etc.); exempt, non-exempt

2. Minimum qualifications for individuals employed in the job title;

3. Special requirements as a condition of employment (i.e., medical examination, bonding, licenses or certifications) if related to job tasks or responsibilities;

4. A general description of required tasks;

5. Responsibilities of the position;

6. Title of supervisor and subordinates; and

7. Number of hours/week, schedule, overtime requirements if any.

B. Job descriptions for existing job titles will be reviewed annually or when an opening for the position occurs.

C. Job qualifications and special requirements must be
related to job responsibilities and tasks.

XI. HIRING PROCEDURES

A. Non Civil Service

1. A job description will be prepared or updated if necessary.

2. Notice of any job opening and job description will be posted for at least one week on the main bulletin board in the lobby of City Hall so that city employees will be aware of the opening. Any City employee may apply for the opening and will be considered for appointment on an equal basis with other applicants. Past job performance should be a major consideration for evaluation.

The job opening will be advertised in the designated publication of record for at least one week and other publications if appropriate. Employment advertisements will contain the words (or abbreviation) "an Equal Opportunity Employer".

3. Application will be made on the "adopted standard" City application form. All applications must be fully completed, signed and dated by the applicant. No questions on any application form shall be so framed as to attempt to elicit information in conflict with Equal Employment Opportunity.

All statements submitted on the employment application or attached resume shall be subject to investigation and verification prior to appointment.

Application for employment will be accepted at any time. These applications will be placed in the employment file and kept for one year. An attempt to contact the applicant will be made at such time as an opening consistent with the applicant's qualifications becomes available. Such applicant will be subject to all regular hiring procedures and policies. Department Heads will be encouraged to review file applications on a quarterly basis.

4. The Mayor through his/her designees, will give such tests and/or interviews as are appropriate for the type of job. Tests and interview questions will be designed to measure skills described in the job description. No question shall be so framed as to attempt to elicit

5. Appointment shall be made solely on the basis of merit and fitness for the job. These qualities shall be determined on the basis of the applicant's level of education or experience indicated in the application or in the interview; fitness relative to the requirements of the job, ability to deal with the public and work with other City employees; and the result of the oral and/or written examination and the interview.

6. Notice of the results of the hiring process will be forwarded to all applicants for the job.

B. Civil Service Employee

See appropriate section of Civil Service Rules.
RESOLUTION NO. 338

WHEREAS, by its adoption of Substitute House Bill No. 6321 in 1992, the Washington State Legislature extended whistle-blowing protection to the municipal sector, and

WHEREAS, the Woodland City Council seeks to comply with said legislative mandate by the adoption of a policy which encourages the reporting of improper governmental actions and protects reporting employees from retaliatory actions.

NOW, THEREFORE, BE IT RESOLVED that the City of Woodland hereby adopts Exhibit A attached hereto entitled "Employee Whistle-Blower Policy" as the official policy of the City of Woodland with respect to such matters.

ADOPTED by the City Council and SIGNED by the Mayor this 5TH day of OCTOBER, 1993.

[Signature]
MAYOR

ATTEST:
[Signature]
CITY CLERK

APPROVED AS TO FORM:
[Signature]
CITY ATTORNEY
AGREEMENT TO WITHHOLD FUNDS

THIS AGREEMENT is made and entered into this ____ day of _______________, 1996, by and between the City of Woodland acting through its Mayor, herein referred to as the “City”, and ________________, herein referred to as “Official/Employee”.

WHEREAS, the City of Woodland finds that it is a benefit to the City to assist in facilitating the acquisition of private cellular telephones by its officials/employees for use in the event of a significant emergency such as an earthquake, volcanic eruption or similar catastrophe; and

WHEREAS, in the furtherance of this Agreement, Official/Employee has received a cellular telephone for his/her private use, which cellular telephone has been supplied by a cellular telephone company and would be available in connection with emergency duties that the Official/Employee might be requested to perform in the event of such an emergency; and

WHEREAS, possession and use of the cellular telephone requires that fees be paid to the telephone company for its acquisition and use; and

WHEREAS, the parties acknowledge that Official/Employee has the primary responsibility to pay such fees to the telephone company, with the City only becoming obligated to make such payments should Official/Employee fail to do so; and

WHEREAS, it is necessary that Official/Employee give permission to the City to deduct from his/her paycheck any amount which the City becomes obligated to pay to the cellular telephone company due to Official’s/Employee’s failure to make the above payments.

IT IS HEREBY AGREED BETWEEN THE PARTIES:

1. The City shall assist Official/Employee in obtaining a cellular telephone by agreeing to be secondarily liable for the costs and fees of said cellular telephone.

2. The term of this Agreement shall begin on ________________, 19___, and shall automatically renew annually unless terminated according to the provisions herein.

3. Official/Employee hereby agrees to make timely payments for the cellular telephone service described above. Official/Employee hereby grants his/her consent to the City to withhold from any paycheck due Official/Employee any amount that the City is obligated to pay the cellular telephone company on account of Official’s/Employee’s failure to make timely payments for possession and use of said

Employee Cellular Phone Service Agreement - 1 of 2
4. This Agreement shall continue in effect so long as Official/Employee retains use and possession of the cellular telephone referenced herein.

5. Official/Employee shall fully indemnify, release and hold harmless, the City from any monetary costs or claims of any nature arising out of this cellular telephone program.

6. In the event a significant emergency such as an earthquake or volcanic eruption or other similar catastrophe should occur, Official/Employee agrees to make the cellular telephone(s) which is(are) the subject matter of this Agreement available to the City as deemed necessary.

7. Termination for Convenience. Upon mutual agreement, either party may terminate this Agreement immediately with written notice to the other party. The City may terminate this Agreement by notifying the cellular telephone company that the Official’s/Employee’s number is no longer authorized to participate in the program, followed by written notice to the Official/Employee.

8. If any legal proceeding is brought for the enforcement of this Agreement, or because of an alleged dispute, breach, default, or misrepresentation in connection with any of the provisions of this Agreement, the City shall be entitled to recover from Official/Employee, in addition to any other relief to which such party may be entitled, reasonable attorney’s fees and other costs incurred in that action or proceeding.

9. This Agreement has been and shall be construed as having been made and delivered within the State of Washington, and it is agreed by each party hereto that this Agreement shall be governed by the law of the State of Washington, both as to interpretation and performance.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed the day and year first written.

CITY OF WOODLAND: ________________________________

OFFICIAL/EMPLOYEE: ________________________________

Mayor

Name Printed

APPROVED AS TO FORM:

[Signature]

Patrick L. Brock, City Attorney
City of Woodland

E-Mail Address Request Form

Name: ____________________________________________

Last Name / First Initial: ________________________________

Password: __________________________________________

(CONFIDENTIAL) Alpha/Numeric - Minimum of 8 Characters

Department: __________________________________________

E-Mail addresses will be in the form: LastNameFirstInitial@ci.woodland.wa.us

If you have any questions please contact Mari Ripp.

________________________________________________________________________

I have read and understand the City of Woodland’s Internet and E-Mail Policy:

________________________________________________________________________

Employee Signature

Authorized By:

Department Head

G:\Web Site\E-Mail Request.doc
City of Woodland
Internet and E-Mail Policy

On ____________________________ (date), I ____________________________ (print name) received a copy of the City of Woodland's Internet and E-Mail Policies (Administrative Policy #01-02). I have read the policies and agree to comply with all stated provisions and terms. I understand that failure to adhere to these policies may result in disciplinary actions.

_________________________ (date) ____________________________ (Employee)

_________________________ (date) ____________________________ (Supervisor)

This document will be placed in your Personnel File.
CITY OF WOODLAND

SEXUAL HARASSMENT POLICY AND PROCEDURE

PROCEDURE -- INFORMAL ACTION

EFFECTIVE: Approved by the City Council 02/22/99

All boxes DO NOT have to be checked off. Some steps may be Discretionary and are not required to validate documentation of the complaint procedure. It is anticipated that this checklist will act to preserve a record of actions taken.

Any employee who believes that he or she has been subjected to sexual harassment should report the allegation immediately in accordance with the following procedure. All information obtained will be held in strictest confidence and will only be disclosed on a need-to-know basis.

<table>
<thead>
<tr>
<th>INFORMAL ACTION</th>
<th>DATE ACTION TAKEN</th>
</tr>
</thead>
<tbody>
<tr>
<td>Victim communicates with offender regarding offensive behavior. &quot;Communication&quot; may be construed as a face-to-face discussion between victim and offender, with or without witnesses present, or a written document delivered to the offender.</td>
<td></td>
</tr>
<tr>
<td>Victim requests an opportunity to discuss the situation with the immediate supervisor. The complainant may be advised of ways to resolve the problem on his or her own. If that is unsuccessful or if the complainant does not wish to confront the alleged offender, the supervisor will discuss the complaint with the alleged offender and an informal resolution may be prepared. The complainant may accept or reject the proposed resolution. If a resolution is not agreed upon by the parties involved, a formal complaint may then be filed by the complainant.</td>
<td></td>
</tr>
<tr>
<td>If allegations involved the immediate supervisor, the victim may report directly to the next level higher of supervision.</td>
<td></td>
</tr>
<tr>
<td>Victim requests that (Name) participate in discussion with offender.</td>
<td></td>
</tr>
</tbody>
</table>

- If illegal sexual harassment is not found, the Department Head or Mayor may still determine that the conduct was inappropriate for the workplace and require that such conduct be stopped.

Memo from policy
CITY OF WOODLAND

SEXUAL HARASSMENT POLICY AND PROCEDURE

PROCEDURE -- FORMAL ACTION

EFFECTIVE: Approved by the City Council 02/22/99

FORMAL ACTION ___________________________ DATE ACTION TAKEN: __________________

Within seven (7) calendar days of occurrence or knowledge of occurrence, the victim makes written report of incident to the immediate supervisor. Victim's written complaint shall contain the name of the alleged offender, a description of events, dates, times, locations, and the names of any witnesses, and the desired remedy.

If the allegations involve the immediate supervisor, the victim may report directly to the next higher level of supervision.

Within seven (7) calendar days of receipt of the allegations, the supervisor shall meet with the parties involved and attempt to remedy the complaint.

Within seven (7) calendar days of such meeting, the supervisor shall submit a written recommendation to the involved parties.

If the remedy is unsatisfactory to the victim, the victim may, within ten (10) calendar days of the recommended remedy, notify the Department Head in writing.

Within seven (7) days following receipt of the formal written complaint, the Department Head shall initiate an investigation of the allegations. (Investigation may, at this point, be referred to the City Attorney or City’s Insurance for further investigation.)

Within fourteen (14) calendar days the investigating authority shall submit a written report detailing the nature of the complaint and results of the investigation. (If the investigation is turned over to the City’s Insurance, the time limit may be extended.) The report shall contain a recommendation or further action.

Within ten (10) calendar days of report completion, the Department Head shall respond to the victim and the accused, and shall institute corrective or disciplinary actions deemed necessary.

- If illegal sexual harassment is not found, the Department Head or Mayor may still determine that the conduct was inappropriate for the workplace and require that such conduct be stopped.
POLICY #2003-01

CREDIT / PURCHASING CARD POLICY

James R. Graham, Mayor

September 2, 2003
Approved date

USE OF CITY CREDIT CARDS

1) Implementation. The Clerk-Treasurer (or his/her designee) shall implement this system for the distribution, credit limits, payment of bills, authorization and control of cards, relating to the use of credit and purchasing cards by City officials, officers and employees.

2) Eligibility. All regular-status City employees and City officers/officials are eligible to receive a Purchasing/Credit card if authorized by their Department Head and the Clerk-Treasurer. Purchasing/Credit cards may be checked out by the Clerk-Treasurer Department to those City officials/officers and employees who are authorized to obtain a card because their job responsibilities would be facilitated by the use of a Purchasing/Credit Card and such use would benefit the City. The act of obtaining a City Purchasing/Credit Card does not indicate pre-approval of expenses.

3) Establishment of Card Limits. The Clerk-Treasurer shall set a monthly credit limit on the Purchasing/Credit Card not to exceed $10,000 per cardholder and pursuant to purchasing policy. (For 2003 it is currently up to $1,500 per transaction.) No single purchase on the Purchasing/Credit Card shall exceed the purchasing policy limit without prior approval of the City Council.

Purchases of an emergency nature exceeding the purchasing policy limit may be authorized by the Mayor or the Clerk-Treasurer. (For 2003 it is up to $1,500 per transaction).

4) Official/Officer and Employee Responsibility.

a. Cardholders are accountable and responsible for the expenses charged on the card in their name or the city's name.

b. Purchasing/Credit Cards are to be used for City business only and not personal use. An Agreement between the Cardholder and the

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Page 1 of 3

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City must be executed before the Card will be issued. (See Attached Agreement.)

c. Purchasing/Credit Cards will not be used for personal expenses, cash advances, or tuition, the latter of which may be reimbursed through the City's reimbursement program. It may not be used as a substitute for professional service agreements, public works contracts and/or human services contracts.

d. The use of the Purchasing/Credit Card does not relieve the Cardholder from complying with other City and departmental policies and procedures. The Card is not intended to replace effective procurement planning which can result in quantity discounts, reduced number of trips and more efficient use of City resources.

e. The only person entitled to use the Purchasing/Credit Card is the person who has been issued the card. Cards should be treated with extreme care in the same manner as a personal credit card. The Cardholder will be responsible to report a lost or stolen card immediately to the Clerk-Treasurer.

f. The Cardholder must retain all receipts and reconcile their Purchasing/Credit Card statement within the timelines set by the Clerk-Treasurer. The statement must be reconciled and submitted to the Clerk-Treasurer along with all receipts and a complete description of each product/service that was purchased if the information is not already on the receipt.

g. Merchandise returns and billing errors are the Cardholder's responsibility. The Cardholder is responsible for resolving all disputes directly with the Purchasing Card Vendor or the merchant. All charges must be paid on invoicing.

h. If the Cardholder will be absent from the City for an extended period of time (i.e., vacation), the Cardholder is responsible for assigning and training an employee within his/her department to handle the account reconciliation responsibilities and meet established deadlines.

i. If the Card is used for the purpose of covering authorized travel expenses, the Cardholder shall submit a fully itemized travel expense voucher within 15 days of returning from such travel. Any charges against the Purchasing/Credit Card not properly identified on the travel expense voucher or not allowed following an audit (as
required by RCW 42.24.080) shall be paid by the Cardholder by check, U.S. currency or payroll deduction.

5) City Procedure:
   
a. If, for any reason, disallowed charges are not repaid by the Cardholder before the statement is due, the City shall retain a prior lien against and a right to withhold any and all funds payable to the Cardholder up to the amount of the disallowed charges and interest at the same rate as charged by the Purchasing/Credit Card.

   b. Finance charges will not be paid by the City. If the statement and receipts are not submitted to the Purchasing Card Administrator by the due date, the Purchasing/Credit Card limit will be set to zero until the information is received. Also, the City may revoke the Purchasing/Credit Card under Section 6 herein.

   c. Cardholders shall not use the Card if any disallowed charges are outstanding and shall surrender the Card upon demand of the Clerk-Treasurer.

6) Card Revocation. The City shall have unlimited authority to revoke the use of any Purchasing/Credit Card, and upon delivery of a revocation order to the Purchasing/Credit Card company, shall not be liable for any costs. A Purchasing/Credit Card may be revoked by the Clerk-Treasurer under any of the following circumstances:

   a. If the Card is used in a manner inconsistent with City policy or
   
b. If the Cardholder transfers to another department;
   
c. If the Cardholder resigns or is otherwise terminated from the City;
   
d. If the monthly Purchasing/Credit Card is not properly reconciled or received by the Clerk-Treasurer according to the established schedule;
   
e. If finance charges are incurred as a result of an officer/official or employee's failure to comply with Section 4; or
   
f. If the card is lost or stolen.
CITY OF WOODLAND

CREDIT / PURCHASING CARD AGREEMENT

As an employee, I understand that the City of Woodland has authorized my use of a Credit / Purchasing Card for approved business related expenses.

The card may be used for payment of authorized expenses on behalf of the City of Woodland.

The card may not be used to obtain cash advances.

The card may not be used for personal use.

The card may not be used for payments that are part of the City’s reimbursement program as related to training and tuition. Also, it may not be used as a substitute for professional service agreements, public works contracts, and/or human services contracts.

I understand that my Credit / Purchasing Card limits are per City of Woodland Purchasing Policy. (For 2003 it is currently up to $1,500 per transaction.) The monthly credit limit shall not exceed $10,000 per cardholder and pursuant to City Purchasing Policy.

Whenever a purchase is made, the cardholder will retain all receipts, packing slips and shipping documents.

I understand that it is my responsibility to reconcile, or arrange for the reconciliation, of my Credit / Purchasing Card monthly statement. The statement and all receipts must be turned in to the Clerk-Treasurer department by the 25th of each month.

I understand that I will surrender the Credit / Purchasing Card to the Clerk-Treasurer department or the City may revoke the Credit / Purchasing Card if,

1. the Credit / Purchasing Card is used in a manner which is inconsistent with the City Policy No. 2003-001 passed by the City Council and / or requirements of this Agreement,
2. I transfer to another department, resign, or otherwise terminate City employment,
3. if the monthly reconciled Credit / Purchasing Card statement and receipts are not received by the Clerk-Treasurer by the 25th day of each month, and
4. if finance charges are incurred as a result of my negligence.

I understand that if my card is lost or stolen I must report it immediately to the Clerk-Treasurer.
The cardholder will be held personally financially responsible for unauthorized purchases and purchases not supported by detailed receipts. Such transactions may be deducted from the cardholder’s paycheck.

I HAVE READ AND UNDERSTAND THE ABOVE CONDITIONS.

Dated this __________ day of __________________, 2003.

Credit / Purchasing Card Number: ________________________________

Signed: ______________________________________

Employee

Authorized by: ______________________________________

Mayor or Department Head

Authorized by: ______________________________________

Clerk-Treasurer
CITY OF WOODLAND

ORDINANCE NO. 1178

AN ORDINANCE REVISING THE CITY OF WOODLAND PURCHASING POLICY AND PUBLIC WORKS PROCESS TO COMPLY WITH LEGISLATIVE AMENDMENTS AND REVISE LIMITATIONS

Recitals

WHEREAS, Washington State law concerning municipal purchasing and public works have been amended;

WHEREAS, for management purposes, it is in the best interest of the City to set specific dollar amounts for purchases and adopt statutory public works limits taking into account inflation and other budgetary concerns;

And, WHEREAS, the revisions contained herein will make City policy consistent with Washington State law and best management practices.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Woodland as follows:

1. SUPERSEDED ORDINANCE

The following provisions are superseded and replaced.

A. WMC 3.20 PURCHASING PROCEDURE:

3.20.010 Solicitation of telephone and/or written quotations from vendors.

The mayor, or his designee, may solicit telephone and/or written quotations for purchase of supplies, materials, equipment or services, in an amount listed in RCW 35.23.352(8) or as that statute may be amended, provided that the following procedures are followed:

A. Whenever possible, not less than three prospective vendors shall be contacted by telephone or by letter and advised as to the specifications for the items(s) for which quotations are being sought. The number of vendors contacted may be reduced if the item(s) being sought are only available from a smaller number of vendors. An explanation shall be placed in the procurement file when fewer than three bids are requested, or if there are fewer than three replies. Bid specifications should, whenever possible, be drafted to permit at least three vendors to qualify as prospective bidders;

B. Whenever possible, bids will be solicited on a lump sum of fixed unit price basis;

C. Telephone or written requests for quotations shall specify, at a minimum, the following:

\begin{enumerate}
\item Item(s) to be purchased,
\item Number of units,
\item Bid price,
\item Delivery time requirements,
\item Freight costs,
\item Point of delivery,
\item Tax,
\item Terms of payment;
\end{enumerate}
D. Tabulation of telephone or written quotations shall be on forms provided by the city clerk-treasurer and shall include, at a minimum, the information described in subsection C. of this section;

E. Upon approval by the city council, the materials, equipment or services will be ordered from the lowest responsible bidder whose quotation meets all specifications established for the item(s) being purchased;

F. Written confirmation of telephone quotations from responsible vendors is not required but may be requested when warranted; and

G. Immediately after the award is made, the bid quotations are to be recorded and open to public inspection and are to be available by telephone inquiry.

B. WMC 3.22 SMALL WORKS ROSTER

3.22.010 Established.

Pursuant to RCW 35.23.352(3), there is established for the city a small works roster comprised of all contractors who request to be on the roster and who are, where required by law, properly licensed or registered to perform contracting work in the state.

3.22.020 Advertisement--Information to be supplied to contractors.

The small works roster shall be established as follows:

A. At least twice every year, the city shall advertise in a newspaper of general circulation the existence of a small works roster for the city. The city shall add to the roster those contractors who respond to the advertisement and request to be included on the roster.

B. In order to be included on the roster, the contractor shall supply information as follows in response to a standard form questionnaire:

1. The contractor’s state license or registration, where required by law;
2. The contractor’s experience, organization and technical qualifications;
3. The contractor’s ready availability to perform work in Cowlitz and Clark Counties.

3.22.030 When and how utilized.

The small works roster shall be utilized as follows:

A. Whenever the city seeks to construct any public work or improvement, the estimated cost of which, including costs of material, supplies and equipment is one hundred thousand dollars or less, the small works roster may be utilized.

B. When the small works roster is utilized, the city shall invite proposals from at least five appropriate contractors on the small works roster including, whenever possible, at least one proposal from a minority or woman contractor who otherwise qualifies. Provided, however, if less than five qualified contractors appear on the current roster, all those appearing shall be invited to submit proposals.

C. The invitation to the contractor on the small works roster shall include an estimate of the scope and nature of the work to be performed and materials and equipment to be furnished.
D. When awarding a contract for work under the small works roster, the city shall award the contract to the contractor submitting the lowest responsible bid; provided, however, that the city reserves its right under applicable law to reject any or all bids and to waive procedural irregularities.

E. Once a contractor has been afforded an opportunity to submit a proposal, that contractor shall not be offered another opportunity until all other appropriate contractors on the small works roster have been afforded an opportunity to submit a proposal on a contract.

C. Resolution No. 334, which because it is not an ordinance is incorporated herein only by reference.

2. NEW ORDINANCE

A. Purchasing, Credit Card Policy and Payment of Claims

Section 1: Review and Approval of Purchase Orders. It shall be the responsibility of each Department Head or the Department Head’s designee to review and approve or disapprove all purchases and purchase orders for his or her Department up to $5,000.00. All purchase orders exceeding five thousand dollars and up to $25,000 shall be approved by the Mayor or designee. All purchase orders in excess of $25,000 shall be approved by the City Council unless the particular expenditure of City funds has been approved in the City Budget as approved by the City Council. (See Section 7 for Emergencies.)

Section 2: Small Purchase Contracts.

a. Whenever the reasonably anticipated purchase price of supplies, material and equipment, except for public work or improvement, is more than $7,500 but less than $15,000, advertisement and formal sealed bidding for their purchase may be dispensed with if the uniform procedure provided in RCW 39.04.190 and in this section is followed. The City of Woodland utilizes the Small Works Roster Program and use of Vendor lists through Municipal Research and Service Center (MRSC).

b. If MRSC Vendor List program is not used, then at least twice per year, the City Clerk shall publish in a newspaper of general circulation within the City a notice stating the existence of vendor lists and soliciting the names of vendors for the lists.

c. Each City department that desires to award contracts for the purchase of supplies, material or equipment pursuant to this process shall do the following:

1. Obtain at least three written or telephone quotations from different vendors of the supplies, material or equipment to be purchased.

2. Transmit the quotes to the Mayor or designee, accompanied by a recommendation for award of the purchase contract to one of the vendors, who shall be the lowest responsible bidder as defined in RCW 43.19.1911 and in this Chapter.

3. If less than three (3) quotes are obtained, due to factors beyond the control of the department, an explanation of the reasons for the lower number of quotes shall be placed in the file and available for review upon request.

Section 3: Preparation of Claims Vouchers. All claims for payment shall be submitted to the Clerk-Treasurer Department with documentation certifying that (1) the materials have been furnished, the services rendered, or the labor performed as described, and (2) the claim is a just, due and an unpaid obligation against the City.
Section 4: Validity of Checks. To be valid, all checks in payment of claims must be signed by both the Mayor, the Clerk Treasurer or designee.

Section 5: Approval of Payment of Claims. It shall be the duty of the Clerk Treasurer to present not less frequently than once bi-monthly a list showing all claims paid and the date of such payment to enable the City Council to make inquiry on any item appearing thereon. Upon the satisfaction of such inquiry, if any, the City Council shall by motion approve the report of claims paid and order the same filed as a permanent record.

Section 6: Use of City Credit Cards.

a. Implementation. The Clerk-Treasurer (or his/her designee) shall implement this system for the distribution, credit limits, payment of bills, authorization and control of cards, relating to the use of credit and purchasing cards by City officials, officers and employees.

b. Eligibility. All regular-status City employees and City officers/officials are eligible to receive a Purchasing/Credit card if authorized by their Department Head and the Clerk-Treasurer. Purchasing/Credit cards may be checked out by the Clerk-Treasurer Department to those City officials/officers and employees who are authorized to obtain a card because their job responsibilities would be facilitated by the use of a Purchasing/Credit Card and such use would benefit the City. The act of obtaining a City Purchasing/Credit Card does not indicate pre-approval of expenses.

c. Establishment of Card Limits. The Clerk-Treasurer shall set a monthly credit limit on the Purchasing/Credit Card not to exceed $10,000 per cardholder and pursuant to purchasing policy. No single purchase on the Purchasing/Credit Card shall exceed the purchasing policy limit without prior approval of the City Council.

Purchases of an emergency nature exceeding the purchasing policy limit may be authorized by the Mayor or the Clerk-Treasurer pursuant to the provisions of this ordinance.

d. Official/Officer and Employee Responsibility.

1. Cardholders are accountable and responsible for the expenses charged on the card in their name or the city's name.

2. Purchasing /Credit Cards are to be used for City business only and not personal use. An Agreement between the Cardholder and the City must be executed before the Card will be issued.

3. Purchasing/Credit Cards will not be used for personal expenses, cash advances, or tuition, the latter of which may be reimbursed through the City's reimbursement program. It may not be used as a substitute for professional service agreements, public works contracts and/or human services contracts.

4. The use of the Purchasing/Credit Card does not relieve the Cardholder from complying with other City and departmental policies and procedures. The Card is not intended to replace effective procurement planning which can result in quantity discounts, reduced number of trips and more efficient use of City resources.

5. The only person entitled to use the Purchasing/Credit Card is the person who has been issued the card. Cards should be treated with extreme care in the same manner as a personal credit card. The Cardholder will be responsible to report a lost or stolen card immediately to the Clerk-Treasurer.

6. The Cardholder must retain all receipts and reconcile their Purchasing/Credit Card statement within the timelines set by the Clerk-Treasurer. The statement must be reconciled and submitted
to the Clerk-Treasurer along with all receipts and a complete description of each product/service that was purchased if the information is not already on the receipt.

7. Merchandise returns and billing errors are the Cardholder’s responsibility. The Cardholder is responsible for resolving all disputes directly with the Purchasing Card Vendor or the merchant. All charges must be paid on invoicing.

8. If the Cardholder will be absent from the City for an extended period of time (i.e., vacation), the Cardholder is responsible for assigning and training an employee within his/her department to handle the account reconciliation responsibilities and meet established deadlines.

9. If the Card is used for the purpose of covering authorized travel expenses, the Cardholder shall submit a fully itemized travel expense voucher within 15 days of returning from such travel. Any charges against the Purchasing/Credit Card not properly identified on the travel expense voucher or not allowed following an audit (as required by RCW 42.24.080) shall be paid by the Cardholder by check, U.S. currency or payroll deduction.

e. City Procedure.

1. If, for any reason, disallowed charges are not repaid by the Cardholder before the statement is due, the City shall retain a prior lien against and a right to withhold any and all funds payable to the Cardholder up to the amount of the disallowed charges and interest at the same rate as charged by the Purchasing/Credit Card.

2. Finance charges will not be paid by the City. If the statement and receipts are not submitted to the Purchasing Card Administrator by the due date, the Purchasing/Credit Card limit will be set to zero until the information is received. Also, the City may revoke the Purchasing/Credit Card under Section 6 herein.

3. Cardholders shall not use the Card if any disallowed charges are outstanding and shall surrender the Card upon demand of the Clerk-Treasurer.

f. Card Revocation. The City shall have unlimited authority to revoke the use of any Purchasing/Credit Card, and upon delivery of a revocation order to the Purchasing/Credit Card company, shall not be liable for any costs. A Purchasing/Credit Card may be revoked by the Clerk-Treasurer under any of the following circumstances:

1. If the Card is used in a manner inconsistent with City policy or this Resolution;

2. If the Cardholder transfers to another department;

3. If the Cardholder resigns or is otherwise terminated from the City;

4. If the monthly Purchasing/Credit Card is not properly reconciled or received by the Clerk-Treasurer according to the established schedule;

5. If finance charges are incurred as a result of an officer/official or employee’s failure to comply with Section 4; or

6. If the card is lost or stolen.
Section 7: Authority to Enter into Contracts, Leases or Rental Agreements. The Mayor or his designee is hereby authorized to enter into contracts and leases or rental agreements provided that the following conditions are met:

a. The contract does not obligate the City to expend in excess of Twenty Five Thousand Dollars ($25,000).

b. The particular expenditure of City funds has been approved in the City Budget as approved by the City Council.

c. The lease or rental agreement is for a period that does not exceed one year and involves a total rental amount or value that does not exceed $25,000. As deemed appropriate by the Mayor, the City Council's Finance Committee may be consulted prior to executing any such lease or rental agreement.

d. The Mayor or his designee shall notify the Council in writing of contracts entered into pursuant to this section.

B. Public Works Bidding Procedures

Section 3: Definitions.

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

a. "Award" means the formal decision by the state or municipality notifying a responsible bidder with the lowest responsive bid of the state's or municipality's acceptance of the bid and intent to enter into a contract with the bidder.

b. "Contract" means a contract in writing for the execution of public work for a fixed or determinable amount duly awarded after advertisement and competitive bid, or a contract awarded under the small works roster process in RCW 39.04.155.

c. "Municipality" means every city, county, town, port district, district, or other public agency authorized by law to require the execution of public work, except drainage districts, diking districts, diking and drainage improvement districts, drainage improvement districts, diking improvement districts, consolidated diking and drainage improvement districts, consolidated drainage improvement districts, consolidated diking improvement districts, irrigation districts, or other districts authorized by law for the reclamation or development of waste or undeveloped lands.

d. "Public work" means all work, construction, alteration, repair, or improvement other than ordinary maintenance, executed at the cost of the state or of any municipality, or which is by law a lien or charge on any property therein. All public works, including maintenance when performed by contract shall comply with chapter 39.12 RCW. "Public work" does not include work, construction, alteration, repair, or improvement performed under contracts entered into under RCW 36.102.060(4) or under development agreements entered into under RCW 36.102.060(7) or leases entered into under RCW 36.102.060(8).

e. "Responsible bidder" means a contractor who meets the criteria in RCW 39.04.350.

f. "State" means the state of Washington and all departments, supervisors, commissioners, and agencies of the state.

Section 2: Small Works Roster. The City of Woodland utilizes the Small Works Roster Program through Municipal Research and Service Center (MRSC).
a. In lieu of the formal bidding procedures for public works projects as set forth in RCW 35.23.352(1) and Code Cities follow 35A.40.210, the City may use the small works roster process provided in RCW 39.04.155 and in this section to award public works contracts with an estimated value of $200,000–$300,000 or less or per current state law. The City elects to use the roster provided by Municipal Research and Service Center Small Works Program in exercising this authority.

b. In the event the MRSC roster is unavailable or does not satisfy legal requirements or the City finds that it is in the City’s best interest to do so, the City may develop its own roster in accordance with Washington law, either creating a single general small works roster or creating small works rosters for different categories of anticipated work. If an internal process is chosen vs. the MRSC process then the small works roster or rosters shall be created as follows:

1. At least once a year the City Clerk Treasurer shall publish in a newspaper of general circulation within the City a notice stating the existence of the small works roster or rosters and soliciting the names of contractors for such roster or rosters. In addition, responsible contractors shall be added to an appropriate roster or rosters at any time they submit a written request and necessary records.

2. The small works roster or rosters shall consist of all responsible contractors who have requested to be on the list and are properly licensed or registered to perform such work in this state.

c. Each City department that desires to use the small works roster process without advertising for bids shall do the following:

1. Invite written, electronic, or telephone quotations from all contractors on the general small works roster, or a specific small works roster for the appropriate category of work, to assure that a competitive price is established and to award contracts to the lowest responsible bidder as defined in RCW 43.19.1911 and of this Chapter.

2. Alternatively, quotations may be sought from at least five (5) contractors on the appropriate roster who have indicated the capability of performing the kind of work being sought.

3. If the alternative process is used, the city should distribute the invitations for quotations in a manner that will equitably distribute the opportunity, that is, not favor one contractor over another. If the estimated cost of the work is from $150,000 to $300,000 and the city chooses to solicit bids from less than all the appropriate contractors, it must notify the other contractors. At the City’s sole option, such notice may be by (a) publishing notice in a legal newspaper in general circulation in the City; (b) mailing a notice to those contractors; or (c) sending notice to those contractors by facsimile or other electronic means.

4. Invitations for quotations shall include an estimate of the scope and nature of the work to be performed as well as materials and equipment to be furnished; detailed plans and specifications need not be included in the invitation.

5. Whenever possible, the city must invite at least one proposal from a minority or woman contractor who must otherwise qualify under this section. *

*RCW 39.04.160. In view of the passage of Initiative 200 in 1998, it is not clear that this requirement is enforceable, as it could be construed as “preferential treatment.” An issue paper from the Attorney General’s office dated October 16, 1998, however, suggests that a court may distinguish such an outreach program, one which merely expands the pool of qualifying participants, from the use of selection goals, one which merely expands the pool of qualifying participants, from the use of selection goals, which more likely is a form of preferential treatment.
6. After the bids have been submitted, the City will award the contract to the contractor with the lowest responsible bid.

7. Immediately after an award is made, the bid quotations obtained shall be recorded, open to public inspection, and available by written, telephonic, or electronic request.

8. At least once every year, the City will make a list of the contracts awarded available. The lists must contain the name of the contractor, the amount of the contract, a brief description of the public work, and the date of the award.

9. Small works roster procedures are "in lieu of the procedures" for competitive bids on public works projects. Therefore, specific requirements, such as those relating to advertising for bids or regarding bid deposits, required by RCW 35.23.352(1), are not mandatory for small works roster contracts. Performance bonds are prescribed in RCW 39.08.030, not RCW 35.23.352(1) or RCW 35.22.620; therefore, they are required on small works roster projects, even though bid bonds are not. Since the work will be performed by contract, the requirement to pay prevailing wages remains. Although not required, bid bonds are recommended to ensure that the contractor enters into the contract.

Section 3: Limited Public Works Process.

a. In lieu of the small works roster process set forth in this Chapter, the City may award a contract for work, construction, alteration, repair, or improvement project estimated to cost less than $35,000 using the limited public works process provided in RCW 39.04.155 and in this Section.

b. For limited public works projects, the City shall solicit electronic or written quotations from a minimum of three (3) contractors from the appropriate small works roster and shall award the contract to the lowest responsible bidder as defined under RCW 43.19.1911 and of this Chapter. After an award is made, the quotations shall be open to public inspection and available by written, telephonic, or electronic request.

c. The City shall attempt to distribute opportunities for limited public works projects equitably among contractors willing to perform in the City.

d. For limited public works projects, the City may waive the payment and performance bond requirements of Chapter 39.08 RCW and the retainage requirements of Chapter 60.28 RCW, thereby assuming the liability for the contractor's non-payment of laborers, mechanics, subcontractors, material men, suppliers, and taxes imposed under Title 82 RCW that may be due from the contractor for the limited public works project. However, the City shall have the right of recovery against the contractor for any payments made on the contractor's behalf.

Section 4: Bid Inspection. Immediately after the award is made the bid quotation, obtained shall be recorded, open to public inspection and available by written, telephonic, or electronic request.

Section 5: Lowest Responsible Bidder.

a. Before award of a public works contract, a bidder must meet the following responsibility criteria to be considered a responsible bidder and qualified to be awarded a public works project. The bidder must:

1. At the time of bid submittal. Have a certificate of registration in compliance with chapter 18.27 RCW;

2. Have a current Washington state unified business identifier number;

3. If applicable, have industrial insurance coverage for the bidder's employees working in Washington as required in Title 51 RCW; and employment security department number as
required in Title 50 RCW; and a state excise tax registration number as required in Title 82 RCW; and

4. Not be disqualified from bidding on any public works contract under RCW 3.06.010 or 39.12.065(3).

b. Supplemental criteria: In addition to the bidder responsibility criteria in subsection A. above, when the City receives bids or quotes and it is necessary to determine the lowest responsible bidder, the following shall apply:

1. For a contract for purchase of supplies, material or equipment, the City may take into consideration the quality of the articles proposed to be supplied, their conformity with the specifications, and the times of delivery.

2. In determining "lowest responsible bidder", the City, in addition to price, may use any of the following supplemental criteria which are relevant to the project and that were set forth in the invitation to bid:

   a. the ability, capacity, and skill of the bidder to perform the contract;

   b. the reputation, ability, experience, and efficiency of the bidder;

   c. whether the bidder can perform the contract within the time specified;

   d. the quality of performance of previous contracts;

   e. the previous and existing compliance by the bidder with laws relating to the contract;

   f. tax revenue that the City would receive from purchasing the supplies, materials, or equipment from a supplier located within the City's boundaries, so that the purchase contract would be awarded to the lowest bidder after such tax revenue has been considered. The tax revenues that the City may consider include sales taxes that the City imposes upon the sale of such supplies, materials, or equipment, from the supplier to the City, provided that if the City considers such tax revenues that it would receive from the imposition of taxes upon a supplier located within its boundaries, the City shall also consider tax revenues it would receive from taxes it imposes upon a supplier located outside its boundaries;

   g. If bidding on a public works project subject to the apprenticeship utilization requirements in RCW 39.04.320, not have been found out of compliance by the Washington state apprenticeship and training council for working apprentices out of ratio, without appropriate supervision, or outside their approved work processes as outlined in their standards of apprenticeship under chapter 49.04 RCW for the one-year period immediately preceding the date of the bid solicitation.

   h. if products are available that meet the contract specifications and requirements and that are made from recycled materials or may be recycled, whether the products specified in the bid are made from recycled materials or may be recycled or reused; and

   i. other criteria applicable to the particular contract and provided in the invitation to bid.

3. Supplemental criteria for determining bidder responsibility, including the basis for evaluation and the deadline for appealing a determination that a bidder is not responsible, must be provided in the invitation to bid or bidding documents.
4. In a timely manner before the bid submittal deadline, a potential bidder may request that the City modify the supplemental criteria. The City must evaluate the information submitted by the potential bidder and respond before the bid submittal deadline. If the evaluation results in a change of the criteria, the City must issue an addendum to the bidding documents identifying the new criteria.

5. If the bidder fails to supply information requested concerning responsibility within the time and manner specified in the bid documents, the City may base its determination of responsibility upon any available information related to the supplemental criteria or may find the bidder not responsible.

6. If the City determines a bidder to be not responsible, the City must provide, in writing, the reasons for the determination. The bidder may appeal the determination within the time period specified in the bidding documents by presenting additional information to the City. The City must consider the additional information before issuing its final determination. If the final determination affirms that the bidder is not responsible, the City may not execute a contract with any other bidder until two business days after the bidder determined to be not responsible has received the final determination.

c. A public works contractor must verify responsibility criteria for each first tier subcontractor, and a subcontractor of any tier that hires other subcontractors must verify responsibility criteria for each of its subcontractors. Verification shall include that each subcontractor, at the time of subcontract execution, meets the responsibility criteria listed in subsection a and possess an electrical contractor license, if required by Chapter 19.28 RCW or an elevator contractor license, if required by chapter 70.87 RCW. This verification requirement, as well as the responsibility criteria, must be included in every public works contract and subcontract of every tier.

d. The Director of Public Works or designee shall apply the criteria established in this Section and determine whether a bidder is responsible. An appeal as provided in B3 above shall be heard and determined by the Mayor whose decision shall be final.

Section 6: Change Orders on Construction Contracts.

a. In accordance with the terms and conditions of this section, the Mayor, Clerk-Treasurer and the Director of Public Works are hereby authorized to approve and sign construction contract change orders on construction contracts, if the change order does not substantially change the scope of the project and if the total contract amount as adjusted by the change order is within the amount budgeted for the project.

b. If the total amount of the change orders for a project is $5,000 or less, the Clerk-Treasurer and Director of Public Works may approve the change orders. If the total amount of the change orders for a project is $1,000 or less, a Public Works Senior Leadman may approve the change orders.

c. If the amount of the change order is between $5,000 and $100,000, it must also be approved and signed by the Mayor provided that:

1. The total of all change orders for a project costing less than $100,000 shall not exceed $15,000.

2. The total of all change orders for a project costing $100,000 or more may be issued for 15% of the original contract amount, not to exceed $100,000.

d. If the amount of the change order is in excess of the Mayor's authority, it must be approved by the City Council.
e. When the Mayor or Director of Public Works and Utilities or Clerk-Treasurer approves change orders according to the conditions stated in paragraphs A and B above, he or she shall forward the change order to the City Council for its information within thirty (30) days of the signing of the change order.

Section 7: Emergencies. Except as otherwise provided by law, the Mayor may declare an emergency. The purchasing requirements outlined in the Purchasing Policy & Procedures may be waived under emergency conditions when a delay may threaten the health, safety, or welfare of the people. RCW 39.04.280 provides exemptions to competing bid requirements and procedures for the purchase of goods and services in the event of an emergency; RCW 38.52.070 authorizes political subdivisions in which major disasters occur to forego compliance with statutory competitive bidding requirements. In the event an emergency situation arises which necessitates a deviation from bidding and contracting requirements, the Mayor shall request Council designation of an emergency status at the next available council meeting and it shall be recorded in the council minutes.

Section 8: Public Inspection of Purchase, Small Works Roster, or Limited Public Works Awards.

a. Each department that makes an award for a purchase contract under the informal bidding process in this Chapter or a public works project award under the small works roster process in this Chapter or the limited public works process in this Chapter shall provide the City Clerk Treasurer with the name of the contractor or vendor awarded the contract, the amount of the contract, a brief description of the type of work performed or items purchased under the contract, and the date it was awarded.

b. The City Clerk Treasurer shall post a list of the contracts awarded in this Chapter at least once annually. The list shall include all contracts awarded during the previous 24 months under the limited public works process. The lists shall contain the name of the contractor or vendor awarded the contract, the amount of the contract, a brief description of the type of work performed or items purchased under the contract, and the date the contract was awarded. The lists shall also state the location where the bid quotations for these contracts are available for public inspection. The quotations shall be available by written, telephonic, or electronic request.

Section 9: Severability. If a section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, then such declaration shall not affect the validity of the remaining portions of this ordinance, unless such invalidity destroys the purpose and intent of this ordinance. If the provisions of this ordinance are found to be inconsistent with other provisions of the code, ordinances or resolutions of the City of Woodland, then this ordinance is deemed to control.

Section 10: Publication. A summary of this ordinance shall be published as required by law.

Section 11: Effective Date. This ordinance shall be in full force and effect five days after publication as required by law.

ADOPTED IN AN OPEN PUBLIC MEETING THIS 5th day of April, 2010.

CITY OF WOODLAND, WA
Approved:

Charles E. Blum, Mayor

Attest:

Georgina D. Anderson, Deputy Clerk-Treasurer

Approved as to form:

William J. Eling, City Attorney
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ADOPTED IN AN OPEN PUBLIC MEETING THIS 5th day of April, 2010.

CITY OF WOODLAND, WA
Approved:

Charles E. Blum, Mayor

Attest:
Georgina D. Anderson, Deputy Clerk-Treasurer

Approved as to form:
William J. Eling, City Attorney
RESOLUTION NO. 535

A RESOLUTION RELATING TO TRAVEL AND ESTABLISHING A SCHEDULE OF REIMBURSEMENT FOR MEAL EXPENSES BASED UPON PER DIEM RATES AMENDING RESOLUTION NO. 333 AS MORE PARTICULARLY SET FORTH HEREIN, AND THAT THE MILEAGE REIMBURSEMENT RATE WHERE THE EMPLOYEE OR OFFICIAL'S PERSONAL VEHICLE IS USED FOR TRANSPORTATION WAS PREVIOUSLY AMENDED IN RESOLUTION NO. 407 WHICH IS NOW SUPERCEDED BY THE NOW CURRENT RESOLUTION NO. 502.

WHEREAS, the City Council finds that in certain instances current policies provide insufficient direction to persons traveling relative to allowable costs and ineligible costs; and

WHEREAS, the City seeks to simplify the travel policy and create greater uniformity by amending Resolution No. 333 the current per diem reimbursement and travel schedule; and

WHEREAS, clarifying that the mileage reimbursement rate is now set pursuant to the current annual Internal Revenue Service (IRS) rate in the current resolution relating to fees and charges which was first amended by Resolution No. 407 and is now superceded by Resolution No. 502 which sets all City of Woodland fees, charges and rates; and

NOW, THEREFORE, BE IT RESOLVED BY WOODLAND CITY COUNCIL:

Section 1. Per Diem Rates: The following per diem reimbursement rates shall be applicable only where the conference, meeting or travel includes the need for overnight lodging. In all other instances current policy providing for reimbursement at actual costs verified by receipt shall be in effect. Provided, however, in no event shall any single meal expense be reimbursed at a higher rate than set forth below, even where per diem is not authorized.

A. Metro Area (Seattle, Tacoma, Spokane, Portland and out of Washington and Oregon):

<table>
<thead>
<tr>
<th>Item</th>
<th>Allowance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Breakfast</td>
<td>$13.00</td>
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<tr>
<td>Lunch</td>
<td>$14.00</td>
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<tr>
<td>Dinner</td>
<td>$31.00</td>
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<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$58.00</strong></td>
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</tbody>
</table>

B. In Washington and Oregon, out of the Metro Areas:

<table>
<thead>
<tr>
<th>Item</th>
<th>Allowance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Breakfast</td>
<td>$9.00</td>
</tr>
<tr>
<td>Lunch</td>
<td>$12.00</td>
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<tr>
<td>Dinner</td>
<td>$24.00</td>
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<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$45.00</strong></td>
</tr>
</tbody>
</table>
Travel reimbursement shall be made for actual meals necessary only. If in attending a conference or seminar where part of the meals are part of the registration, the reimbursement, when requesting the per diem allowance, should be made only for the meals that were not part of the registration. This rule for partial allowance shall be effective for all requests.

**BE IT FURTHER RESOLVED** that overnight lodging should be at the conference, convention, or similar motel/hotel or at the most moderately priced hotel/motel in the near area.

**BE IT FINALLY RESOLVED** that the mileage reimbursement rate is now set pursuant to the current annual Internal Revenue Service (IRS) rate in the current resolution relating to fees and charges which was first amended by Resolution No. 407 and is now superseded by Resolution No. 502 which sets all City of Woodland fees, charges and rates.

**ADOPTED** this 5th day of May, 2006.

CITY OF WOODLAND:

[Signature]
Douglas A. Monge, Mayor

Attest:

[Signature]
Mari E. Ripp, Clerk-Treasurer

Approved as to form:

[Signature]
Paul Brachvogel, City Attorney
2010
Travel Advance / Authorization

Date __________ Applicant ______________________________________

Purpose of Travel: ☐ Conference ____________________________________
☐ Training _______________________________________________________
☐ Other _________________________________________________________

Destination City ___________________________ State ________________

Anticipated Dates of Departure ______________ Return ________________

Total Amount Requested $ __________ * List detail on back and attach registration

Fund (s) to be charged

BARS Number Description

Department Head Signature __________________________ Mayor Signature

Check Number Date Issued $ __________ Amount __________

NOTE: Requests shall be submitted a minimum of three working days prior to anticipated
date of departure.

All Advances shall be cleared no later than three working days after date of return.

See Resolution #535 for Meal Expense rate / Per Diem rate / Mileage Reimbursement

<table>
<thead>
<tr>
<th>Metro Area (Seattle, Tacoma, Spokane, Portland and out of Washington and Oregon)</th>
<th>In Washington and Oregon (out of the Metro Areas)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Breakfast $13.00</td>
<td>Breakfast $ 9.00</td>
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<tr>
<td>Lunch $14.00</td>
<td>Lunch $12.00</td>
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<td>Dinner $31.00</td>
<td>Dinner $24.00</td>
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<td>Day of Month</td>
<td>Meals</td>
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<td>Breakfast</td>
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<td>31</td>
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<tr>
<td>Totals</td>
<td></td>
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</tbody>
</table>
|              | Total Meals |            |         |          |                           | = x .50
Travel Advance Reconciliation

Travel Advance # 10 - 

Applicant ____________________________

Destination City State 

Date Departed _______________ Date Returned _______________

<table>
<thead>
<tr>
<th>Travel Advance</th>
<th>Actual Expended</th>
<th>Amount to Return</th>
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<tbody>
<tr>
<td>Lodging</td>
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<td>Breakfast</td>
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<td>Dinner</td>
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<td>Other</td>
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<tr>
<td>Totals</td>
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</tbody>
</table>

Total Amount of Unexpended Funds: ____________________________

Unexpended Funds Returned

<table>
<thead>
<tr>
<th>Date</th>
<th>Amount</th>
<th>Check # / Cash</th>
<th>Receipt No.</th>
</tr>
</thead>
</table>

Mileage **

\[
\frac{\text{# miles}}{\text{Rate/mile}} \times 0.50 = \text{Total}
\]

** Do not return as unexpended / this is fully allowable per Resolution / Travel Ordinance.

I hereby acknowledge that I ☐ did ☐ did not expend all advance travel funds.

______________________________  ______________________________
City Official / Custodian of Funds  Signature of Applicant
2010
CLAIM FOR EXPENSES

For traveling and miscellaneous expenses incurred during the month of __________________, as shown in detail on reverse. ATTACH ALL RECEIPTS.

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
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<tbody>
<tr>
<td>Meals</td>
<td>$ _____</td>
</tr>
<tr>
<td>Hotel Rooms</td>
<td>$ _____</td>
</tr>
<tr>
<td>Mileage</td>
<td>$ _____</td>
</tr>
<tr>
<td>Miscellaneous Expenses</td>
<td>$ _____</td>
</tr>
<tr>
<td><strong>Total Expenses</strong></td>
<td>$ _____</td>
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</tbody>
</table>

I, ____________________, holding the office of ____________________, for the City of Woodland, Washington, do hereby certify under penalty of perjury: that the foregoing account is just and true as therein stated; that no payment has been received by me on account thereof; that no rebate of any character, kind or description has been made to me by any persons furnishing any said transportation or subsistence; that the expenses charged were actually and necessarily incurred and paid by me in lawful money.

Sign Here ____________________ Date ____________________

Supervisor Initials: ____________________

Bars Code: ____________________
<table>
<thead>
<tr>
<th>Day of Month</th>
<th>Meals</th>
<th>Hotel Room</th>
<th>Mileage</th>
<th>Location</th>
<th>Purpose / Reason for Trip</th>
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City of Woodland
Acknowledgment

I, __________________________ hereby acknowledge that I have read and understand the following:

Personnel Policy – Ordinance No. 1184
1. Policy #1994-003 Hiring Policy
2. Resolution No. 338- Whistleblower Policy & Procedure
3. Cell phone Policy, Exhibit “A” – Section 4.2.3
4. Email/Internet Policy, Exhibit “A” – Section 21(j)
5. Sexual Harassment Policy – Attachments Section 22 (i)
6. Policy #2003-001 Credit Card/Purchasing Policy
7. Ordinance No. 1178 – Purchasing Policy and Public Works Process
8. Resolution No. 535 – Travel and Per Diem
10. Form: Reimbursement Form (2010)
11. Acknowledgement form with /s/ for Personnel Policy

Note: This copy will be a part of the Personnel Record of the employee for the City of Woodland.

Dated this __________ day of _____________________, 20__________.

______________________________________________________________
Employee signature

______________________________________________________________
Witness