

RESOLUTION NO. 187

A RESOLUTION OF THE TOWN OF GIG HARBOR ADOPTING
PERSONNEL RULES AND REGULATIONS.

WHEREAS, the Town of Gig Harbor has developed certain personnel rules and regulations, and

WHEREAS, these rules and regulations have been reviewed by the Town employees and the Town's personnel consultant, and

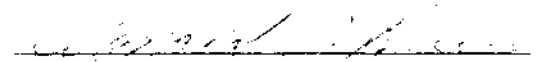
WHEREAS, it has been determined by the Town Council that it would be in the best interests of the Town of Gig Harbor to formally adopt these rules and regulations,

NOW, THEREFORE, BE IT ORDAINED by the Gig Harbor Town Council that the attached personnel rules and regulations, marked as Exhibit "A", be hereby adopted as official Town policy.

Adopted at a regular Town Council meeting this 24th day of November, 1980.


RUTH M. BOGUE MAYOR

ATTEST:


DONALD J. AVERY CLERK

1940

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PERSONNEL
RULES AND REGULATIONS

Rule 1

GENERAL PROVISIONS

SECTION 1.1 PURPOSE. The objective of these rules is to facilitate efficient service to the public and to provide a personnel management system within the town government that deals with all employees of the various departments in an equitable and uniform manner.

Moreover, the intent of these rules is to recognize that the town shall employ the most suitably qualified persons available; that tenure of every employee shall depend upon the need of the work performed, availability of funds, effective performance, good conduct, and continuing fitness for his or her position; that each employee shall be prepared and expected to perform at his or her optimum level.

It is the policy of this municipality to assure that applicants are employed, and that employees are treated during employment without regard to their race, religion, sex, color, national origin, marital status, age, or handicap. Such action shall include; employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation and selection for training, including apprenticeship, pre-apprenticeship, and/or on-the-job training.

Also, it is our policy to take positive and affirmative action in promoting a system which ensures and will continue to ensure that equal opportunity is the working procedure and end result.

SECTION 1.2 SCOPE. In cases where these rules conflict with collective bargaining contracts and agreements duly agreed upon between authorized employee organizations or unions and the town, or in cases where these rules conflict with Civil Service Rules and Regulations, the provisions of the labor contract and/or the civil service rules shall govern. In all other cases these rules shall apply.

SECTION 1.3 DEFINITIONS.

- 1.3.1 Applicant. A person who has made formal application for a position.
- 1.3.2 Appointing Authority. The individual or group of individuals responsible for appointment, discipline, and termination of an employee or employees.
- 1.3.3 Appointment. The assignment of a qualified applicant to a position by the appointing authority.
- 1.3.4 Arbitration. The process of settling a dispute by a panel specially constituted for that purpose.
- 1.3.5 Cause. Any action or inaction which is appropriate justification for disciplinary action.
- 1.3.6 Class. A group of positions sufficiently similar in duties, responsibilities, authority, and minimum qualifications to permit combining them under a single title, and to permit the application of common standards for selection and compensation.

- 1.3.7 Classification Plan. All class descriptions compile into one written document.
- 1.3.8 Compensation Schedule. A schedule of salary ranges of all classes in the service of the town, including single position classes, setting forth the salary range for each such class in accordance with the criteria and procedures set forth in these rules and regulations and also setting forth the salary rates by step in each range.
- 1.3.9 Compensatory Time Off. Time off from work to compensate the employee for overtime worked.
- 1.3.10 Continuous Service. Employment without interruption except for brief leaves of authorized absence.
- 1.3.11 Demotion. The movement of an employee from one class to another class having a lower maximum rate of pay.
- 1.3.12 Disciplinary Action. Imposition of certain personnel actions (e.g. reprimand, warning, suspension, dismissal, demotion) as a result of conduct detrimental to the town.
- 1.3.13 Examination. Any device or procedure used in the selection process to measure applicant abilities and suitability for a position, including, but not limited to oral interviews, written tests, performance tests, evaluation of performance during probation, and scored evaluation of education and experience.
- 1.3.14 Grievance. An employee's oral or written expression of dissatisfaction with some aspect of these rules and regulations affecting him or her, for the purpose of attempting to gain an adjustment of said cause of dissatisfaction.
- 1.3.15 Immediate Family. The husband, wife, son, daughter, father, mother, sister, father-in-law, mother-in-law, or other relative living in the employee's household.
- 1.3.16 Layoff. The involuntary termination of an employee for reasons due to insufficient work load and/or funds.
- 1.3.17 Overtime. Time worked in excess of the regularly scheduled 40 hour workweek.
- 1.3.18 Part Time Non-Regular Position. A position in which the employee regularly works less than 20 hours per week or a position filled on a seasonal basis.
- 1.3.19 Part Time Regular Position. A position in which the employee regularly works less than 40 hours per week, but not less than 20 hours per week.
- 1.3.20 Permanent Appointment. The appointment of a person to a permanent position upon successful completion of probation, when applicable, which signifies satisfactory performance in a permanent position to which the employee is assigned.
- 1.3.21 Permanent Employee. An employee who has successfully completed a probationary period in a permanent position established by the legislative body of the town.
- 1.3.22 Personnel Action. Any action taken with reference to appointment, compensation, promotion, transfer, layoff, dismissal, or other action affecting the status of employment.
- 1.3.23 Position. A group of current duties and responsibilities assigned by competent authority requiring the employment of one person established by the legislative body of the town.
- 1.3.24 Probation. A working test period during which an employee is required to demonstrate his or her ability and capacity to perform the duties of the position to which he or she has been appointed.
- 1.3.25 Promotion. The movement of an employee from a position in one class to another class imposing increased duties and responsibilities, requiring greater pay and qualifications, and providing a higher maximum rate of pay.

- 1.3.26 Reclassification. A change in classification of a position by raising it to a higher class, reducing it to a lower class, or changing it to another class at the same level on the pay plan.
- 1.3.27 Recognized Employee Organizations. Any organization or union which includes employees of the town and which has as one of its primary purposes representing such employees in their employment relations with the town and has become recognized by the town under the procedures as outlined in the State Collective Bargaining Law, Ch. 41.56 RCW.
- 1.3.28 Reduction-In-Rank. A demotion.
- 1.3.29 Reinstatement. The return of an employee to his or her former position in the service of the town within one year after layoff or at any time after successful appeal of a suspension, reduction-in-rank, or termination.
- 1.3.30 Resignation. The voluntary action by an employee of terminating his employment.
- 1.3.31 Salary Range. The range of salary rates for a class as set forth in the compensation plan as established by the legislative body of the town.
- 1.3.32 Salary Step. The minimum and maximum increments and any definite intermediate increments of a salary range.
- 1.3.33 Seniority. Priority of an employee based on the length of the employee's continuous service to the town since the employee's last date of hire.
- 1.3.34 Suspension. A temporary removal from duty with or without pay of an employee for disciplinary purposes or for the purpose of investigation of accusations brought against an employee.
- 1.3.35 Temporary Appointment. An appointment for a limited period of time.
- 1.3.36 Termination. The involuntary cessation of employment with the town for just cause.
- 1.3.37 Transfer. The movement of an employee from one position to another in the same or different class having essentially the same salary range, involving the performance of similar duties, and requiring substantially the same basic qualifications.

POLICIES AND PROCEDURES

- SECTION 2.1 APPLICATION. Application shall be made in a manner prescribed to be in compliance with the most recent state and federal statutes governing this action. Application forms shall require information on specific job experience and training and shall contain questions designed to obtain job related information. All applications must be fully completed, signed, and dated by the applicant.
- 2.1.1 No question on any application form or question asked by an interviewer shall be so framed as to attempt to elicit information concerning race, color, creed, sex, marital status, national origin, mental, physical or sensory disability, or religious affiliation for the purpose of discrimination unless based upon a bona fide occupational qualification.
 - 2.1.2 All statements submitted on the employment application or attached resume shall be subject to investigation and verification prior to appointment.
 - 2.1.3 Any job applicant or employee may be required to take a physical examination. In cases where a physical examination is deemed advisable, the town shall pay the cost.

- SECTION 2.2 APPOINTMENT. All appointments to vacancies shall be made solely on the basis of merit, efficiency, and fitness. These qualities shall be determined through careful and impartial evaluation of the following:
- A. The applicant's level of training relative to the requirements of the position for which applied;
 - B. The applicant's level of education relative to the requirements of the position for which applied;
 - C. The applicant's physical fitness relative to the requirements of the position for which applied;
 - D. The results of an oral interview.

- SECTION 2.3 ATTENDANCE. Employees shall be in attendance at their job in accordance with the rules regarding hours of work, holidays, and leaves of absence.
- 2.3.1 An employee shall not absent himself from work for any reason other than those specified in these Rules and Regulations, without making prior arrangements with his supervisor.
 - 2.3.2 Any unauthorized absence of an employee from duty shall be deemed to be an absence without pay and may be cause for disciplinary action.

- SECTION 2.4 COFFEE BREAKS. Coffee breaks are to be arranged so as not to interfere with town business. Business should not be interrupted simply because it is coffee time. Employees are entitled to one 15 minute coffee break in the morning and one 15 minute coffee break in the afternoon. Misuse of the coffee break privilege shall subject the offender to disciplinary action. It shall be the responsibility of the supervisors to enforce this rule.

- SECTION 2.5 DEMOTION. No employee shall be demoted to a position which he or she does not possess the minimum qualifications. An employee being demoted shall be notified two weeks prior to demotion. An employee may be demoted: a) when his or

- her standard performance falls below that established for his or her particular class; b) when the employee becomes physically or mentally incapable of performing the duties of his or her position; c) in lieu of layoff.
- 2.5.1 A demotion may be authorized by the Chief Administrative Officer for any employee who requests it or to prevent a layoff. Any demotion to prevent layoffs may be reversed when the employee's previous position is re-opened.

SECTION 2.6 HOURS OF WORK. The normal workweek for full-time employees other than office employees and sewer treatment employees shall consist of forty hours worked of five consecutive days Monday through Friday of eight hours exclusive of a 30 minute meal period on the employees' own time.

- 2.6.1 The normal workweek for full-time office employees shall consist of thirty-five hours worked of five consecutive days Monday through Friday of seven hours exclusive of a one-hour meal period on the employees' own time.
- 2.6.2 The normal workweek for sewer treatment employees shall consist of forty hours worked of five consecutive days of eight hours exclusive of a 30 minute meal period on the employees' own time unless mutually agreed by all parties.
- 2.6.3 Compensatory Time. Compensatory time off equivalent to the overtime hours worked in lieu of overtime pay may be arranged by mutual agreement between the employer and the employee. Accrued compensatory time off must be taken within ninety days from the date earned at a time mutually agreeable to the employer and the employee.

SECTION 2.7 LAYOFF. The Chief Administrative Officer may lay off permanent employees for lack of work, budgetary restrictions, or other changes that have taken place.

- 2.7.1 No permanent employee shall be laid off while another person in the same classification is employed on a probationary or temporary basis in a position for which the permanent employee is qualified.
- 2.7.2 In determining who in any classification is to be laid off, consideration is to be given to individual performance.
- 2.7.3 If the employee being laid off possesses a good service record, his or her name shall be placed on a re-employment list according to his or her job performance. The list shall be maintained for one year.

SECTION 2.8 LEAVE OF ABSENCE WITHOUT PAY. Upon written request of the employee, the Chief Administrative Officer may grant a regular employee a leave of absence without pay not to exceed one year. Approval of such leave shall be in writing and signed by the Chief Administrative Officer. No vacation or sick leave benefits or any other fringe benefits shall accrue while an employee is on leave of absence without pay; moreover, the employee's anniversary date will be adjusted by the length of the leave granted. Upon expiration of a regularly approved leave without pay, the employee shall be reinstated in the position held at the time the leave was granted or to another equivalent position.

SECTION 2.9 NOTIFICATION. All applicants for employment shall be notified of; receipt of application, disqualification for cause, and/or the filling of a vacant position.

SECTION 2.10 OUTSIDE EMPLOYMENT. An employee shall not engage in employment other than his or her town job if such employment interferes with the efficient performance of his or her town job, constitutes a conflict of interest, or would result in a poor public image for the town as determined by the Chief Administrative Officer.

SECTION 2.11 PERSONNEL RECORDS. The Chief Administrative Officer shall maintain a personnel record for each employee. Such record shall show the employee's name, title of position held, the department to which assigned, salary, change in employment status, training received, and such other information as may be considered pertinent.

2.11.1 Employee records shall be considered confidential and shall be accessible only to the employee, his immediate supervisors, and such other officials as may be authorized by the Chief Administrative Officer.

SECTION 2.12 PROBATIONARY PERIOD. An appointment shall not be permanent for a period of 6 months. Probation is an extension of the selection process and failure of same as determined by the department head does not constitute any right to appeal under these rules. Employees on probation may be terminated only by the department head involved.

2.12.1 Upon completion of the probationary period, the employee shall be considered as having satisfactorily demonstrated qualifications for the position, shall gain regular status, and shall be so informed by his supervisor through a written evaluation.

2.12.2 Rejected probationers shall be notified of such action in writing by the department head at any time during the probationary period and a copy of said notification shall be retained in the personnel files. Rejection shall be only for just cause.

SECTION 2.13 PROMOTIONS. Vacancies in positions shall be filled insofar as consistent with the best interest of the town from employees holding permanent appointments in appropriate job classes on a competitive basis. If qualified personnel are not available within the service of the town, applicants shall be recruited from outside the service.

2.13.1 Town employees who are promoted must pass a 6 months probationary period. Those who fail the probationary period shall reassume any permanent appointment held prior to promotion if those positions remain open.

SECTION 2.14 RECRUITMENT. Available positions shall be publicized for any necessary period by announcements posted on public bulletin boards and by such other means as the Chief Administrative Officer may deem necessary. Announcements shall specify the title, rate of pay, duties to be performed, required qualifications as found in the Classification Plan, time and manner of making application, and other pertinent information related to the available position including the method of screening to be used in

the selection process.

SECTION 2.15 NEPOTISM. No person of the immediate family shall be employed in the town's service in the same department. This rule shall not affect persons related who are in the town's employ on the effective date of the ordinance.

SECTION 2.16 RESTRICTION ON EMPLOYMENT. Employment with the town requires an employee to conduct any and all personal matters in a manner that will bring no discredit to the town.

- 2.16.1 Peddling or soliciting for sale or donation of any kind on town premises or during regular working hours is not allowed without the express written consent of the Chief Administrative Officer.

SECTION 2.17 POLITICAL ACTIVITY. The rules governing political activities of employees shall follow the provisions of RCW 41.06.250 as amended by Ch. 136, Laws of 1974, 1st Ex. Sess.

- 2.17.1 Solicitation for or payment to any partisan, political organization or for any partisan, political purpose of any compulsory assessment or involuntary contribution is prohibited: PROVIDED, however, that officers of employee associations shall not be prohibited from soliciting dues or contributions from members of their associations. No person, elected official, or employee thereof shall solicit on town property any contribution to be used for partisan political purposes.
- 2.17.2 Employees shall have the right to vote and to express their opinions on all political subjects and candidates and to hold any political party office or participate in the management of a partisan, political campaign. Nothing in this section shall prohibit an employee from participating fully in campaigns relating to constitutional amendments, referendums, initiatives, and issues of a similar character, and for nonpartisan offices.
- 2.17.3 A classified civil service employee shall not hold a part time public office of the town when the holding of such office is incompatible with, or substantially interferes with the discharge of official duties of the job.
- 2.17.4 For persons employed by the town in positions which are financed primarily by federal grant-in-aid funds, political activity will be regulated by the rules and regulations of the United States Civil Service Commission.

SECTION 2.18 TEMPORARY APPOINTMENTS. Appointments to town employment on other than an acting or regular basis shall be considered temporary. Such temporary appointments shall be allowed only as follows:

- A. As substitution for a regular appointee who is absent from his or her position;
 - B. When it is impossible to make a regular appointment to the position due to recruitment difficulties;
 - C. Where budget appropriations provide only for temporary employment; and/or
 - D. During a state of disaster or emergency.
- 2.18.1 Temporary appointees shall serve at the discretion of the Chief Administrative Officer. No temporary appointment shall exceed one year in duration.

SECTION 2.19 TRAINING. The Chief Administrative Officer shall encourage training opportunities for employees and supervisors in order that services rendered to the town will be more effective. He or she shall assist department heads in meeting training needs in their department and in developing training programs designed to meet immediate town wide personnel needs and to prepare employees for promotion to positions of greater responsibility.

2.19.1 Training sessions may be conducted during regular working hours at the discretion of department heads.

SECTION 2.20 TRANSFER. Upon recommendation of the Chief Administrative Officer or designee, or to meet the needs of the town, a transfer may be made. No person may transfer to a position for which he or she does not possess minimum qualifications. A new probationary period shall be established for any employee who requests a transfer. A transfer shall not be used to circumvent regulations regarding promotions, demotions, or termination.

SECTION 2.21 TRAVEL EXPENSES. When employees are required to travel outside on town business, reimbursement for expenses incurred shall be determined as follows:

A. Prior to traveling outside the town, the employee shall obtain approval for the trip and the mode of travel from the department head.

B. Travel on official business outside the town by a single individual should be via public carrier or town-owned vehicle; however, if a private vehicle is used, mileage shall be paid at the rate of 20¢ per mile.

C. Reimbursement for subsistence on official trips shall only be for the amount of actual and reasonable expenses incurred during the performance of official duty as a town employee for the town's benefit.

2.21.1 D. Town vehicles shall not be used for private purposes. Personal telephone calls shall be permitted only to the extent that the failure to make such call or calls will unduly interfere with the ability of the employee to function normally. Phone calls may be placed on an emergency basis; during break periods or lunch.

2.21.2 Long distance personal telephone calls shall be made only with the approval of the appropriate department head or Chief Administrative Officer and shall be paid for by the employee.

Rule 3

GENERAL CONDUCT, DISCIPLINE,

TERMINATION, AND APPEAL

SECTION 3.1 PERSONAL APPEARANCE AND CONDUCT. It shall be the responsibility of all employees to represent the town to the public in a manner which shall be courteous, efficient, and helpful.

SECTION 3.2 PURPOSE OF DISCIPLINARY ACTION. The town will attempt at all times to operate its business in the most efficient, economical and orderly manner consistent with good management practices. All employees shall conduct themselves in a manner that will be consistent with established rules and regulations. Disciplinary action is not primarily intended to be punitive but rather to maintain the efficiency of day-to-day operations and in keeping with sound principles of human relations in the town service. This section shall not apply to elected officials.

SECTION 3.3 CAUSES FOR DISCIPLINARY ACTION. All appointed employees may be subjected to disciplinary action for cause, including but not limited to:

- A. Drinking intoxicating beverages, or the use of illegal non-prescription drugs on the job, or arriving on the job under the influence of intoxicating beverages or drugs;
- B. Violation of a lawful duty;
- C. Insubordination;
- D. Breach of discipline;
- E. Being absent from work without first notifying and securing permission from the employee's supervisor;
- F. Being habitually absent or tardy for any reason;
- G. Misconduct;
- H. Conviction of a felony or of a misdemeanor involving moral turpitude;
- I. Using religious, political, or fraternal influence;
- J. Accepting fees, gifts, or other items in the performance of the employee's official duties for the town;
- K. Inability to perform the assigned job.

SECTION 3.4 FORMS OF, AND PROCEDURE FOR DISCIPLINARY ACTION. The degree of discipline administered must depend on the severity of the infraction and must be in accordance with any appropriate labor contracts and, if applicable, Civil Services Rules and Regulations. It is the responsibility of the supervisor to evaluate thoroughly the circumstances and facts as objectively as possible. The supervisor will then apply the most suitable form of discipline to the best of his or her knowledge and discretion.

3.4.1 There are several types of disciplinary action which may be applied to discourage detrimental behavior or actions:

- A. Oral Warning
 - (1) Talk to the employee in private.
 - (2) This type of discipline should be applied for infractions of a relatively minor degree.

Supervisors should at all times inform the employee that he or she is administering an oral warning and that the employee is being given an opportunity to correct the condition. If the condition is not corrected, the person will be subject to more severe disciplinary measures.

- (3) A notation that an oral warning was given should be made for the employee's personnel file.

B. Written Warning

- (1) This notice will be issued by the supervisor in the event the employee continues to disregard an oral warning, or if the infraction is severe enough to warrant a written record in the employee's personnel file.
- (2) The supervisor will set forth in the warning notice form the nature of the infraction in detail and will sign the notice. He or she will discuss the warning notice with his or her immediate supervisor, then with the employee, to be certain that the employee understands the reasons for the disciplinary action.
- (3) A copy of the warning notice is to be handed to the employee at the time of the discussion of the discipline. The original copy is to be placed in the employee's personnel file.

C. Suspension

- (1) This form of discipline is administered as a result of a severe infraction of rules, standards, or for excessive violations after the employee has received a written warning and has made no effort to improve performance. This is the most severe form of discipline given by a supervisor short of termination. It should be applied only after a thorough evaluation by the department head or his or her designated representative.
- (2) The supervisor shall set forth all facts leading to the reason for the disciplinary suspension, and the duration of the suspension on a disciplinary action form. He shall then inform the employee of the disciplinary action, making certain that the employee is fully aware of the reasons for such action.
The original copy of the disciplinary action form is to be placed in the employee's personnel file with a copy given to the employee.
- (3) When the employee returns from a period of disciplinary suspension, the supervisor should make certain that the employee gets back to the job with as little injury to his or her self-respect as possible.

D. Demotion

- (1) Demotion is to be used in rare instances where employees have been promoted to a position to which they are unable to perform the responsibilities of that position. It should be applied only after a thorough evaluation by the supervisor and only after adequate written warning.

Caution should be exercised since action may offend employees at the lower rank.

E. Discharge

- (1) Prior to a supervisor taking action on the discharge of an employee, the supervisor must discuss his or her recommendation for discharge with the Chief Administrative Officer or designated representative to be certain that all facts have been reviewed and that there is thorough justification for the discharge action. The supervisor must be certain of all facts influencing his or her decision to discharge an employee and should attempt at all times to be as objective as possible in the evaluation of the circumstances leading to the discharge.
- (2) If in the opinion of the supervisor, the infraction is so severe as to necessitate immediate termination, the supervisor should take action by placing the employee on suspension until circumstances are reviewed with the Chief Administrative Officer or his or her designated representative prior to final discharge action.

SECTION 3.5 GRIEVANCES. An employee may file a grievance with respect to a claim or dispute arising from the interpretation, meaning, or application of the provisions of these Rules and Regulations. Such grievance must be filed in writing within 30 working days of the occurrence of the incident producing the violation, dispute, or grievance.

3.5.1 Procedure. The following grievance procedure applies unless procedures are provided by State law, as in the case of the uniformed service, or by union contract:

- A. If an employee believes he or she has a justified complaint or problem, he or she must discuss this problem with his or her supervisor or department head;
- B. If, within three working days after receiving an answer from such department head or supervisor, the employee believes that his or her problem has not been resolved to his or her satisfaction, the employee and the immediate supervisor shall both submit a written report outlining the complaint and the circumstances surrounding it. The department head shall reply in writing to the parties regarding the complaint within five working days. Copies of all written statements shall at this point be forwarded to the Chief Administrative Officer;
- C. If the employee believes that his or her complaint is not fairly resolved by the department head, he or she may then within five working days submit a written complaint to the Chief Administrative Officer. If the grievance continues to exist, the Chief Administrative Officer may agree to any other legal means available for resolving the employee's grievance, including arbitration by an outside third party. No punitive action shall be carried out against any employee for utilizing the grievance procedures contained herein.

SECTION 3.6 ARBITRATION.

3.6.1 If an employee after completing the grievance procedure

outlined in subsection 3.5.1 herein, still believes that his/her grievance has not been dealt with. If, such employee may request from the Chief Administrative Officer independent arbitration of the matter. Any grievance involving a dispute with respect to the application, meaning, or interpretation of these Rules and Regulations may be submitted to arbitration in the following manner: If arbitration is desired by the aggrieved employee(s) and the Chief Administrative Officer, the arbitration committee shall consist of three persons; one appointed by the employee and his or her representative, one appointed by the Chief Administrative Officer, and one appointed by agreement between the arbitrating members. If the members are unable to agree upon a third member for the committee within five days after they meet to determine such an appointee, they may jointly request the Washington State Department of Labor and Industries or the American Arbitration Association to provide a list of five arbitrators from which the parties may select one person or other arbitration service. The representatives of the employer and the employee shall alternately eliminate the name of one person on the list until only one remains. The person whose name was not eliminated shall be the Chairman and the third member of the committee.

- 3.6.2 It shall be the duty of the arbitration panel to represent the public interest in reviewing employee appeals resulting from alleged adverse employer action including violations of these Rules and Regulations, unwarranted demotion, dismissal, or suspension, only after all other grievance procedures have been exhausted. During such review, both the appealing employee and the Chief Administrative Officer or other person whose action is being reviewed shall have the right to be heard publicly, be represented by a person of his or her choice, and to present evidentiary facts. At the hearing of such appeals or grievances, technical rules of evidence shall not apply.
- 3.6.3 In conducting the hearing, the Chairman has the power to administer oaths, issue subpoenas, receive relevant evidence, compel the production of books and papers relevant to the hearing, and question witnesses. It shall be the duty of the Chairman to forward his or her recommendation concerning the appeal to the Chief Administrative Officer for appropriate action.
- 3.6.4 The decision shall be final and binding upon the parties to the grievance provided the decision does not involve action by the employer which is beyond its jurisdiction. Each party hereto will pay the expenses of their own representatives and the expenses of the third member of the arbitration panel will be borne equally by the parties hereto. The finding of the panel shall be certified in writing to the Chief Administrative Officer and shall be forthwith enforced.
- 3.6.5 Any party aggrieved by the final decision of the Arbitration panel may file a petition for review in an appropriate court of law. Such petition shall be filed within 15 days of the date of receipt of the final decision. If the petition is granted, the court shall hear the matter in a manner provided by law.

SECTION 3.7 RESIGNATION. An employee wishing to leave the town service in good standing shall at least two weeks before leaving file with his or her department head, a written statement as to the reasons for leaving and the effective date of leaving. The time limit of the resignation may be waived at the discretion of the department head concerned. The department head shall forward a copy of the resignation and a final performance evaluation report to the personnel files of the employee.

SECTION 3.8 RE-EMPLOYMENT. An eligible list of the names of those with permanent appointments who were laid off or demoted in lieu of layoff shall be maintained for each job class. Re-employment from these lists shall be in order of date of layoff, the earliest date of layoff being first. Employees re-employed in this process may be required to submit to medical examinations as provided in these Rules and Regulations, if deemed necessary by the Chief Administrative Officer.

SECTION 3.9 RETIREMENT. Retirement age shall be governed by statutes in effect at the time. In all instances, the retirement date shall be the last day of the calendar month in which the employee shall have reached the designated retirement age.

SECTION 3.10 SAFETY. The Chief Administrative Officer recognizes the need for the development of safe working practices for every employee and desires to promote on-the-job safety by encouraging the proper design and use of buildings, equipment, tools, and other devices. Responsibility for development, promotion, and co-ordination of safety throughout the various town departments shall be a responsibility of the appropriate department head.

CLASSIFICATION PLAN

SECTION 4.1 CREATION AND MAINTENANCE OF CLASSIFICATIONS. The Chief Administrative Officer shall be responsible for the preparation and continued maintenance of a classification plan so that it will describe on a current basis the duties of each position and class to which each such position is allocated. Permanent positions will be included in the same class if:

- A. They are so similar in respect to duties and responsibilities that the same descriptive title may be used;
- B. Substantially the same requirements as to education, experience, knowledge, and ability are demanded of applicants;
- C. Substantially the same tests of fitness may be used in choosing qualified appointees;
- D. The same schedule of compensation can be made to apply with equity. The Chief Administrative Officer shall authorize one person to maintain the classification system and to centralize the personnel record keeping system.

SECTION 4.2 REALLOCATION OR RECLASSIFICATION OF POSITIONS. Revision of class specifications and reallocations within the classification plan shall be made as often as is necessary to provide current information on positions and classes. It shall be the duty of the Chief Administrative Officer or his or her designated representative to examine the nature of all positions and to allocate them to existing or newly created classes, to make such changes in the classification plan as are made necessary by changes in the duties and responsibilities of existing positions, and to periodically review the entire classification plan and recommend appropriate changes in the allocations or in the classification plan. Creation of a classification plan, reclassification of existing positions, or alteration or omission of existing classifications shall be subject to the approval of the Chief Administrative Officer in consultation with the department head involved.

4.2.1 When a new position is requested by a department head or the duties of an old position are changed, the department head shall submit to the Chief Administrative Officer a written description of the duties of the position. After investigation, the Chief Administrative Officer may approve or amend the class specification and allocate or reallocate the position to a class.

4.2.2 A permanent full-time employee, or his designated representative, who considers his position improperly classified shall first submit a request in writing for reclassification of his or her position to his or her department head who shall review the request and transmit it with written recommendations to the Chief Administrative Officer. If the department head finds the request is not justified, he or she shall so advise the employee of such decision and

PAY PLAN AND COMPENSATION

- SECTION 5.1 PREPARATION OF PAY PLAN. The Chief Administrative Officer shall prepare and keep current a compensation plan to consist of a series of salary ranges graduated by standard percentage increments between two or more steps within each range or within groups of ranges. In preparing such a plan, salary ranges shall be designated for each class of positions and by such continued designation, the compensation plan and the classification plan shall be directly connected to each other. The salary range for a class will be determined with due regard to the ranges of other classes, the ability of eligible applicants, and prevailing rates of pay for similar positions offered by other employers. The Chief Administrative Officer shall, from time to time, cause comparative studies to be made of all factors affecting the level of salary ranges and recommend such changes in the salary range as appear to be justified. Such adjustments shall be made by increasing or decreasing the salary range, the appropriate number of steps or ranges as provided in the basic salary schedule, and the rate of pay for each employee affected shall be adjusted the appropriate number of steps or ranges in conformance with the adjustment of the approved salary for that class.
- 5.1.1 The salary established for a position shall represent the total remuneration for an employee occupying the position except for fringe benefits, official travel, and other approved expenses. No employee shall receive pay from the town in addition to the salary and fringe benefits authorized in these Rules and the current budget as adopted by the Town Council.
- SECTION 5.2 APPOINTEE COMPENSATION. Upon initial appointment to a position, the employee shall receive the minimum salary for the class to which the position is allocated; however, in cases where unusual difficulty in filling the vacancy is experienced, or when the appointee is exceptionally qualified, the Chief Administrative Officer may cause the appointment to be made at a salary step above the minimum, but not more than the maximum for the class.
- SECTION 5.3 PAY PERIOD. Employees are to be paid once a month, on the last working day of the month, or as authorized by the Chief Administrative Officer. New monthly employees working less than a calendar month will be paid at a rate per hour determined by dividing the annual salary by 2080 hours for the actual day or hours worked. Eight hours shall constitute one day, and in no instance will more than the monthly rate be provided except for overtime payments. Permanent monthly employees after the probationary period is completed, who have used all accumulated sick leave and vacation leave will lose pay at a rate determined by dividing the annual salary by 2080 hours on the basis of 8 hours for each day lost.
- SECTION 5.4 PART TIME. Whenever an employee works for a period less than the regular number of hours a day, days a week, or weeks a month, the amount paid shall be on an hourly basis.

The exact hourly wage will be determined by dividing the annual salary by 2080 hours.

SECTION 5.5 PAYMENT UPON CLASSIFICATION CHANGE. Upon promotion an employee shall henceforth be paid at the amount of the higher salary range which is one step above the rate he or she had been paid in the lower class; however, if the salary ranges do not overlap, he or she shall be paid at the minimum of the higher salary range. Upon demotion an employee shall be paid at the step of the lower salary range which most closely corresponds to the step of the salary range for the class from which he or she is being demoted.

5.5.1 When an employee's salary is changed due to demotion or promotion, all accrued salary and overtime pay shall be converted to cash at the rate earned.

SECTION 5.6 OVERTIME. Overtime shall be granted only upon approval of the department head for each hour worked beyond the normal working day of eight hours or beyond a normal working week of 40 hours at a basic rate of time and one-half for each hour worked. Whenever an employee is specifically authorized or required by his or her supervisor to work overtime, he or she shall receive overtime pay to the nearest half hour.

SECTION 5.7 CALL BACK. Minimum call back time for overtime compensation shall be two hours.

- A. New Year's Day
- B. Lincoln's Birthday
- C. Washington's Birthday
- D. Memorial Day
- E. Independence Day
- F. Labor Day
- G. Veteran's Day
- H. Thanksgiving Day
- I. Day after Thanksgiving
- J. Christmas Day
- K. A Floating Holiday (others as deemed appropriate or negotiated)

- SECTION 6.2 VACATION. The annual leave allowance shall be earned monthly based upon the following schedules:

- 6.2.2.1 New employees shall not be eligible for vacation leave during their six months probationary period, although vacation credit shall accrue from the beginning of employment and shall not exceed a maximum of 30 days.
- 6.2.2.2 Employees are encouraged to use their accumulated vacation time within the year in which it is earned. Vacation leave may be carried over from one year to the next only upon approval of the Chief Administrative Officer. Upon termination of employment employees with more than one year of service shall be paid for all unused accumulated vacation time earned within the above stated limitations.
- 6.2.2.3 All requests for vacation must be approved by the department head prior to the commencement of the requested vacation. No employee shall be paid for unearned vacation leave. The employee with greater seniority shall be given his or her choice of annual leave in the event of any conflict over when leave is to be taken.

SECTION 6.3 SICK LEAVE. Sick leave with pay shall accrue at the rate of one working day of leave for each month of continuous full-time service. Any such leave accrued which is unused in any year shall be accumulated for succeeding years for all regular full-time employees up to a maximum of 180 days.

6.3.1 Unused sick leave, upon retirement, death or mutually agreed upon termination, shall be reimbursed to the employee

only after five years of employment and at a rate of 25%.

- 6.3.2 Employees are eligible for sick leave for the following reasons:
- A. Non-occupational personal illness or physical disability.
 - B. Quarantine of an employee by a physician for non-occupationally related disability.
 - C. Illness in the immediate family requiring the employee to remain at home.
- 6.3.3 Abuse of sick leave privileges shall be cause for dismissal. An employee who is unable to report to work because of any of the reasons set forth in subsection 6.3.2 herein above shall report the reason for his or her absence to his or her supervisor within four hours from the time he or she is expected to report for work. Sick leave with pay shall not be allowed unless such report has been made. A department head may require a physician's statement from the employee certifying that the employee's condition prevented him or her from appearing for work after 2 consecutive days of sick leave.
- 6.3.4 Uniformed employees covered under the LEOFF Act (Ch. 41.26 RCW). Uniformed employees shall receive the same benefits upon retirement as non-uniformed employees.

- SECTION 6.4 MATERNITY LEAVE. Disabilities caused or contributed to by pregnancy, miscarriage, abortion, childbirth and recovery therefrom, are, for all job related purposes, to be considered temporary disabilities. Accrued sick leave may be used for childbearing or related circumstances (e.g. miscarriage, abortion or recovery therefrom).
- 6.4.1 If the period of disability because of childbirth or related circumstances extends beyond the employee's accrued sick leave, then she may take a leave of absence not to exceed one year without pay or fringe benefits. When the above occurs, the employee must work out the conditions of the leave of absence with the town.
- 6.4.2 To be eligible for sick leave because of childbearing or related circumstances, a female employee shall give her employer two weeks' notice, if possible, of her anticipated date of departure and intention to return. For purposes of this policy a three to four week period of recovery after childbirth or related circumstances shall be considered reasonable in the absence of extenuating circumstances.
- 6.4.3 Women employees cannot categorically be denied the opportunity to work during the entire period of pregnancy, but may continue working as long as the individual and her physician concur in her ability to work, and the demands of the job are satisfied. Proof of the physician's concurrence should be submitted at regular intervals during the employee's pregnancy when requested by the town.
- 6.4.4 Upon return from disability leave, if related to pregnancy, childbirth, or related circumstances, an employee shall return to her same job or a similar job with at least the same pay.
- 6.4.5 All points listed above shall apply equally to married and unmarried women.

- SECTION 6.5 LEAVES OF ABSENCE WITH PAY.
COMPASSIONATE LEAVE. In the event of death in the employee's

- immediate family, an employee may be granted leave of absence with pay not to exceed five working days.
- 6.5.2 FUNERAL PARTICIPATION. When an employee participates in a funeral ceremony, he or she may be granted a reasonable time off to perform such duty. Time not worked because of such absence shall not affect vacation or sick leave accrued.
- 6.5.3 JURY DUTY LEAVE. It is the civic obligation of each employee to serve on a jury if he or she is called. While on jury duty or while appearing as a legally required witness, an employee will receive full pay from the town but the town shall deduct therefrom an amount equal to jury fees actually received by the employee.
- 6.5.4 VOTING. When an employee's work schedule is such that he or she would not be able to vote prior to or after his or her normally scheduled working hours, he or she shall be granted a reasonable time off duty to vote without loss of pay, accrued vacation, or sick leave.

- SECTION 6.6 MILITARY LEAVE. Any officer or employee of the town who is a member of the State National Guard or Federal Reserve Military Unit shall be entitled to be absent from his or her duties with the town with full pay for up to 15 calendar days during each calendar year while engaging in the performance of officially ordered military duty and while going to or returning from such duty in accordance with the laws of the State of Washington (RCW 38.40.060). Such leaves shall be in addition to any other leave or vacation benefits.
- 6.6.1 Employees who are called or volunteer for service with the armed forces of the United States or the Washington National Guard shall be entitled to be considered for reinstatement in accordance with the provisions of the State Law (Ch. 73.16 RCW).
- 6.6.2 An employee promoted to fill a vacancy created by a person serving in the armed forces shall hold such position subject to the return of the veteran. The employee affected by the return shall be restored to the position he or she had held previously or any other equivalent position.
- 6.6.3 A new employee hired to fill a vacancy created by a person serving in the armed forces shall hold such position subject to the return of the veteran. The employee affected by the return shall be placed in as nearly equal a vacant position as may exist, or if no such position exists, may be subject to layoff.

- SECTION 6.7 WORKMEN'S COMPENSATION. All employees (excludes LEOFF I) of the town will be covered by state workmen's compensation. Any employee receiving sick leave with pay who is eligible for time-loss payments under the workmen's compensation law, shall, for the duration of such payments, receive only that portion of his regular salary which, together with said payments, will equal his regular salary. In order not to work an undue hardship on the employee caused by the time lag involved in time-loss payments, the employee shall be paid his full salary and on receipt of time-loss payments shall endorse such payments to the town.

SEVERABILITY

SECTION 7.1 If any provision of these Rules and Regulations, or if their application to any person or circumstance is held invalid, the remainder of the Rules and Regulations, or the application of the provision to other persons or circumstances is not affected.

SECTION 8. MEDICAL BENEFITS. The employer shall provide for the payment of group medical premiums based upon the following format:

Employee	100%
Employee dependents	50%

Medical insurance shall be provided by Pierce County Medical Plan #7. A brochure detailing the coverages provided by this plan shall be made available to all employees participating in the group plan.

SECTION 9. CLASSIFICATION PLAN.

- 1) Position Classification List
- 2) Position Descriptions
- 3) Salary Schedule
- 4) Merit Step Increases
- 5) Appeal of Denial