

ORDINANCE #585

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YACOLT ADOPTING AN AMENDED PERSONNEL POLICIES & PROCEDURES MANUAL; AMENDING §2.10.010(A) AND §2.25.010 OF THE YACOLT MUNICIPAL CODE; REPEALING RESOLUTION #571; AND PROVIDING FOR AN EFFECTIVE DATE

Recitals

Whereas, the Town Council of the Town of Yacolt, (hereafter “Town” or “Yacolt”), believes that it is in the best interest of the Town and its employees to have written personnel policies to help the Town meet its legal obligations as an employer, to meet its goals and plans for the community, to prevent misunderstandings and problems, and to ensure that all employees know what is expected of them;

Whereas, the Town’s Personnel Policies & Procedures Manual was last updated in 2018;

Whereas, the Town Council desires to amend the Town’s Personnel Policies & Procedures Manual to reflect and provide for current and future needs of the Town;

Whereas, the Town Council prepared the attached Personnel Policies & Procedures Manual (attached hereto as Exhibit ‘A’) as a current guide and reference for the Town’s employees;

Whereas, adoption of the proposed changes to the Personnel Policies & Procedures Manual will require revisions to the Yacolt Municipal Code at 2.10.010(A) and 2.25.010;

Whereas, the Town Council has deemed Resolution #571 (attached hereto as Exhibit ‘B’) to be ineffective and inconsistent with desired policy;

Whereas, the Town retains the right to establish, change, and abolish its personnel policies, procedures, practices, rules, and regulations at will and as it sees fit;

Whereas, nothing in the Town’s Personnel Policies & Procedures Manual creates an express or implied contract or promise concerning the Town’s policies or practices, including policies or practices the Town may implement in the future; and,

Whereas, the Town Council of Yacolt is in regular session this 12th day of April, 2021, and all members of the Town Council have had notice of the time, place, and purpose of said meeting:

NOW THEREFORE, be it Ordained by the Town Council of the Town of Yacolt, Washington:

Section 1 – Adoption of Recitals: The foregoing Recitals are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance upon adoption hereof.

Section 2 – Adoption of Revised Personnel Policies & Procedures Manual: The Mayor and Town Clerk are hereby authorized and directed to execute and administer the Town’s revised Personnel Policies & Procedures Manual, a copy of which is attached hereto as Exhibit ‘A’ and by this reference made a part hereof, as the official act and deed of the Town.

Section 3 – Effective Date of the Revised Personnel Policies & Procedures Manual: The revised Personnel Policies & Procedures Manual adopted in Section 2 above is to be effective as to all Town employees on the effective date of this Ordinance.

Section 4 – Repeal of Resolution #571: Resolution #571 of the Town of Yacolt, adopted on September 4, 2018, entitled “A Resolution for the Town of Yacolt Washington Amending Section 5.3 Pay Days of the Town’s Personnel Policies and Procedures Manual”, is hereby repealed.

Section 5 – Amendment of Sub-Section 2.10.010(A) of the Yacolt Municipal Code: Title 2, (Administration and Personnel), Chapter 10, (Appointed Officials), Section 010, (Hiring of officials and employees of the town), Sub-Section (A), (Mayor’s Authority), of the Yacolt Municipal Code is hereby amended by replacing said Sub-Section 2.10.010(A) in its entirety with the following text:

Mayor’s Authority. The mayor of the town of Yacolt is hereby authorized to and shall appoint such officers, department heads, and employees for which the town council may generally provide financial remuneration through its budget enactments or other actions from time to time, unless such position is filled or the relevant services are provided pursuant to subsection B of this section. The mayor’s authorization under this subsection A includes, by way of example only and without limitation, the authority to appoint and hire a town clerk, a public works director, an assistant clerk and/or administrative assistant, a public works maintenance supervisor, and additional temporary and/or seasonal employees.

Section 6 – Amendment of Section 2.25.010 of the Yacolt Municipal Code: Title 2, (Administration and Personnel), Chapter 25, (Personnel Manual), Section 010, (Personnel manual adopted), of the Yacolt Municipal Code is hereby amended by replacing said Section 2.25.010 in its entirety with the following text:

The mayor and town clerk are authorized and directed to execute and administer the town’s personnel policies and procedures manual. A copy of the town’s amended and current personnel policies and procedures manual is attached to Ordinance No. 585 which is codified in this chapter and by this reference made a part hereof, as the official act and deed of the town of Yacolt. The amended and current personnel policies and procedures manual is effective as to all town employees on April 21, 2021.

Section 7 – Repeal of Previous Personnel Policy & Procedures Manuals: All existing or prior Personnel Policies & Procedures Manuals, and all actions, ordinances or resolutions of the Town Council to adopt such Personnel Policies & Procedures Manuals, are hereby superseded in their entirety.

Section 8 – Effect of Repeal: The repeal of any ordinance or resolution pursuant to Sections 4 and 7 above shall not repeal the repealing clause of such ordinance or resolution, or revive any ordinance or resolution which has been repealed thereby.

Section 9 – Savings Clause: All existing terms of YMC 2.10.010(A) and 2.25.010 shall remain in full force and effect until the effective date of this Ordinance.

Section 10 – Severability: If any section, subsection, sentence, clause or phrase of this Ordinance, of the revised Personnel Policies & Procedures Manual, or of the Yacolt Municipal Code Sections amended hereby, or the application thereof, shall, for any reason and to any extent, be invalid or unenforceable,

neither the remainder of this Ordinance, nor of the revised Personnel Policies & Procedures Manual, nor of the Yacolt Municipal Code Sections amended hereby, nor the application of the provision to other persons, entities or circumstances shall be affected thereby, but instead shall be enforced to the maximum extent permitted by law.

Section 11 – Instructions to the Town Clerk: The Town Clerk shall:

- a). Cause notice of adoption of this Ordinance to be published forthwith pursuant to Section 12 below; and,
- b). Promptly transmit a copy of this Ordinance to Code Publishing, Inc. to update the electronic version of the Yacolt Municipal Code.

Section 12 – Effective Date: This Ordinance shall take effect according to law upon publication by the Town Clerk. The Town Clerk is directed to publish the following summary in the Town's official newspaper:

Town of Yacolt – Notice of Adoption of Ordinance #585

The Town Council of the Town of Yacolt adopted Ordinance #585 at its regularly scheduled Town Council meeting held on April 12, 2021. The content of the Ordinance is summarized in its title as follows: "AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YACOLT ADOPTING AN AMENDED PERSONNEL POLICIES & PROCEDURES MANUAL; AMENDING §2.10.010(A) AND §2.25.010 OF THE YACOLT MUNICIPAL CODE; REPEALING RESOLUTION #571; AND PROVIDING FOR AN EFFECTIVE DATE". The effective date of the Ordinance is April 21, 2021.

A copy of the full text of the Ordinance will be mailed upon request to the Town Clerk for the Town of Yacolt at Town Hall, P.O. Box 160, Yacolt, WA 98675: (360) 686-3922.

Published this 21st day of April, 2021.
Stephanie Fields, Town Clerk

PASSED by the Town Council of the Town of Yacolt, Washington, at a regular meeting thereof this 12th day of April, 2021.

TOWN OF YACOLT


Katelyn Listek, Mayor

Attest:


Stephanie Fields, Town Clerk

Approved as to Form:

David W. Ridenour, Town Attorney

Ayes: Dawson, Noble, Viray
Nays: Ø
Absent: Boget, Moseley
Abstain: Ø

TOWN CLERK'S CERTIFICATION

I hereby certify that the foregoing Ordinance is a true and correct copy of Ordinance #585 of the Town of Yacolt, Washington, entitled "AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YACOLT ADOPTING AN AMENDED PERSONNEL POLICIES & PROCEDURES MANUAL; AMENDING §2.10.010(A) AND §2.25.010 OF THE YACOLT MUNICIPAL CODE; REPEALING RESOLUTION #571; AND PROVIDING FOR AN EFFECTIVE DATE" as approved according to law by the Town Council on the date therein mentioned. The Ordinance has been published or posted according to law.

Attest:


Stephanie Fields, Town Clerk

Published: April 21, 2021
Effective Date: April 21, 2021
Ordinance Number: 585

TOWN OF YACOLT

PERSONNEL POLICIES & PROCEDURES MANUAL

PREAMBLE

The provisions of this Personnel Policies & Procedures Manual are intended for informational purposes only and are neither a contract nor a promise of how the Town will address a particular situation. They are intended to be illustrative and the Town reserves the right to deviate from these policies in the event of an emergency, the need to preserve public confidence, or for the convenience of the employer when necessary to preserve the efficient administration of the Town. The Town also reserves the right to amend these policies at its sole discretion.

DATES OF ADOPTION AND REVISIONS

This Manual is periodically revised or updated as necessary or as desired by the Town Council. When using this Manual, please be sure that you are referring to the most current policy information. The date of adoption of this Manual is located in the lower left corner of each Page of the Manual. If you are not able to determine whether policy information is current, please contact the Town Clerk or the Mayor.

This version of the Town of Yacolt Personnel Policies & Procedures Manual was adopted by the Yacolt Town Council by Ordinance #585 on April 12, 2021.

TOWN OF YACOLT PERSONNEL POLICIES & PROCEDURES MANUAL

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CHAPTER 1 PURPOSE AND SCOPE

1.1 INTRODUCTION

These personnel policies serve as a general guide to the Town's current employment practices and procedures. As such, the Town hopes they will help you better understand how the Town operates and what is expected of you as an employee. These policies also describe what the Town provides to you in terms of compensation, benefits, and other support, though these statements are general statements of Town of Yacolt policy and should not be read as including the details of each policy.

This Manual should not be interpreted as forming an express or implied contract or promise that the policies discussed in it will be applied in all cases. The Town of Yacolt may add to the policies in the Manual, revoke, or modify them from time to time. The Town will try to keep the Manual current, but there may be times when policy will change before this material can be revised. The Town has sole discretion to unilaterally make changes to the policies described in this Manual without prior notice.

These personnel policies shall apply to all Town employees. They shall not apply to elected officials, the Mayor, or independent contractors.

You must read these policies. If you have any questions, please ask your supervisor or the Mayor.

1.2 INTENT OF POLICIES

These policies are not intended to be a contract, express or implied, or any type of promise or guarantee of specific treatment upon which you may rely, or as a guarantee of employment for any specific duration. The employer has sole discretion whether to apply handbook policies in a particular case. The Town can and will exercise flexibility and discretion with regard to the policies described in this manual, and to act apart from any procedures described herein. The Town has the right to completely disregard the contents of this policy.

UNLESS SPECIFIC RIGHTS ARE GRANTED TO YOU IN EMPLOYMENT CONTRACTS, CIVIL SERVICE RULES, OR ELSEWHERE, ALL EMPLOYEES OF THE TOWN ARE CONSIDERED AT-WILL EMPLOYEES AND EITHER PARTY MAY TERMINATE THE RELATIONSHIP ANY TIME, WITH OR WITHOUT CAUSE AND WITH OR WITHOUT NOTICE.

No supervisor, manager, or representative of the Town other than the Mayor, in writing and with the Town Council's approval, has the authority to enter into any agreement with you for employment for any specific period or to make any written or verbal commitments contrary to the foregoing.

1.3 SCOPE OF POLICIES

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

1.4 CHANGING THE POLICIES

The Town Council may modify, amend or revise these policies and procedures at any time consistent with needs of the Town as determined by the Council. Notice of any such modification, amendments and revisions shall be given to each Town employee.

As the need arises, the Mayor may also modify these policies, except that the Town Council shall enact any changes in compensation or benefit levels by ordinance. The Mayor may deviate from these policies in individual situations, particularly in an emergency, in order to achieve the primary mission of serving the Town's citizens. Employees may request specific changes to these policies by submitting suggestions to the Mayor or Town Council.

1.5 EMPLOYMENT AGREEMENTS

The Town of Yacolt may execute written employment agreements with certain employees. The Mayor, with Town Council approval, is the only representative authorized to enter into a written employment agreement on behalf of the Town with any employee. Employees are encouraged to review carefully any employment agreement and to consult with legal counsel if necessary to understand the terms of the agreement.

Written employment agreements normally will set out the significant terms and conditions of an individual's employment. These terms and conditions may generally include:

- (a) The length of time that the agreement will last and how, if at all, it can be renewed;
- (b) The job title, duties, and description, reserving to the Town of Yacolt the right to change the employee's duties as the Town of Yacolt's interests require;
- (c) The frequency of salary adjustments and reviews;
- (d) Any other provisions relating to vacation, sick leave, retirement, Social Security contributions, holidays, other benefits, working conditions, and insurance benefits; and,
- (e) Provisions for the termination of employment.

1.6 DEFINITIONS

Exempt Employee: An exempt employee is exempt from the provisions of the Fair Labor Standards Act and is not entitled to overtime payments. Exempt employees typically are paid on a salary basis and include administrative, executive, and professional employees.

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.

Immediate Family: Includes the employee's spouse, domestic partner, child, parent, brother or sister, mother or father-in-law, son or daughter-in-law, grandparent, grandchild, or other relative who lives in the employee's home.

Non-exempt Employee: A non-exempt employee generally is subject to the minimum wage and overtime provisions of the Fair Labor Standards Act and is typically paid either on an hourly or salary basis.

Regular Full-Time Employee: An employee who has successfully completed a trial period as defined in these policies and who regularly works a minimum of **thirty-two (32)** hours a week and is hired for an indefinite period of time. A full-time employee may be classified as either exempt or non-exempt.

Regular Part-Time Employee: An employee who has successfully completed a trial period as defined in these policies and who regularly works less than **thirty-two (32)** but at least twenty (20) hours a week for an indefinite period of time. A part-time employee may be classified as either exempt or non-exempt. Regular part-time employees are eligible for some prorated benefits.

Temporary Employees: Employees who hold jobs of limited duration due to special projects, abnormal work loads, seasonal needs (Seasonal Employees), or emergencies. Temporary employees are not eligible for Town benefits unless authorized by the Mayor and Town Council.

Trial Employees: Employees who have not yet completed their trial period in a regular position and who have not been certified to regular employment status. Unless otherwise specified, when regular employees are referred to in these policies, they shall include trial employees.

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CHAPTER 2 GENERAL POLICIES AND PRACTICES

2.1 EQUAL EMPLOYMENT OPPORTUNITY POLICY

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

2.2 DISABILITY AND MEDICAL CONDITION DISCRIMINATION PROHIBITED

The Town will not discriminate against qualified applicants or employees with a sensory, physical, or mental disability, or medical condition or diagnosis, unless the disability or condition cannot be reasonably accommodated without undue hardship to the Town, prevents proper performance of an essential element of the job, or poses a risk to themselves or co-workers.

2.3 ANTI-HARASSMENT POLICY

It is the Town's policy to foster and maintain a work environment that is free from discrimination and intimidation. Toward this end, the Town will not tolerate harassment of any kind that is made by employees toward co-workers or members of the public. Employees are expected to show respect for each other and the public at all times, despite individual differences.

Harassment is defined as unwelcome verbal or physical conduct directed toward or relating to a person on the basis of the person's race, creed, color, national origin, age, religion, sex, honorably discharged veteran or military status, sexual orientation, or the presence of any sensory, mental, or physical disability where the conduct is sufficiently pervasive and severe as to alter the terms or conditions of employment. Such conduct may take many forms including unwelcome slurs, comments, jokes, touching, innuendo, gestures, displays or transmissions of materials, and other similar conduct. Employees who engage in harassment will be subject to discipline, up to and including termination of employment.

2.4 SEXUAL HARASSMENT PROHIBITED

Sexual harassment is a form of sex discrimination and is illegal. Sexual harassment is also inappropriate and offensive and will not be tolerated by the Town sexual harassment is behavior of a sexual nature that is unwelcome. Examples of sexual harassment include verbal behavior such as unwanted sexual comments, suggestions, jokes, or pressure for sexual favors; non-verbal behavior such as suggestive looks and leering; and physical behavior such as pats, squeezes, or repeatedly brushing against someone's body. Other conduct also may constitute sexual harassment depending upon given facts and circumstances.

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct constitute sexual harassment when:

- It is part of a manager's or supervisor's decision to hire or fire;
- It is used to make other employment decisions like pay, promotion, or job assignments; or,
- It creates an intimidating, hostile, or offensive work environment.

Employees engaging in improper harassment are subject to discipline, including termination.

2.5 DISCRIMINATION COMPLAINT PROCEDURE

Each employee is responsible for creating an atmosphere free of discrimination and harassment, sexual or otherwise. Further, employees are responsible for respecting the rights of their co-workers and others, including the citizens they serve. The following procedure outlines the steps to follow if you believe you have experienced harassment or discrimination on the job.

Should you believe that you have been harassed or are the victim of discrimination, you should try, if possible, to identify the offensive behavior to the harasser and request that it stop. In the event such informal direct communication is either ineffective or impossible, you should discuss your concern immediately with the Mayor or a supervisor. No employee will suffer retaliation for reporting such concern. To the extent possible, complaints will be handled confidentially.

If an investigation shows the accused employee did engage in improper harassment or discrimination, appropriate action will be taken, as in the case of any other serious employee misconduct. Such actions may include warnings, verbal and/or written reprimands, a letter to the employee's file or, an employee transfer, demotion, suspension or termination. Employees may additionally be required to participate in appropriate training.

2.6 EMPLOYEE PERSONNEL RECORDS

A personnel file for each employee is kept in the Mayor's office. An employee's personnel file contains the employee's name, title and/or position held, job description, department to which the employee is assigned, salary, changes in employment status, training received, performance evaluations, personnel actions affecting the employee, including discipline, and other pertinent information. Medical information about employees is contained in a separate confidential file.

Employees have the right to review their files. An employee may request removal of irrelevant or erroneous information in his/her personnel file. If the Town denies an employee's request to remove the information, the employee may file a written rebuttal statement to be placed in his/her file.

Personnel files are kept confidential to the maximum extent permitted by law. Except for routine verifications of employment, no information from an employee's personnel file will be released to the public, including the press, without a written request for specific information, unless such disclosure is required by the Public Records Act or other legal mandate.

2.7 EMPLOYMENT REFERENCES

Only the Mayor will provide employment references on current or former Town employees. References will be limited to verification of employment and salary unless the employee has completed a written waiver and release.

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CHAPTER 3 RECRUITING AND HIRING

3.1 RECRUITING

Recruiting 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, physical handicap, disability, age, medical condition or diagnosis, sexual orientation, or political ideology.

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

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

3.2 HIRING

When a position becomes vacant and prior to any posting or advertisement of the vacancy, the Mayor shall review the position, its job description, and the need for such a position. The position will be posted and/or advertised only after the Mayor has approved the request.

The Town may administer pre-employment examinations to test the qualifications and ability of applicants as determined necessary or appropriate by the Town 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 Town. The Town may contract with any agency or individual to prepare and/or administer examinations. The Town may also conduct certain background procedures to determine if the applicant is qualified for the position. These background procedures may include, for example, a criminal record check or credit check.

The Mayor or a personnel hiring committee shall conduct interviews of candidates when deemed necessary or desirable, to elicit pertinent information or to assist in evaluating or rating candidates.

Residency within the Town shall not be a condition of employment; provided, however, that an employee's selection of residence shall not interfere with daily performance of his/her duties and responsibilities.

Applicants for positions in which the applicant is expected to operate a motor vehicle must be at least 18 years old and will be required to present a valid Washington State driver's license with any necessary endorsements. Driving records of applicants may be checked. Applicants with poor driving records, as determined by the Town, may be disqualified for employment with the Town in positions requiring driving.

After an offer of employment has been made and prior to commencement of employment, the Town may require persons selected for employment to successfully pass a medical examination, which may include testing for alcohol and controlled substances. 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. A candidate may be disqualified from consideration if: (1) found physically unable to perform the duties of the position (and the individual's condition cannot reasonably be accommodated in the workplace without undue hardship to the Town); (2) the candidate refuses to submit to a medical examination or complete medical history forms; or (3) if the exam reveals use of alcohol and or controlled substances.

3.3 TEMPORARY EMPLOYEES

The Town may use temporary employees to temporarily replace regular employees who are on vacation or other leave, to meet peak work load needs, or to temporarily fill a vacancy until a regular employee is hired. Temporary employees may be hired without competitive recruitment or examination, although all hiring processes must comply with state and federal laws.

Compensation/Benefits: Temporary employees are eligible for overtime pay as required by law. Temporary employees may accrue and use paid sick leave in accordance with the Town's sick leave policy, Section 8.2. Temporary employees normally do not receive retirement, vacation, health insurance, paid holidays, or any other benefits during their employment.

Temporary employees pay contributions to the Social Security system, as does the Town on their behalf. Temporary employees will normally not be enrolled in the state PERS retirement system, although there are a few exceptions depending on PERS eligibility criteria.

3.4 TRIAL PERIOD

Upon hire or appointment, all employees enter a trial period that is considered an integral part of the selection and evaluation process. The trial period is designed to give the employee time to learn the job and to give the supervisor time to evaluate whether the match between the employee and the job is appropriate.

The normal trial period is six months from the employee's date of hire, rehire, or promotion. The Mayor may authorize an extension to extend the trial period for up to an additional six (6) months. An extension may be granted due to circumstances such as an extended illness or a continued need to evaluate an employee's performance.

Once the trial period is successfully completed, the employee may be certified to regular employment status. Satisfactory completion of the trial period does not create an employment contract or guarantee employment with the Town for a specified duration. The terms of Chapter 1.2 of this Personnel Policy & Procedures Manual remain in full force and effect, regardless of whether an employee has completed a trial period of employment with the Town. Nothing in this Chapter 3 is designed or intended to change the "at will" nature of the employment relationship.

Use of Sick Leave/Vacation/Other Benefits During Trial Period: Trial employees accrue paid sick leave upon the commencement of employment. Trial employees may use their accrued sick leave beginning on the 90th day after commencement of employment. (For additional information regarding paid sick leave, see Section 8.2.) Trial employees may not use earned Vacation or Personal Holiday time until they have successfully completed their trial period. Health insurance and other benefits may be provided to employees during a Trial Period as described in Chapter 7 and Chapter 8 of these Policies.

3.5 EMPLOYMENT OF RELATIVES (NEPOTISM)

The Immediate Family of current Town employees or elected officials will not be employed by the Town where:

- (1) One of the parties would have authority (or practical power) to supervise, appoint, remove, or discipline the other;
- (2) One party would handle confidential material which may create the appearance of improper or inappropriate access to that material by the other;
- (3) One party would be responsible for auditing the work of the other;
- (4) The employment would create either a direct or indirect supervisor/subordinate relationship with the family member; or,
- (5) Other circumstances exist that might lead to potential conflict among the parties or conflict between the interest of one or both parties and the best interests of the Town.

Change in Circumstances: If two employees marry, become Immediate Family members or begin living together as domestic partners, and in the Town's judgment, the potential problems noted above exist or reasonably could exist, only one of the employees will be permitted to stay with the Town, unless reasonable accommodations, as determined by the Mayor, can be made to eliminate the potential problem. The decision as to which employee will remain with the Town must be made by the two employees within thirty (30) calendar days of the date they marry, become Immediate Family members, or begin sharing living quarters with each other. If no decision is made during this time, the Town reserves the right to terminate either employee.

Temporary Employees: This policy may be suspended with respect to Temporary Employees hired during times of abnormal workloads or emergency situations that justify a relaxation of the policy in the judgment of the Mayor or Town Council

3.6 PROMOTIONS

The Town encourages promotion from within the organization whenever possible. All openings will be posted so that employees may become aware of opportunities and apply for positions in which they are interested and qualified.

Before advertising a position to the general public, the Mayor may choose to circulate a promotional opportunity within the Town.

The Town reserves the right to seek qualified applicants outside of the organization at its discretion.

New Trial Period: After promotion to a new position, a new trial period of six (6) months must be completed, unless waived, reduced or extended by the Mayor. The new trial period will not affect the employee's accrual and use of employee benefits and leaves. If the employee's performance in the new position is unsatisfactory to the Mayor, the employee may request transfer back to the employee's previous position. The Mayor may approve the requested transfer or terminate the employee if, in the Mayor's opinion, termination serves the best interests of the Town.

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CHAPTER 4 HOURS AND ATTENDANCE

4.1 WORKING HOURS

Full-time employees will normally work 8-hour shifts Monday - Friday. Administrative employees must work during the Town Hall's open hours, 9am-5pm. Public Works employees may work an alternate shift. Employees are not paid during their lunch break. Due to the nature of the Town's operations, longer hours may be necessary in some instances.

A normal working schedule for regular, full-time employees consists of forty (40) hours each workweek. Different work schedules, such as in the case of police and fire employees, may be established by the Town to meet job assignments and provide necessary Town services. Each employee's supervisor will advise the employee regarding his/her specific working hours.

Part-time and temporary employees will work hours as specified by their supervisor.

4.2 HOURS OF WORK AND OVERTIME

All Town positions are designated as either "Exempt" or "Non-exempt" according to the Fair Labor Standards Act ("FLSA") and Washington Minimum Wage Act regulations. You will be informed of your status by the Town.

For most Town employees, the established work period is forty (40) hours within a seven (7) day workweek. All personnel are responsible for accurately reporting all hours worked on forms supplied by the Town. Employees failing to accurately record time worked are subject to discipline.

Non-exempt employees are entitled to additional compensation, either in cash or compensatory time off, when they work more than the maximum number of hours during a work period. All overtime must be authorized in advance by the employee's supervisor. Overtime pay is calculated at one and one-half times the employee's regular rate of pay for all time worked in excess of forty hours during the established work period. When computing overtime, time paid for but not worked (e.g., holidays, sick leave and vacation time), is not counted as hours worked.

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CHAPTER 5 COMPENSATION

5.1 PURPOSE

The Town designs compensation plans for its employees so that:

- (1). Compensation will be nondiscriminatory;
- (2). Compensation will be competitive with compensation paid for similar employment by other public and private employers;
- (3). Compensation will attract, motivate and promote retention of skilled employees; and,
- (4). Compensation will be appropriate to the Town of Yacolt's unique circumstances and take into consideration the Town's overall financial condition.

5.2 EMPLOYEE PAY RATES

The Town sets wages, salaries and benefit levels by Council action from time to time as the Council deems appropriate. This process is typically performed in conjunction with the Town's annual budget process. However, changes in wages, salary levels, or benefits levels may occur at any time in the discretion of the Town Council consistent with the best interests of the Town, as determined by the Council.

The Mayor may propose and the Town Council may grant an across-the-board pay adjustment (cost-of-living increase) from time to time, raising the salaries of all positions by a specified amount.

5.3 PAY DAYS

Payroll is processed monthly, on the last business day of the month, to be deposited into employees' bank accounts on or by the 5th day of the following month. If a regularly scheduled payday falls on Saturday or Sunday, paychecks will be distributed on the previous Friday. If a regularly scheduled payday falls on a holiday, paychecks will be distributed on the previous regularly scheduled working day.

5.4 DEDUCTIONS

Some regular deductions from the employee's earnings are required by law. Other deductions are specifically authorized by the employee. The Town will withhold from the employee's paycheck those deductions required by law and any voluntary deductions authorized by the employee.

5.5 TRAVEL AWAY FROM THE TOWN

All travel away from the Town must be approved in advance by the Mayor. If private automobiles are used, employees will be reimbursed at a rate consistent with the Town's mileage reimbursement policy.

5.6 COMPENSATORY TIME

Public employers are not required to, but may allow compensatory time off in lieu of overtime pay for hourly employees. Non-exempt employees may request compensatory time off in lieu of overtime payment. Compensatory time off must be requested by the employee and authorized by the appropriate supervisor. Compensatory time will be given at the rate of one and one half times the employee's hours worked in excess of 40 hours in a work week. Employees must use compensatory time within one year after the month in which it is earned. If not taken in that time frame, compensatory time will be converted back to hourly pay at a ratio of 1 hour of compensation time to 1.5 hours of compensation, (since the compensation time was increased when granted to 1.5 hours for each overtime hour worked). Compensatory time is not available for exempt employees.

5.7 TRAVEL EXPENSE REIMBURSEMENT

Town employees will be reimbursed for reasonable and customary expenses actually incurred in connection with the business of the Town, including food, lodging, and travel expenses while away, but excluding any expenses for alcoholic beverages. Reasonable tips may also be reimbursed. For tips that are paid based on the price of a service (e.g., restaurant meals, taxi service), reimbursement will not exceed 15% of the price.

Requests for reimbursement shall include receipts and/or other acceptable documentation supporting the request for reimbursement and shall be submitted on an expense report form signed by the employee and the supervisor.

5.8 COMPENSATION UPON TERMINATION

When an employee's employment with the Town is terminated, (whether the employee is terminated, resigns or retires), the employee will receive the following compensation on the next regularly scheduled payday:

- (1). Regular wages for all hours worked up to the time of termination which have not already been paid.
- (2). Any overtime and holiday pay due.
- (3). A lump sum payment of any accrued but unused vacation and compensatory time.

CHAPTER 6 PERFORMANCE EVALUATIONS AND TRAINING

6.1 PERFORMANCE EVALUATIONS

To achieve the Town's goal to train, promote, and retain the best-qualified employee for every job, the Town conducts periodic performance evaluations for all positions. The Mayor is responsible for developing and maintaining the Town's performance evaluation program. Employees are to be evaluated by their supervisors prior to completion of their trial period and usually once every 12 months thereafter.

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

6.2 TRAINING POLICY

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

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CHAPTER 7 BENEFITS

7.1 RETIREMENT BENEFITS

The Town makes contributions on behalf of all eligible employees to the Social Security system in addition to those contributions made by the employee through FICA payroll deductions.

All regular full-time and eligible part-time employees are covered under the Public Employees Retirement System (PERS). Eligibility, benefit levels and contribution rates are determined by the State of Washington.

Employees intending to retire should notify their supervisor of their intent to retire at least 3 months prior to the date of retirement.

7.2 DISABILITY BENEFITS (WORKERS' COMPENSATION)

All employees, other than police and fire employees in the LEOFF I retirement system, are covered by the State Workers' Compensation Program. This insurance covers employees in case of on-the-job injuries or job-related illnesses. For qualifying cases, State Industrial Insurance will pay the employee for workdays lost and medical costs due to job-related injuries or illnesses. All job-related accidents should be reported immediately to the supervisor.

When an employee is absent for one or more days due to an on-the-job accident, he/she is required to file a claim for Workers' Compensation. If the employee files a claim, the Town will continue to pay (by use of the employee's unused sick leave) the employee's regular salary pending receipt of Workers' Compensation benefits.

Coordination of Benefits: When the employee receives Workers' Compensation benefits, he/she is required to repay to the Town the amount covered by Workers' Compensation and previously advanced by the Town. This policy is to ensure that the employee will receive prompt and regular payment during periods of injury or disability so long as accrued sick leave is available, while ensuring that no employee receives more than he/she would have received had the injury not occurred. Upon the repayment of funds advanced, the appropriate amount of sick leave shall be restored to the employee's account.

The Town may require an examination at its expense, performed by a physician of its choice, to determine when the employee can return to work and if he/she will be capable of performing the duties of the position.

7.3 HEALTH INSURANCE BENEFITS

The Town of Yacolt is not required to provide its employees with medical or other health insurance benefits, but provides such benefits to qualifying employees as the Town Council determines appropriate from time to time. Information and summaries intended to explain the

Town's health insurance benefit plans will be furnished to all plan participants and beneficiaries upon hire and on a timely and continuing basis.

The Town reserves the right to modify, amend, or terminate its health and welfare benefits as they apply to all current, former, and retired employees. The Town reserves the right to make changes in the carriers and provisions of these programs when deemed necessary or advisable, with prior notice to affected employees. Additionally, the administrator of any benefit plan provided by the Town typically has the authority to determine eligibility for benefits and to interpret the plan's terms.

The benefits, terms, and conditions of the Town's health insurance benefits plan, including required contributions of eligible employees, are explained in the periodic resolutions or other decisions of the Council and/or in separate plan documents. If there are conflicts between the Town's benefit plan and any third-party administrative plan documents, mandatory requirements stated in the third-party administrative plan documents shall control.

Effective Date of Coverage. All qualifying regular employees (other than Temporary Employees) are eligible to participate in the Town's health insurance benefits plan upon the completion of the employee's trial period of employment, or sooner if otherwise eligible according to the Town's then-current health insurance benefit plan. An earlier enrollment date may also be required by the Town's agreement with a third-party insurance plan carrier. Please note that the timing for enrollment of eligible employees and dependents may be limited by law or the terms of a third-party administrative agreement with an insurance plan carrier.

Definitions and Classifications

Full-Time Employees: Full-time employees are eligible for health coverage as may be described by the Town's then-current health insurance benefits plan.

Part-Time Employees: Part-time employees are subject to monthly and annual hours limitations and are generally not eligible for health coverage, unless they are eligible according to the Town's then-current health insurance benefits plan. Part-time employees will be eligible for prorated contribution by the Town toward the employee's health insurance premiums, unless otherwise stated by the Town's then-current health insurance benefits plan.

Spouse/Dependent Coverage: The Town may provide a health insurance benefit for spouses and dependents of qualifying employees under the Town's then-current health insurance benefits plan. The time for enrollment of dependents may be limited by law or the terms of third-party administrative agreements with a plan's insurance carrier.

Temporary Employees: Temporary employees are not eligible for the Town's health insurance benefit unless otherwise stated by the Town's then-current health insurance benefits plan.

Eligibility at the Employee's Expense: Regular full-time employees, regular part-time employees, and their dependents may be eligible to participate in the Town's then-current health insurance plan. If the Town has not otherwise specifically agreed to contribute to the premiums

of employees or their dependents, then the employee shall be responsible for such premium payments. Any premium payments or contributions that are the responsibility of an employee shall be paid by the employee through payroll deduction.

7.4 CONTINUATION OF INSURANCE COVERAGE

Workers' Compensation Leave: An employee receiving Workers' Compensation benefits continues to accrue vacation leave and sick leave for up to six (6) months. The Town also continues to pay for the employer's portion of any health insurance premiums, provided that the employee continues to pay their share of premiums, if any. After six (6) months, the employee's benefits shall cease unless the Mayor makes an exception based on criteria stated in Section 1.4 of these policies. The employee may continue any health care benefits by self-paying insurance premiums for the remainder of the time he/she receives Workers' Compensation benefits. The employee may be entitled to an increase in temporary total disability payments (also called "time loss") from the Department of Labor & Industries to help offset the cost of health insurance premiums.

COBRA Rights: Upon an employee's termination from Town employment or upon an unpaid leave of absence, the employee may be eligible to continue Town health insurance benefits at the employee's option and expense, to the extent provided under the federal COBRA regulations. An administrative handling fee over and above the cost of the insurance premium may be charged the employee of his/her dependents who elect to exercise their COBRA continuation rights.

Termination, Retirement, Leave of Absence: For eligible employees who terminate, retire, or are on an approved leave of absence, the Town will pay the premium for the month the employee is leaving, provided the employee is on paid status for the first ten (10) days of the month.

7.5 UNEMPLOYMENT COMPENSATION

Town employees may qualify for State Unemployment Compensation after termination from Town employment depending on the reason for termination and if certain qualifications are met.

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CHAPTER 8 LEAVES

8.1 VACATION LEAVE

Each regular full-time employee is entitled to vacation leave as follows:

| <u>Years of Employment</u> | <u>Vacation Hours Earned</u> |
|----------------------------|------------------------------|
| 0-4 years | 6.67 hours/month |
| 5-9 years | 10 hours/month |
| 10+ years | 13.33 hours/month |

All new employees must satisfactorily complete their trial period to be entitled to use accrued vacation leave. Regular part-time employees will receive vacation on a pro-rata basis. Temporary employees are not eligible for any vacation benefits. Employees do not accrue vacation benefits during a leave without pay.

The Mayor is responsible for scheduling employees' vacations. Leave requests shall be submitted at least two weeks prior to taking vacation leave.

The maximum number of vacation hours that may be carried over from one year to the next is 80 hours. Once a year, on the anniversary of the employee's start date, accrued vacation hours in excess of 80 hours will be cashed out at that employee's pay rate for the immediately preceding pay period, and paid with the employee's next regular pay check. Employees will be paid for unused vacation time upon termination of employment.

8.2 SICK LEAVE

All full-time regular employees, except LEOFF I employees, accrue sick leave benefits at the rate of eight (8) hours for each calendar month of continuous employment. Regular part-time employees accrue sick leave benefits based on the Full Time Employee (FTE) accrual rate of eight (8) hours for each calendar month of continuous employment, but pro-rated for that portion of a 40-hour work week regularly scheduled for the regular part-time employee. All other employees, including temporary employees, accrue sick leave at the rate of one hour for every forty hours worked. [Notwithstanding the above, in no event shall the rate of accrual of paid sick leave for any Town employee be less than one hour for every forty hours worked.]

All employees, including Temporary Employees, accrue sick leave from the commencement of employment, but may not use paid sick leave until their 90th day of employment with the Town.

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

Allowable Uses of Sick Leave: Sick leave covers those situations in which an employee is absent from work due to:

- An employee's mental or physical illness, injury or health condition;
- Preventive care such as a medical, dental or optical appointments and/or treatment;
- Care of a family member with an illness, injury, health condition and/or preventive care such as medical/dental/optical appointment;
- Closure of the employee's place of business or child's school/place of care by order of a public official for any health-related reasons;
- Use of a prescription drug which impairs job performance or safety;
- Additional leave beyond bereavement for death in the employee's immediate family, to be authorized by the Mayor;
- Exposure to a contagious disease where on-the-job presence of the employee would jeopardize the health of others;
- If the employee or the employee's family member is a victim of domestic violence, sexual assault, or stalking, as described in more detail below.

For purposes of this sick leave policy, a "family member" includes an employee's child (including stepchild); parent (including stepparent and spouse's parent); spouse; registered domestic partner; grandparent; grandchild; and sibling.

Authorized use of paid sick leave for domestic violence, sexual assault, or stalking includes:

- Seeking legal or law enforcement assistance or remedies to ensure the health and safety of employee's and their family members including, but not limited to, preparing for, or participating in, any civil or criminal legal proceeding related to or derived from domestic violence, sexual assault, or stalking.
- Seeking treatment by a health care provider for physical or mental injuries caused by domestic violence, sexual assault, or stalking.
- Attending health care treatment for a victim who is the employee's family member.
- Obtaining, or assisting the employee's family member(s) in obtaining, services from a domestic violence shelter, a rape crisis center, or a social services program for relief from domestic violence, sexual assault, or stalking.
- To obtain, or assist a family member in obtaining, mental health counseling related to an incident of domestic violence, sexual assault, or stalking in which the employee or the employee's family member was a victim of domestic violence, sexual assault, or stalking.
- Participating, for the employee or for the employee's family member(s), in: safety planning; or temporary or permanent relocation; or other actions to increase the safety from future incidents of domestic violence, sexual assault, or stalking.

Reasonable Notice for Use of Paid Sick Leave:

Employees must provide reasonable advance notice of an absence from work for the use of paid sick leave to care for themselves or a family member. Such notice must be provided to the Mayor and, if applicable, the employee's immediate supervisor. Any information provided will be kept confidential.

Reasonable Notice for Foreseeable Use of Paid Sick Leave:

If an employee's absence is foreseeable, the employee must provide notice at least ten (10) days, or as early as possible, before the first day paid sick leave is used.

If possible, notification should include the expected duration of the absence.

Reasonable Notice for Unforeseeable Use of Paid Sick Leave:

If an employee's absence is unforeseeable, the employee must contact the Mayor and the employee's supervisor as soon as possible. If the need for paid sick leave is unforeseeable, and arises before the required start of the employee's shift, notice should be provided no later than one (1) hour before the employee's required start time. In the event it is not possible to provide notice of an unforeseeable absence, a person, on the employee's behalf, may provide such notice.

If possible, the notification should include the expected duration of the absence.

Verification Requirements:

If an employee is seeking to use or has used paid sick leave for more than three (3) consecutive days during which the employee is/was required to work, the employee may be required to provide verification that establishes that the use of paid sick leave is for an authorized purpose. When the absence is due to illness or injury of an employee or family member, acceptable verification may include a doctor's note or signed statement by a health care provider indicating that the use of paid sick leave is necessary to take care of the employee or family member. The Town will not require that the verification provide information regarding the nature of the condition necessitating the use of sick leave and will treat any health information about an employee or an employee's family member in a confidential manner consistent with applicable privacy laws.

When the absence is due to circumstances falling under the Domestic Violence, Sexual Assault, and Stalking leave provisions, the employee's choice of any of the following documents, or any combination thereof, will satisfy this verification requirement:

- A written statement that the employee or an employee's family member is a victim of domestic violence, sexual assault, or stalking, and that the leave was taken to address related issues.
- A police report indicating that the employee or the employee's family member was a victim of domestic violence;

- Evidence from a court or prosecuting attorney showing that the employee or the employee's family member appeared, or is scheduled to appear, in court in connection with an incident of domestic violence, sexual assault, or stalking;
- A court order of protection;
- Documentation from any of the following persons from whom an employee or an employee's family member sought assistance in addressing the domestic violence situation indicating that the employee or the employee's family member is a victim:
 - An advocate for victims of domestic violence, sexual assault, or stalking;
 - An attorney;
 - A member of the clergy; or
 - A medical professional.

Verification must be provided to your supervisor within ten (10) calendar days of the first day employee used paid sick leave.

Unreasonable Burden of Expense for Verification:

The verification required under this provision will not result in an unreasonable burden and expense on the employee. If an employee anticipates that the required verification will result in an unreasonable burden or expense, he or she will be permitted to provide an oral or written explanation to the Mayor which asserts:

- That the employee's use of paid sick leave was for an authorized purpose; and,
- How the verification requirement creates an unreasonable burden or expense on the employee.

Within ten calendar days of the employee providing an explanation to the Mayor about the existence of an unreasonable burden or expense, the Mayor must either accept the employee's oral or written verification that the use of leave was for an authorized purpose or he/she must make a reasonable effort to identify alternatives for the employee to meet the Town's verification requirement in a manner which does not result in an unreasonable burden or expense on the employee.

Additional Policies Regarding Paid Sick Leave:

The maximum number of sick leave hours that may be carried over from one year to the next is 800 hours. Employees who use all their accumulated sick leave and require time off work due to illness or injury may, with their supervisor's prior approval, request a leave without pay. (See Leave Without Pay Policy.)

Employees will not be paid for any unused sick leave upon leaving Town service for any reason.

When there is a separation from employment and the employee is rehired within twelve months of separation, that employee's previously accrued and unused paid sick leave shall be reinstated in full. The re-hired employee's previous period of employment shall be counted for purposes of

determining the employee's eligibility to use paid sick leave in the event the employee was still in the first 90 days of the employee's Trial period.

8.3 LEAVE WITHOUT PAY

The Mayor may grant leaves of absence without pay for absence from work not covered by any other type of leave or if other leave balances are exhausted. Examples of situations for which leave without pay may be granted include time off work for personal reasons, such as prolonged illness, parenting, caring for an ill relative, or pursuing an education.

8.4 JURY AND WITNESS LEAVE

Jury Duty. The Town provides all employees leave for the full period of jury duty service. Regular full-time and part-time employees who have completed their trial period receive paid jury duty leave of up to two weeks each time they are called for jury service. In general, if jury duty extends beyond two weeks in any one instance the additional leave will be unpaid. Exempt salaried employees who are asked to serve longer than two weeks should contact the Mayor to discuss whether further paid leave will be provided. Payment provided by the courts during periods of paid jury duty leave must be turned over to the Town, excluding expense reimbursements, such as mileage. You must provide your supervisor with a copy of the jury duty summons as soon as possible after receiving it. Upon completion of jury duty, you are required to provide your supervisor with proof of jury service.

Witness Duty. All employees summoned to testify in court are allowed time off for the period they serve as witnesses. In general, witness duty leave is unpaid unless you are a witness in a case involving the Town. For exempt salaried employees, however, salary payment will continue except for full-day absences caused because the employee is a party in a lawsuit.

8.5 ADMINISTRATIVE LEAVE

On a case-by-case basis, the Town may place an employee on administrative leave with or without pay for an indefinite period of time. Administrative leave may be used in the best interests of the Town (as determined by the Mayor) during the pendency of an investigation or other administrative proceeding or for any reason as may be determined by the Mayor.

8.6 MILITARY LEAVE FOR ACTIVE DUTY IN THE ARMED FORCES.

Reemployment Following Military Leave:

The Town will comply with the requirements of RCW 73.16 and the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), as amended, with respect to unpaid leave of absence and return rights for employees who leave Town service to serve in the Armed Forces of the United States.

- (a). "Day" shall mean the employee's normal workday for purposes of paid military leave, except that when a normal workday begins before midnight and ends after

midnight, the hours before midnight count as 1 day and the hours after count as another.

- (b). An employee who takes a military leave of absence from Town employment may choose to run out his or her unused vacation balance, compensatory time off, and personal holidays, as applicable, prior to going on unpaid status.
- (c). An employee who leaves a job, voluntarily or involuntarily, to enter active duty in the United States armed forces, shall be granted a military leave of absence with guaranteed restoration to his or her position upon release from active duty as long as:
 - (1). The position is a regularly budgeted, non-temporary position;
 - (2). The reason the employee leaves the position is to report for active duty;
 - (3). The length of the employee's military leave of absence does not exceed five (5) years except at the request of the federal government;
 - (4). The employee is honorably discharged from the military; and,
 - (5). The employee applies for reemployment within a reasonable period of time following separation from active duty. The USERRA defines a reasonable period of time as:
 - (A). For service less than 31 days, the beginning of the first regularly scheduled work day after release from active duty, allowing time to travel from the duty arena to the employee's residence, to rest, and to travel to the place of employment;
 - (B). For service between 31 and 180 days, no more than 14 days following release from active duty; and,
 - (C). For service longer than 180 days, no more than 90 days following release from active duty.
 - (6). An employee on military leave of absence shall continue to accrue service credit for purposes of any salary step increments and seniority, but will not accrue sick leave, vacation leave, or other types of leave while on military leave of absence.
 - (7). An employee's vacation accrual rate and unused vacation and sick leave balances accrued prior to taking military leave shall be restored upon return from military leave of absence.
 - (8). An employee who interrupts his or her probation or trial service with a

military leave of absence shall complete the remainder of the probationary or trial service period upon return. However, an employee returning from military leave of absence cannot be discharged except for cause for 1 year following his or her return if the military leave of absence was for 181 days or longer, or for 6 months following his or her return if the military leave of absence was at least 30 days but less than 181 days.

- (9). An employee on unpaid military leave of absence may continue to make his or her normal contributions to their retirement system (as allowed by that system), or may, upon return from such leave, make full or monthly payments equal to the amount of contributions missed while on leave, in order that the leave shall count as creditable service (as allowed by that system).
- (d). The provisions of this rule apply to full-time and part-time employees but not to temporary employees.

Paid Military Leave:

State law (RCW 38.40.060) requires that Town employees be granted up to twenty-one (21) working days, exclusive of normal days off, of paid leave per year without loss of service credit for required military duty, training, or drills. Such military leave of absence shall be in addition to any vacation or sick leave to which the employee might otherwise be entitled, and shall not involve any loss of efficiency rating, privileges, or pay. The twenty-one (21) days are counted on an annual basis, October 1st through September 30th inclusive, and need not be used consecutively.

Each day of paid military leave is the equivalent of a regularly scheduled workday, except when an employee's regularly scheduled workday spans 2 calendar days (i.e., third or "graveyard" shift" or firefighter shifts). In those instances, one workday ends at midnight and the next begins at 12:01 a.m. (For an employee who works 10 p.m. to 6:30 a.m., for example, 10 p.m. to midnight would be day 1 of his or her military leave, and 12:01 a.m. to 6:30 a.m. and 10 p.m. to midnight the following day would constitute day 2 of his or her military leave.)

Military service includes active military duty and Reserve or National Guard training. You are required to provide your supervisor with copies of your military orders as soon as possible after they are received. Reinstatement upon return from military service will be determined in accordance with applicable federal and state law. See also "Reemployment Following Military Leave" above.

8.7 BEREAVEMENT LEAVE

The Town provides regular, full-time and part-time employees with paid leave for up to three (3) days in the event of the death of an Immediate Family member.

8.8 SHARED LEAVE PROGRAM

The Mayor may authorize employees to donate their accrued leave to another Town employee who is suffering from or who has an immediate family member suffering from an extraordinary or severe illness, injury, or physical or mental condition which has caused or is likely to cause the employee to take leave without pay or to terminate his/her employment. The donating employee may donate accrued vacation leave, compensatory time, sick leave, and/or Personal Holiday time. All donations of leave are strictly voluntary. The following conditions apply:

- **Leave Donation Requirements:**

Employees may donate four (4) or more hours of accrued vacation leave, four (4) or more hours of accrued compensatory time, and four (4) or more hours of accrued Personal Holiday time.

Employees may donate four (4) or more hours of accrued sick leave, as long as they retain a balance of sick leave of at least ten (10) days after the donation is made.

- The employee receiving donated leave shall have exhausted all his/her accumulated vacation leave, sick leave, compensatory time, and Personal Holiday time.
- While an employee is using shared leave, he or she will continue to receive the same treatment, in respect to salary and benefits, as the employee would otherwise receive if using vacation or sick leave.
- **Returning Unused Shared Leave:** Any unused shared leave must be returned at its original value to the donor(s) when the leave is no longer needed. Unused shared leave hours donated to an individual employee will be returned to the donor(s) on a pro rata basis.
- **Administrative Considerations.** Leave donation value is calculated as follows:

$(\text{Donor's hourly salary rate}) \times (\text{total leave hours donated}) = \text{total donation value}$

The hours of shared leave credited to the shared leave recipient is calculated as follows:

$(\text{Total donation value}) / (\text{recipient's hourly salary rate}) = \text{total shared leave hours received}$

8.9 HOLIDAYS

The following are recognized as paid holidays for all regular full-time and part-time employees:

New Year's Day

January 1

Martin Luther King's Birthday

3rd Monday in January

Presidents' Day
Memorial Day
Independence Day
Labor Day
Veteran's Day
Thanksgiving Day
Day after Thanksgiving
Christmas Day
Personal Holiday

3rd Monday in February
Last Monday in May
July 4
1st Monday in September
November 11
4th Thursday in November
Day after Thanksgiving
December 25
Two (2) additional days during each year of service for regular full-time employees.
One (1) additional day during each year of service for regular part-time employees.

Any holiday falling on Saturday will be celebrated on the preceding Friday. Any holiday falling on Sunday will be celebrated on the following Monday.

Non-exempt regular full-time or part-time employees will be paid for the holiday plus one and one-half times their regular rate of pay for any time worked on the holiday, (other than a Personal Holiday). Such time must be pre-authorized by the Mayor except in the case of an emergency that requires action to prevent a loss of life or damage to property. Temporary employees will be paid at their regular hourly rate for hours worked on a holiday.

All new employees must satisfactorily complete their Trial Period to be entitled to use Personal Holiday time.

On or about January 1st of each year, Personal Holiday hours are added to an employee's record, (16 hours for regular full-time employees, and 8 hours for regular part-time employees). Each employee may select the day on which the employee desires to take the additional holiday provided for in this Section after consultation with and approval of the Mayor. If possible, the employee should make his or her request for the Personal Holiday(s) at least 14 calendar days before the date requested.

The employee will be allowed to take the Personal Holiday(s) on the dates he or she has selected unless the absence would unduly disrupt the Town's operations, impose an undue hardship on the Town, or the employee is necessary to maintain public safety. The term "undue hardship" has the meaning contained in the rule established by the Office of Financial Management.

Personal Holiday hours are not carried over from one year to the next. At the end of the year, unused Personal Holiday hours are forfeited.

8.10 RELIGIOUS HOLIDAYS

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

Employees may select the days on which the employee desires to take the two unpaid holidays after consultation with the Mayor. If possible, the employee should make his or her request for the unpaid holidays at least 14 calendar days before the date(s) requested. The request may be deemed granted by the Mayor when authorized in writing by the Mayor or the Mayor's designee.

The employee will be allowed to take the unpaid holiday(s) on the dates he or she has selected unless the absence would unduly disrupt the Town's operations, impose an undue hardship on the Town, or the employee is necessary to maintain public safety. The term "undue hardship" has the meaning contained in the rule established by the Office of Financial Management.

The two unpaid holidays allowed by this Section must be taken during the calendar year, if at all. They do not carry over from one year to the next.

8.11 BENEFITS FOR PART-TIME AND TEMPORARY EMPLOYEES

Unless noted otherwise in these policies, benefits for regular part-time and temporary employees are as follows:

Regular Part-Time Employees: Compensation in the form of all leaves and paid holidays are pro-rated unless otherwise specifically stated in these Policies. Pro-rated means the ratio between the number of hours in the employee's normal work schedule and forty (40) hours per week.

Temporary Employees: Temporary employees are eligible to receive paid sick leave in accordance with Section 8.2 of these policies. Temporary employees are not normally eligible to receive other benefits, including leaves, holidays, and insurance, unless such benefits and leaves are otherwise required by law.

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CHAPTER 9 EMPLOYEE RESPONSIBILITIES AND CONDUCT

9.1 GENERAL CODE OF CONDUCT

All Town employees are expected to represent the Town to the public in a professional manner, which is courteous, efficient, and helpful. Employees must maintain a clean and neat appearance appropriate to their work assignment, as determined by their position and the Mayor.

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

Employees should not engage in conduct or activity that may raise questions as to the Town's honesty, impartiality, or reputation or otherwise cause embarrassment to the Town. Employees will avoid any action, whether or not specifically prohibited in the personnel policies, which might result in or reasonably be expected to create the appearance of:

- (a) Use of public office or public position for private gain;
- (b) Giving preferential treatment to any person or entity;
- (c) Losing impartiality;
- (d) Adversely affecting the confidence of the public in the integrity of the Town.

The Town is a relatively small organization. To function as efficiently as possible, we may ask you to perform seemingly "menial" duties outside your regular assignments. It is no reflection on your worth to the Town, but a necessary arrangement for most small organizations.

To make the most efficient use of personnel, the Town also reserves the right to change your work conditions and the duties originally assigned. If these arrangements become necessary, the Town expects your full cooperation.

9.2 OUTSIDE EMPLOYMENT AND CONFLICTS OF INTEREST

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

- (1) Prevents the employee from being available for work beyond normal working hours, such as emergencies or peak work periods, when such availability is a regular part of the employee's job;
- (2) Is conducted during the employee's work hours;
- (3) Utilizes Town telephones, computers, supplies, or any other resources, facilities or equipment;
- (4) Is with a firm which has contracts with or does business with the Town; or,
- (5) May reasonably be perceived by members of the public as a conflict of interest or otherwise discredits public service.

An employee, who chooses to have an additional job, contractual commitment, or self-employment, may do so only after obtaining prior approval from the Mayor.

9.3 REPORTING IMPROPER GOVERNMENTAL ACTION

General Policy:

In compliance with the Local Government Employee Whistleblower Protection Act, Chapter 42.41 RCW, this policy is created to encourage employees to disclose any improper governmental action taken by Town officials or employees without fear of retaliation. This policy also safeguards legitimate employer interests by encouraging complaints to be made first to the Town, with a process provided for speedy dispute resolution.

Key Definitions:

"Improper Governmental Action" includes any action by a Town officer or employee that is undertaken in the performance of the official's or employee's official duties, whether or not the action is within the scope of the employee's employment, and is in violation of any federal, state, or local law or rule, is an abuse of authority, is of substantial and specific danger to the public health or safety, or is a gross waste of public funds. "Improper Governmental Action" does not include personnel actions (hiring, firing, complaints, promotions, and reassignment, for example). In addition, employees are not free to disclose matters that would affect a person's right to legally protected confidential communications.

Retaliatory Action: Any material adverse change in the terms and conditions of an employee's employment.

Emergency: A circumstance that if not immediately changed may cause damage to persons or property.

Procedure for Reporting Improper Government Action: Town employees who become aware of improper governmental action should follow this procedure:

- (1) Bring the matter to the attention of his/her supervisor, if non-involved, in writing, stating in detail the basis for the employee's belief that an improper action has occurred. This should be done as soon as the employee becomes aware of the improper action.
- (2) Where the employee believes the improper action involves the supervisor, the employee may raise the issue directly with the Mayor.
- (3) The Mayor or his designee, as the case may be, shall promptly investigate the report of improper government action. After the investigation is completed, (within thirty (30) days of the employee's report), the employee shall be advised of the results of the investigation, except that personnel actions taken as a result of the investigation may be kept confidential.

An employee who fails to make a good faith effort to follow this policy shall not be entitled to the protection of this policy against retaliation, pursuant to RCW 42.41.030.

In the case of an emergency, where the employee believes that damage to persons or property may result if action is not taken immediately, the employee may bypass the above procedure and report the improper action directly to the appropriate government agency responsible for investigating the improper action.

Employees may report information about improper governmental action directly to an outside agency if the employee reasonably believes that an adequate investigation was not undertaken by the Town to determine whether an improper government action occurred, or that insufficient action was taken by the Town to address the improper action or that for other reasons the improper action is likely to recur.

In accordance with RCW 42.41.030(3), the following is a list of appropriate agencies to whom reports of improper governmental actions may be made. Employees having questions about these agencies or the procedures for reporting improper governmental action are encouraged to contact the Mayor.

Clark County Prosecutor
1013 Franklin Street
Vancouver, WA 98660
360.249.3951

State Department of Ecology
Northwest Regional Office
3190 - 160th Ave SE
Bellevue, WA 98008-5452
425.649.7000

Attorney General's Office
Consumer Protection
800 5th Ave, Suite 2000
Seattle, WA 98104
206.464.6684

State Auditor's Office
Capital Campus
302 Sid Snyder Ave SW
P.O. Box 40021
Olympia, WA 98504-0021
360.902.0370

State Department of Health
Health Consumer Assistance
P.O. Box 47890
Olympia, WA 98504-7890
360.236.4030

Washington State
Human Rights Commission
711 South Capitol Way, Suite 402
Olympia, WA 98504-2490
360.753.6770

Department of Labor & Industries
P O Box 44000
Olympia, WA 98504
360.902.5800

Washington State
Department of Natural Resources
P.O. Box 47000
Olympia, WA 98504-7000
360.902.1000

Protection Against Retaliation: It is unlawful for a local government to take retaliatory action because an employee, in good faith, provided information that improper government action occurred. Employees who believe they have been retaliated against for reporting an improper government action should follow this procedure:

Procedure for Seeking Relief Against Retaliation:

- (1) Employees must provide a written complaint to the supervisor within thirty (30) days of the occurrence of the alleged retaliatory action. If the supervisor is involved, the notice should go to the Mayor. If the Mayor is involved, the notice should go to the Town Council. The written charge shall specify the alleged retaliatory action and the relief requested.
- (2) The Mayor or appropriate official, as the case may be, shall investigate the complaint and respond in writing within thirty (30) days of receipt of the written charge.
- (3) After receiving the Town's response, the employee may request a hearing before a state administrative law judge (ALJ) to establish that a retaliatory action occurred and to obtain appropriate relief under the law. The request for hearing must be delivered within the earlier of either fifteen (15) days of receipt of the Town's response to the charge of retaliatory action or forty-five (45) days of receipt of the charge of retaliation to the Mayor or Council for response.
- (4) Within five (5) working days of receipt of a request of hearing the Town shall apply to the State Office of Administrative Hearings for an adjudicative proceeding before an administrative law judge. At the hearing, the employee must prove that a retaliatory action occurred by a preponderance of the evidence in the hearing. The ALJ will issue a final decision not later than forty-five (45) days after the date of the request for hearing, unless an extension is granted.

Policy Implementation: The Mayor (or designee) is responsible for implementing these policies and procedures. This includes posting the policy on the Town's bulletin board, making the

policy available to any employee upon request, and providing the policy to all newly hired employees. Officers, managers, and supervisors are responsible for ensuring the procedures are fully implemented within their areas of responsibility.

Violations of this policy and these procedures may result in appropriate disciplinary action, up to and including dismissal.

9.4 POLITICAL ACTIVITIES

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

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

Except as noted in this policy, Town employees are otherwise free to fully exercise their constitutional First Amendment rights.

9.5 NO SMOKING POLICY

For health and safety considerations, the Town prohibits smoking by employees in all Town facilities, including Town-owned buildings, vehicles, and offices or other facilities rented or leased by the Town, including individual employee offices.

9.6 PERSONAL POSSESSIONS AND ELECTRONIC COMMUNICATIONS

The Town furnishes desks, closets, and/or lockers for security of employee coats, purses, and other personal possessions. The Town does not assume responsibility for any theft or damage to the personal belongings of employees. The Town reserves the right to search employee desks, lockers, and personal belongings brought onto Town premises.

The Town also furnishes computers for use in conducting Town business. Because the computers are for Town business, the Town reserves the right to review the contents of any files or documents on the computer, including contents of any electronic mail. Town computers are not for personal use.

9.7 USE OF TOWN VEHICLES AND EQUIPMENT

Use of Town phones for local personal phone calls should be kept to a minimum; long distance personal use is prohibited. Other Town equipment, including vehicles, should be used by

employees for Town business only. An employee's misuse of Town services, telephones, vehicles, equipment or supplies can result in disciplinary action including termination.

9.8 BULLETIN BOARDS

Information of special interest to all employees is posted regularly on the Town bulletin boards. Employees may not post any information on these bulletin boards without the authorization of the Mayor.

9.9 CONTACT WITH THE NEWS MEDIA

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

9.10 SEAT BELT POLICY

Per Washington law, anyone operating or riding in Town vehicles must wear seat belts at all times.

9.11 DRIVER'S LICENSE REQUIREMENTS

As part of the requirements for certain specific Town positions, an employee may be required to hold a valid Washington State Driver's license. If an employee's license is revoked, suspended, or lost, or is in any way not current, valid, and in the employee's possession, the employee shall promptly notify his/her supervisor and will be immediately suspended from driving duties. The employee may not resume driving until proof of a valid, current license is provided to his/her supervisor. Depending on the duration of license suspension, revocation, or other inability to drive, an employee may be subject to disciplinary action, including termination.

9.12 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 Town or employee property. The following limitations apply:

- (1) Persons not employed by the Town may not solicit, survey, petition, or distribute literature on Town premises at any time. This includes persons soliciting for charities, salespersons, questionnaire surveyors, labor union organizers, or any other solicitor or distributor. Exceptions to this rule may be made in special circumstances where the Town determines that an exception would serve the best interests of the Town and its 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 solicit other employees who are on work time. Employees may not distribute literature for any purpose during work time or in work areas.

9.13 SAFETY

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

In case of an accident involving a personal injury, regardless of how serious, employees shall immediately notify the Mayor.

Since being exposed to a blood-borne pathogen may lead to sickness such as hepatitis, AIDS, or malaria, and since the Town wants to assure our employees as safe and healthy work environment as possible, it is the policy of the Town to comply with all statutory obligations for the prevention of exposure to blood-borne pathogens.

Employee safety depends on the safety consciousness of everyone. In order to facilitate a safe work environment, employees may not bring dangerous weapons to the workplace. This includes, but is not limited to, weapons for which employees have a valid permit. The only exception to this rule involves law enforcement positions for which the job requires possession of dangerous weapons.

9.14 SUBSTANCE ABUSE

The Town philosophy on substance abuse has two focuses: (1) a concern for the well being of the employee and (2) a concern for the safety of other employees and members of the public.

Availability of Rehabilitation or Treatment: As part of our employee assistance program, we encourage employees who are concerned about their alcohol or drug use to seek counseling, treatment, and rehabilitation. Although the decision to seek diagnosis and accept treatment is completely voluntary, the Town is fully committed to helping employees who voluntarily come forward overcome substance abuse problems. In most cases, the expense of treatment may be fully or partially covered by the Town's benefit program. In recognition of the sensitive nature of these matters, all discussions will be kept confidential. Employees who seek advice or treatment will not be subject to retaliation or discrimination.

When Job Performance is Affected: Although the Town is concerned with rehabilitation, it must be understood that disciplinary action may be taken when an employee's job performance is impaired because he/she is under the influence of drugs or alcohol on the job. The Town may discipline or terminate an employee possessing, consuming, selling, or using alcohol, or controlled substances (other than legally prescribed) during work hours. The Town may also discipline or terminate an employee who reports for duty or works under the influence of alcohol or controlled substances. An employee may be required to submit to alcohol or controlled

substance testing when the Town has reasonable suspicion that the employee is under the influence of controlled substances or alcohol. Refusal to submit to testing, when requested, may result in immediate disciplinary action, including termination.

Drug-Free Workplace: Based on the federal Drug-Free Workplace Act, the manufacturing, distribution, dispensation, possession, and use of unlawful drugs or alcohol on Town premises or during work hours by Town employees is strictly prohibited. Employees also must notify the Town within five (5) days of any conviction for a drug violation in the workplace. Violation of this policy can result in disciplinary action, including termination. Continued poor performance or failure to successfully complete a rehabilitation program is grounds for termination.

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CHAPTER 10 DISCIPLINE AND TERMINATIONS

10.1 TERMINATIONS

The Town of Yacolt may terminate employment because of an employee's resignation, discharge, or retirement; the expiration of an employment contract; or a permanent reduction in the workforce. Termination can be for any reason not prohibited by law. In the absence of a specific written agreement, employees are free to resign at any time and for any reason, and the Town of Yacolt reserves the right to terminate employment for cause or for convenience.

10.2 ACTIONS SUBJECT TO DISCIPLINARY ACTION

All employees are expected to perform their job duties and to exercise good judgment, loyalty, common sense, dedication and courtesy in the performance of those duties, and to comply with the provisions of these guidelines, department directives, policies and procedures, and the Town's Code of Conduct. The primary mission of each employee is to provide courteous, orderly, efficient and economic delivery of services to the citizens consistent with the Town's rules, regulations, applicable laws and the general goals and targets of the Town. Failure to meet these expectations may establish cause for discipline.

The following are examples of types of behavior which may result in discipline. This is by no means an exhaustive list, but merely illustrates the type of behavior not consistent with the general code of conduct expected of employees.

- (1) Misrepresentation or withholding of pertinent facts in securing employment.
- (2) Unauthorized use or possession of the Town facilities/property.
- (3) Unauthorized use of position for personal gain or advantage. Accepting unlawful gratuities or bribes.
- (4) Lying or dishonesty of any kind, on or off the job.
- (5) Smoking in any unauthorized posted area or creating fire hazards in any area.
- (6) Violation of dress standards.
- (7) Violation of the Town's telephone use policy.
- (8) Violation of the Town's Electronic Communications policy.
- (9) Failure to report an occurrence causing damage to the Town, a customer, or public property. Failure to properly secure the Town's facilities or property.

- (10) Loitering after completing day's work that results in the disruption of the Town's business or the work effort of other employees. Vending, soliciting, or collecting contributions for any purpose whatsoever during working time on the premises without the permission of the supervisor.
- (11) Unauthorized operation or use of machines, tools, or equipment to which the employee has not been specifically assigned.
- (12) Unauthorized recording of another employee's time record. Both employees can be subject to disciplinary action.
- (13) Habitual lateness for work. Absence without proper notification to immediate supervisor, excessive absenteeism, or insufficient reasons for absenteeism. Loitering, goofing off, failing to assist others in a work situation.
- (14) Making malicious, false, or derogatory statements that are intended or could reasonably be expected to damage the integrity or reputation of the Town or Town employees, on or off premises.
- (15) Disorderly conduct, including fighting on the premises. Rudeness, discrimination, intimidation, coercion, use of obscene language or gestures or lack of courtesy to the public or fellow employees. Immoral conduct while on duty.
- (16) Intentional falsification of records/paperwork in the performance of the Town's business.
- (17) Inability, inefficiency, negligence, or insubordination, including a refusal or failure to perform assigned work or follow reasonable instructions or directions. Concealing defective work.
- (18) Failure to observe safety practices, rules, regulations, and instructions. Negligence that results in or creates the risk of injury to others. Failure to wear required safety clothing and equipment.
- (19) Failure to promptly report to your immediate supervisor an on-the-job injury or accident involving an employee, equipment, property, or visitor.
- (20) Dishonesty or theft, including deliberate destruction, damage, or removal of the Town's or other's property from the premises, or any job site. Misappropriation or illegal use of the Town's supplies, equipment, or time for personal use or gain.
- (21) Possession, use, sale, or being under the influence of alcohol and controlled substances while on the Town's business (including standby duty). The only exception to this rule shall be for an employee using or possessing a controlled substance prescribed by a doctor if such employee has given his/her supervisor

prior notice of such use and/or possession and such use does not impair safe and/or efficient work performance.

- (22) Possession of explosives or weapons on the premises or any job site.
- (23) Conviction of a felony or misdemeanor.
- (24) Sexual harassment.
- (25) Discrimination, in the conduct of the Town's business on the basis of race, religion, sex, color, national origin, sexual orientation, or disability, age, marital status, pregnancy, or political ideology.
- (26) Disclosure of confidential information gained by reason of the employee's position or use of such information for the employee's personal gain or benefit.
- (27) Off-duty conduct of the employee that impairs an employee's work performance or the Town's reputation or interests.
- (28) Failure of the employee to meet his or her financial obligations in a timely manner such that they adversely affect job performance or the Town of Yacolt's image in the community.
- (29) Violation of the duties or rules imposed by this Manual or any other Town rule, regulation, administrative order, applicable state law or other lawful duty.

10.3 POSSIBLE DISCIPLINARY ACTION

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

- (1) Oral Warning.
- (2) Written Reprimand.
- (3) Suspension.
- (4) Demotion.
- (5) Termination.

The choice of what discipline to apply in any particular case is solely the Town's. The existence of these disciplinary options in no way obligates the Town to follow the options and the Town in its sole discretion may select any one of these options as its final decision. Any particular disciplinary action taken with respect to one employee in a given situation is not to be relied upon as an indication of future treatment in similar situations. Any disciplinary action taken by

the Town short of termination is without waiver of the Town's rights under the at-will employment relationship.

10.4 LAYOFF

The Mayor may lay off employees for lack of work, budgetary restrictions, reorganization or other changes that have taken place.

Temporary employees or employees who have not completed their trial period will be laid off before regular employees are affected. In determining who is to be laid off, consideration will usually be given to individual performance and the qualifications required for remaining jobs. Seniority will be considered when performance and qualifications are equal, as determined by the Town. Employees who are laid off may be eligible to be re-employed if a vacancy occurs in a position for which they are qualified.

10.5 RESIGNATION

An employee should provide four (4) weeks notice of resignation. This time limit may be waived by the Mayor.

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CHAPTER 11 COMPLAINT PROCEDURES

11.1 COMPLAINT PROCEDURES

The Town recognizes that sometime situations arise in which employees feel that they have not been treated fairly or in accordance with Town policies. For this reason the Town provides its employees with procedures for resolving complaints, including but not limited to job terminations.

Step 1: Employees should first try to resolve any problem or complaint with their supervisor.

Step 2: When normal communications between an employee and the supervisor are not successful, or when an employee disagrees with the application of Town policies and procedures, the employee should attempt to resolve the problem with the Mayor.

Step 3: If the employee is not satisfied with the response from the Mayor, the employee may submit the problem, in writing, to the Town Council. The written complaint must contain, at a minimum:

- (1) A description of the problem;
- (2) A specific policy or procedure which the employee believes has been violated or misapplied;
- (3) The date of the circumstances leading to the complaint or the date when the employee first became aware of those circumstances;
- (4) The remedy sought by the employee to resolve the complaint.

The written complaint must be filed within fifteen (15) working days of the occurrence leading to the complaint.

The Town Council may determine that a special meeting or workshop is required to address the issue. The special meeting will be held within thirty (30) days of the date the complaint was filed. The Council's response and decision shall be final and binding.

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CHAPTER 12 EMPLOYMENT CLASSIFICATION

12.1 JOB DESCRIPTIONS AND SUPERVISION

All Town employees work under the supervision and at the discretion of the Mayor. The job descriptions, duties, hours and schedule of any employee of the Town may be established or changed at any time in the Mayor's discretion and without prior notice to the employee. The duties and responsibilities of the Town's employees evolve and change as circumstances change within the Town. The following examples of job duties, abilities, qualifications and responsibilities are illustrative and not comprehensive. Changes in the job descriptions and/or duties of any employee of the Town may be made at any time without formal amendment of this Personnel Policies & Procedures Manual.

12.2 TOWN CLERK

Position Summary:

The Town Clerk performs a variety of routine and complex supervisory, clerical, accounting, finance and administrative work involving custody and safekeeping of Town funds and monies, accounting records, personnel records, and public records conforming to Town and State Laws. This is a full-time non-union position.

Supervision Received:

The Town Clerk works under the direction of the Mayor.

Supervision Exercised:

The Town Clerk supervises the Assistant Clerk and /or Administrative Assistant and works cooperatively with the other Town personnel.

Duties and Responsibilities:

The Clerk shall have all of the abilities and duties permitted by statute (RCW 35.27.170 and RCW 35.27.220 as currently enacted or hereafter amended). The Clerk shall maintain all of the records required by statute (RCW 35.27.230 as currently enacted or hereafter amended).

In addition, the Town Clerk will conduct or engage in the activities listed below. The following examples are not intended to supplant or remove the statutory duties of the Town Clerk.

Council Support:

- Prepares agenda for Mayor's review.
- Distributes Town Council agendas and agenda material.

- Oversees the preparation and advertising of Council meeting agendas and legal notices of regular and special public meetings of the Town Council.
- Attends all regular and special Town Council meetings and study sessions. Performs accurate recording of the proceedings, including equipment set-up and removal.
- Prepares Council minutes using proper legislative terminology, grammar and business writing, and updates minute books.
- Prepares reports for Council meetings as directed.
- Provides support for Council committees.
- Prepares annual budget.
- Monitors actual revenues and expenditures in accordance with the adopted budget for all funds.
- Oversees, balances, and accounts for the cash drawer, including receipts and cash.
- Codes receipts with appropriate BARS code number, and keeps records as needed to verify cash balances.
- Prepares bank deposits as needed.
- Reconciles bank statements.
- Maintains auxiliary cash controls for balancing and other related accounting activities.
- Maintains accounts receivable and accounts payable records with appropriate BARS code numbers and follow-up on necessary collections.
- Maintains investments for all funds. Purchases and withdraws investments as needed.
- Reconciles investment statements with investment reports.
- Prepares draw payroll and monthly payroll and all associated payroll reports.
- Prepares quarterly financial reports.
- Prepares periodic financial, statistical or operational reports as assigned.
- Prepares annual financial reports; works with state auditors during periodic audits of Town finances, procedures and policies.
- Receives monies & issues receipts for Clark Public Utilities & remits payments to CPU.
- Maintains Community Development Block Grant Program.
- Communicates official plans, policies and procedures to staff, Mayor, Council and the general public.
- Communicates with public and staff on Council action.
- Provides public records and information to citizens, civic groups, the media and other agencies per public disclosure regulations.
- Provide public information on Town Codes, Ordinances, Council meetings and Council actions taken.
- Serves as custodian of official Town records and public documents; performs certifications and arranges recording of legal documents and other records; seals and attests by signature to ordinances, resolutions, contracts, easements, deeds, bonds or other documents requiring Town certification; maintain tapes of public hearings by labeling, storing and recording in books as appropriate; maintains tapes of Council meetings; files all Town records.
- Issues written and oral instructions; assigns duties and examines work for exactness, neatness and conformance to policies and procedures.
- Performs and/or assists Assistant Clerk and/or Administrative Assistant in performing duties; adjusts errors and complaints.

- Prepares a variety of studies, reports and related information for decision-making purposes.
- Receives and issues Town business licenses; answers business license inquiries by phone and in person; maintains business license records; prepares renewal letters and license applications for annual business license.
- Coordinates special event licenses and paperwork with event promoters.
- Administers the issuance of municipal licenses, including business, various regulatory licenses as assigned, etc., in accordance with applicable Town ordinances and other regulations.
- Maintains bond coverage of employees as specified by state law and local Codes; obtains signed oaths from Mayor and Town Council to administer oath of office to public officials.
- Prepares surveys and other reports as directed.
- Administers contracts and agreements with private and public entities.
- Develops ordinances, resolutions and proclamations as needed or as directed.
- Obtains signatures on ordinances and resolutions; publishes notice of ordinances and other legal notices in newspaper as required and files originals.
- Oversees updates and revisions of the Yacolt Municipal Code.
- Researches issues for compliance with state and local laws and with the State Auditor.
- May serve as a notary public.
- Issues deeds for sale of Cemetery plots and maintains records of Cemetery plots.
- Other duties as assigned.

Contract Administration:

- Determine and follow proper procurement procedures, (for example, whether published request for bids, or other procurement process applies).
- Coordinate with engineering consulting firm to:
 - Arrange bid call advertisement.
 - Provide bid documents to contractors and vendors.
 - Collect plan fees and issue receipts.
 - Maintain bidders list.
 - Track bid openings and assure proper submittal of bid and performance bonds.
 - Record bids and notify bidders of apparent lowest bid.
 - Prepare and mail award and rejection letters after bid acceptance.
 - Assemble contract, obtain signatures and forward final documents to contractor.
 - Return bid bonds to unsuccessful bidders.
 - Obtain clearances from Department of Revenue, Employment Security, Department of Labor and Industries.
 - Provide timely return of retainage and bid on performance bond.

Insurance Claims:

- Receive insurance claims against Town.
- Coordinate in-house insurance claims.

- Submit all damage claims to AWC RMSA pool.
- Answer questions from people filing claims and about status of payments.

Building Permits:

- Assist customers with identifying and completing building permit applications.
- Receive permit applications and payments.
- Enter permit information into computer, including calendared deadlines.
- Enter payment information into computer.
- Issue permits.

Land Use Requirements:

- Prepare legal notices for annexations, rezones and street vacations.
- Complete and forward state annexation forms and census information.
- File original annexation documents upon approval.
- File certified copies of annexations, rezones and street vacations with County Auditor.
- Update record books.

Miscellaneous Duties:

- Coordinate response to dog complaints with Clark County Animal Control.
- Receive monies and issue receipts for Clark Public Utilities' payments; report and remit payments to CPU.
- Maintain records and files on various ordinance compliance matters.

Peripheral Duties:

- Attends seminars, workshops and meetings related to the Town Clerk's duties and responsibilities.
- Accepts claims for damages and other legal papers served on the Town.
- Provides clerical and/or technical support to other Town personnel as required or needed.

Knowledge, Skills and Abilities:

- Working knowledge of the principles and practices of modern public administration.
- Extensive knowledge of office practices and procedures.
- Thorough knowledge of modern records management techniques, including legal requirements of recording, retention and disclosure.
- Working knowledge of computers.
- Working knowledge of governmental accounting principles and practices (BARS).
- Knowledge of applicable federal, state and local law, codes, regulations, policies and procedures.
- Interpersonal skills using tact, patience and courtesy.
- Skill in operation of listed equipment.

- Ability to accurately record and maintain records.
- Ability to establish and maintain effective working relationships with employees, officials and the public.
- Ability to communicate effectively verbally and in writing.
- Ability to plan and organize Town events.
- Ability to plan, organize and direct operations of the Town Clerk.
- Ability to maintain confidentiality of politically sensitive materials and information.
- Ability to work independently with little direction.
- Research, analyze, interpret, organize and report on data.
- Read, interpret, apply and explain codes, rules, regulations, policies and procedures.
- Analyze situations accurately and adopt an effective course of action.
- Ability to perform arithmetic computations accurately and quickly.

Education and Experience:

Bachelor's degree in Accounting, Finance, Economics, Public Administration or a closely related field plus four (4) years of progressively responsible finance or accounting experience, including one year in a lead capacity; or any equivalent combination of education and progressively responsible experience, with additional work experience substituting for the required education on a year-by-year basis.

Special Requirements:

- Must be bondable.
- Must have a valid Washington State Driver's License, or the ability to obtain one.
- Must obtain Notary Public certification.

Equipment Used:

Computer (including printer and scanner), calculator, multi-line phone, copy machine, fax machine.

12.3 PUBLIC WORKS DIRECTOR

The Public Works Director is responsible for regular maintenance of the Town infrastructure, including, but not limited to the following:

- Operates Town equipment including backhoes, small graders, street sweepers, dump trucks and loaders, lawn mowers, snow plows, sanders, chain saws, leveling vibrators, jack hammers, shovels, pick axes, crow bars, road graders, tractor mowers, etc.
- Performs routine equipment maintenance and minor field repairs such as lubrication, checking fluid levels and replacing belts and other components as required.
- Performs work in accordance with all federal, state and local laws, rules and regulations and within mandated and appropriate safety standards.
- Operates and services heavy road and construction equipment and light motor vehicles.

- Cleans roadside ditches, culverts and catch basins.
- Repairs streets, guardrails, and sidewalks.
- Installs and repairs street and traffic control signs.
- Performs brush cutting.
- Coordinates with other agencies for pavement striping; street sweeping; clearing snow and ice from streets; and tree trimming.
- Performs upkeep of parks and cemetery including watering, mowing, fertilizing, weed control, trimming, and rodent control.
- Analyzes and troubleshoots problems such as street and sidewalk damages or obstructions.
- Plans and schedules work priorities; requisitions supplies and equipment; and periodically inspects tools and equipment to ensure that proper care and maintenance is being performed.
- Prepares periodic work progress reports; maintains required records and logs; and maintains employee time records.
- Provides on-site direction and guidance to employees during assignments, and inspects work in progress and upon completion to ensure compliance with work standards and local codes, and proper safety techniques and procedures.
- Responsible for approving construction change orders up to 0.5% of contract amount prior to the Town Council's approval.
- Plans and implements a comprehensive Public Works program for the Town; integrates public works programs and activities with other city, county, state, and federal departments and/or agencies.
- Prepares studies, reports, and recommendations relative to the Public Works programs and special projects; determines and recommends what Public Works programs or major projects should be initiated, dropped, or modified.
- Perpetuates Public Works improvements and projects by initiating and/or assisting in the acquisition of grants, easements, etc.; determines the resources need for approved projects; and reviews work activities to ensure efficient and safe operations and conformance with established state, county, and Town standards, regulations and policies.
- Prepares budget estimates and controls the expenditure of department funds; this includes the planning and budgeting for future Public Works activities; evaluating services rendered in relation to cost vs. benefits derived and continuing need.
- Initiates periodic study and analysis of street and pedestrian traffic flow, congestion, accidents, and other conditions affecting the safe and convenient use of streets and walkways.
- Attends various hearings, seminars, and civic and business meetings on behalf of the Public Works Department.
- Establishes street logs to gauge effectiveness of maintenance programs.
- Reviews building permit applications for zoning compliance.
- Performs repairs and maintenance of Town buildings.
- Measures for the correct placement of graves; supervises excavation work and replacement of sod.
- Maintains public restrooms at Town park in a clean and sanitary condition.

12.4 PUBLIC WORKS MAINTENANCE SUPERVISOR

Desired Qualifications: A background in public works operations and duties. Highly responsible person who performs activities related to public works and equipment. A background in equipment operations and maintenance. The ability to work well with the public. Person must be organized and self-motivated.

The Public Works Maintenance Supervisor is responsible for assisting with the regular maintenance of the Town infrastructure, including, but not limited to the following:

- Assists in planning and scheduling work priorities; assists in requisitioning supplies and equipment
- Operate Town equipment including backhoes, small graders, street sweepers, dump trucks and loaders, lawn mowers, snow plows, sanders, chain saws, leveling vibrators, jack hammers, road graders, tractor mowers, excavators, and various hand tools, etc.
- Performs upkeep of parks and cemetery including watering, mowing, fertilizing, weed control, trimming, and rodent control
- Perform work in accordance with all federal, state and local laws, rules and regulations and within mandated and appropriate safety standards
- Operate and service heavy road and construction equipment and light motor vehicles
- Cleans roadside ditches, culverts and catch basins
- Repairs streets, guardrails, and sidewalks
- Installs and repairs street and traffic control signs
- Performs brush cutting
- Perform routine equipment maintenance and minor field repairs such as lubrication, checking fluid levels and replacing belts and other components as required
- Perform and assist snow clearing and ice removal from streets; and tree trimming
- Assists in analyzing and troubleshooting problems such as street and sidewalk damages or obstructions
- Maintains street logs to gauge effectiveness of maintenance programs
- Performs repair and maintenance of Town buildings
- Measuring for the correct placement of graves; supervises excavation work and replacement of sod
- Maintain public restrooms at Town park in a clean and sanitary condition
- Assists with periodic studies and analysis of street and pedestrian traffic flow, congestion, accidents, and other conditions affecting the safe and convenient use of streets and walkways
- Minor welding and fabricating related to maintenance of facilities and equipment - Experience using an acetylene torch
- Organize and maintain the Town's maintenance shop and other storage and working areas
- Supervises seasonal employees and Correction Center work crews

12.5 ASSISTANT CLERK

The Assistant Clerk is responsible for assisting the Town Clerk with duties and responsibilities,

including, but not limited to the following:

Business Licensing:

- Receive applications for and issue Town business licenses, including permanent, home occupation, temporary merchant, and solicitors
- Answer business license inquiries by phone and in person
- Assist public in application process and receive license fees
- Refer home occupation conditional uses to Council
- Complete license and forward to applicant
- Maintain cross reference file on business and license number
- Enter information into computer database
- Maintain business license records
- Prepare renewal letter and license application for annual business license
- Receive completed applications and manually validate with signature, date issued and receipt of payment
- Update database with any new business information (i.e. out of business or no renewal)

Public Information:

- Provide public information on Town codes, ordinances, Council meetings, Council action taken and business licenses
- Provide public records and information to citizens, civic groups, the media and other agencies per public disclosure regulations
- Answer general questions (i.e. garbage service, transfer station, Chamber of Commerce, Department of Licensing, etc.)

Records Management:

- Serve as custodian of official Town records and public documents
- Cross-reference Council minutes, ordinances, resolutions, and agreements
- Enter information in computer database
- Prepare and file all records
- Maintain legal files, including records retention schedules

Secretarial Support:

- Type miscellaneous letters, agenda reports, and correspondence
- Complete various surveys and reports

Cemetery:

- Issue deeds for sale of cemetery plots
- Maintain records of cemetery plots

*Reconcile and Receipt Monies:

- Receive monies
- Verify accuracy of transmittals; issue receipt noting appropriate BARS code number

***Prepare Bank Deposit:**

- Combine cash, coin, and checks from monies receipted
- Balance total cash and checks received to receipts
- Complete bank deposit slip; deposit with bank

***Process Payments on Various Accounts:**

- Prepare vouchers noting appropriate fund and BARS code numbers
- Prepare Warrants/Claims and remit to vendors

Building Permits:

- Assist customers with identifying and completing building permit applications
- Receive permit applications and payments
- Enter permit information into computer, including calendared deadlines
- Enter payment information into computer
- Issue permits

***Miscellaneous Duties:**

- Coordinate response to dog complaints with Clark County Animal Control
- Receive monies and issue receipts for Clark Public Utilities' payments, report and remit payments to CPU
- Maintain records and files on various ordinance compliance matters
- Filing

***The Assistant Clerk is only to handle money transactions if bonded.**

12.6 ADMINISTRATIVE ASSISTANT

The administrative assistant may be full-time or part-time, and is responsible for assisting the Mayor, Town Clerk, Assistant Clerk, and Public Works Director with clerical duties including, but not limited to the following:

Create and maintain documents, letters, and forms

File and maintain records

Respond to inquiries by telephone or in person, in a friendly, professional manner

Enter information into computer database

Use copier, fax machine, scanner, multi-line telephone, computer, and adding machine

Assist in researching and compiling records for Public Records Requests

Issue cemetery deeds and maintain cemetery plot records
Pick up mail from the Yacolt Post Office
Maintain inventory of supplies and create supply “shopping” lists
Relay messages to the appropriate persons
Maintain inventory of equipment in Town Hall
Perform research and other clerical duties as needed
If bonded, may also handle cash and checks

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CHAPTER 13 SUMMARY

These policies are not intended to be a contract, express or implied, or any type of promise or guarantee of specific treatment upon which you may rely, or as a guarantee of employment for any specific duration. The employer has sole discretion whether to apply handbook policies in a particular case. The Town can and will exercise flexibility and discretion with regard to the policies described in this manual, and to act apart from any procedures described herein. The Town has the right to completely disregard the contents of this policy.

UNLESS SPECIFIC RIGHTS ARE GRANTED TO YOU IN EMPLOYMENT CONTRACTS, CIVIL SERVICE RULES, OR ELSEWHERE, ALL EMPLOYEES OF THE TOWN ARE CONSIDERED AT-WILL EMPLOYEES AND EITHER PARTY MAY TERMINATE THE RELATIONSHIP ANY TIME, WITH OR WITHOUT CAUSE AND WITH OR WITHOUT NOTICE.

No supervisor, manager, or representative of the Town other than the Mayor, with Town Council approval, has the authority to enter into any agreement with you for employment for any specific period or to make any written or verbal commitments contrary to the foregoing.

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Resolution #571

**A RESOLUTION FOR THE TOWN OF YACOLT WASHINGTON AMENDING
SECTION 5.3 PAY DAYS OF THE TOWN'S PERSONNEL POLICIES AND
PROCEDURES MANUAL**

Whereas, the Town Council desires to amend the Town's Personnel Policies & Procedures Manual Section 5.3 Pay Days to better align with industry standards.

Whereas, the Town Council prepared the attached Personnel Policies & Procedures Manual (Exhibit A) as a current guide and reference for the Town's employees;

Whereas, nothing in the Town's Personnel Policies & Procedures Manual creates an express or implied contract or promise concerning the Town's policies or practices , including policies or practices the Town may implement in the future;

Whereas, the Town retains the right to establish, change, and abolish these policies , practices, rules, and regulations at will and as it sees fit; and,

Whereas, the Town Council of Yacolt is in regular session this 4th day of September, 2018, and all members of the Town Council have had notice of the time, place, and purpose of said meeting:

This Resolution shall take effect immediately upon adoption.

RESOLVED by the Town Council of the Town of Yacolt, Washington, at a regular meeting thereof this 4th day of September, 2018.

TOWN OF YACOLT


Vince Myers, Mayor

Attest:


Dawn Salisbury, Clerk

Ayes: *Noble, Bryant, Rowe-Tice*

Nays: *None*

Absent: *Boget, Moseley*

Abstain: *None*

EXHIBIT 'B TO ORDINANCE #585