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09/16/98

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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5094

AN ORDINANCE repealing Chapter 3.79 of the Bellevue City Code, the Personnel Code, and adopting in its place a new Chapter 3.79, to be entitled the Human Resources Code.

WHEREAS, the Personnel Code of the City was adopted in 1982, and was last amended in 1996; and

WHEREAS, the employment policies and practices and terms and conditions of employment for unrepresented employees of the City have changed in some respects since that Code was first adopted, and those changed policies, practices, terms and conditions have been adopted and implemented by amendments to the Personnel Code and the Compensation Plan adopted by the City Council and by Administrative Orders and Personnel Policies and Procedures promulgated by the City Manager; and

WHEREAS, the City Council desires by this ordinance to establish Human Resources policies and terms and conditions of employment for the unrepresented employees of the City; and

WHEREAS, this ordinance is intended to apply to all unrepresented employees of the City, except as otherwise provided herein, and, in conjunction with the Compensation Plan of the City, as adopted from time to time by the City Council, will constitute the policies, terms and conditions that govern the employment, wages, salaries and benefits of such unrepresented employees; and

WHEREAS, the City Council desires to delegate to the City Manager or his/her designee authority to adopt all such rules, practices and procedures within the guidelines and standards provided herein as the City Manager or his/her designee may determine to be necessary or appropriate to implement the policies, terms and conditions established by this ordinance; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 3.79 of the Bellevue City Code, the Personnel Code, is repealed.

Section 2. A new Chapter 3.79, entitled the Human Resources Code, is added to the Bellevue City Code, to read as follows:

ORIGINAL

0189-ORD
09/16/98

HUMAN RESOURCES CODE

SECTIONS:

3.79.010 TITLE AND PURPOSE

A. This Chapter shall be known as "The Human Resources Code" of the City of Bellevue.

B. This Chapter is enacted to:

1. Establish the terms and conditions of employment for City employees as described and limited herein;

2. Set forth the policies governing the administration of the Human Resources functions of the City Administration; and

3. Delegate to the City Manager or his/her designee the authority to adopt and implement all rules, practices and/or procedures necessary or appropriate for administering this Code.

3.79.020 AUTHORITY OF CITY AND DELEGATION

A. The City retains all rights to manage City operations and affairs in accordance with the powers and authority that an employer possesses including but not limited to the right to make work assignments, to determine the number of personnel assigned at any time to any function, to make reductions in force as determined necessary or appropriate subject to the limitations of this Code; to develop workplace rules that promote efficiency and productivity in the workplace; and to promote City services to the community.

B. The City Council hereby delegates to the City Manager or his/her designee the authority to make all rules, practices and procedures necessary or appropriate to implement this Code.

3.79.030 APPLICABILITY

This Code applies to all unrepresented regular status employees of the City. Hourly and hourly PERS-eligible workers are only covered by this Code where they are specifically identified as being covered.

3.79.040 DEFINITIONS

The following terms shall have the meaning indicated for purposes of this Code. Unless otherwise provided therein, they shall also apply to the City's Compensation Plan as adopted from time to time by the City Council.

A. *Abandonment of a Position*: Unauthorized absence from work for a period of three consecutive days.

B. *Acting Status*: The performance of the full duties of a position in the absence of the incumbent for a minimum of 30 consecutive days when assigned to do so by the appointing authority.

C. *Administrative Leave*: Paid leave of absence during disciplinary investigation or where it is determined to be in the best interest of the City.

D. *Adjusted Base Salary Rate:* (Applicable only to employees covered in the G or the M pay plans.) An employee's current base salary rate of pay plus a prorated share of any merit increase to which the employee may be entitled.

E. *Appointing Authority*: City Manager or his/her designee.

F. *At-will employee:* An employee in the E or M Pay Plan; a trial employee; an hourly or hourly PERS-eligible worker; and any other employee who serves at the pleasure of the appointing authority. At-will employees may or may not serve in regular positions. At-will employees may be terminated with or without cause.

G. *Base Hourly Rate*: Hourly rate as shown under "hourly" on each pay plan or base monthly salary times 12 and divided by 2,080; as required by the Fair Labor Standards Act (FLSA).

H. *Calendar Month of Service*: The minimum number of hours in a calendar month (e.g. January, February, etc.) for which a regular status employee must be in paid status (time worked, compensated leave, or sick leave) in order to earn and accrue sick leave and/or vacation credit for that month.

I. *Cause for Disciplinary Action*: Acts or omissions of an employee warranting discipline up to, and including, termination from employment.

J. *Classification*: A systematic means for grouping similar positions and evaluating the relative compensation of the position in relation to other positions within the City and the external market.

K. *Compensatory Time (Comp Time):* Hours accumulated by nonexempt employees in lieu of overtime pay calculated at the rate of 1.5 times the overtime hours worked.

L. *Continuous Length of Service:* The length of time since an employee's most recent hire date as a regular status employee.

ORIGINAL

M. *Demotion*: The movement of an employee from one classification level or pay grade to a lower classification level or pay grade as a result of reclassification, reorganization, voluntary change or disciplinary action.

N. *Discrimination*: See "unlawful discrimination".

O. *Exempt Employee*: An employee who is exempt from FLSA overtime because he/she acts in a bona fide executive, administrative or professional capacity as defined under the Fair Labor Standards Act and as designated by the classification and pay system.

P. *Harassment*: Acts or conduct of a harassing nature that would be offensive to the reasonable person, including but not limited to unwelcome hitting, touching, impeding or blocking movement; physical interference with normal work; unwelcome sexual advances, requests for sexual favors, and other unwelcome verbal or physical conduct of a sexual nature, including but not limited to making explicit or implied job threats in return for submission to sexual acts or movement; unwelcome epithets, derogatory comments or slurs; unwelcome derogatory posters, notices, bulletins, cartoons, or drawings or any other similar conduct; when any of such acts or conduct are directed at an individual based on race, color, creed, religion, gender, age, national origin, citizenship, marital status, or the presence of any sensory, physical or mental disability.

Q. *Hourly worker*: A non-regular status at-will worker who is employed by the City for an indefinite, fluctuating or intermittent work schedule not to exceed 69 hours in a calendar month for 5 or more calendar months in any 12-month period. Hourly workers will be placed in non-regular positions, and shall receive no other compensation or benefits than the designated hourly rate for the position for hours of actual work performed except as specifically authorized by ordinance. Hourly workers are required to participate in the City's MEBT II program. Hourly workers are not eligible for membership in any of the State of Washington Department of Retirement system plans, and no employee or employer contributions will be made to any of these Department of Retirement System plans.

R. *Hourly Worker - PERS Eligible*: A non-regular status at will worker employed by the City for an indefinite, fluctuating or intermittent work schedule which exceeds 69 hours in a calendar month for more than five calendar months in any 12-month period. Hourly workers will be placed in non-regular positions, and shall receive no other compensation or benefits than the designated hourly rate for hours of actual work performed except as specifically authorized by ordinance. Employer and employee contributions to Department of Retirement System plans will be made from the date of hire.

ORIGINAL

S. *Immediate Family*: A regular status employee's parents (natural, step, adopted, foster, or an individual who stood in *loco parentis* to the employee when the employee was a child), sister, brother, spouse, children (natural, adopted, step, foster, legal wards, or a child of a person standing in *loco parentis*), mother/father-in-law, daughter/son-in-law, grandparents, great-grandparents, grandchildren, and great-grandchildren.

T. *Job Share*: Two regular status employees with the same job classification, sharing one regular position in the same department within the City.

U. *Layoff*: The separation from City service of an employee who has completed his/her applicable trial service period because of reorganization, a change in the duties of a position, lack of work, changing needs of the organization, insufficient funding, or operational analysis.

V. *Market Premium*: An amount of money temporarily added to the base salary rate paid to all regular positions within an affected job classification in order to make compensation competitive with that offered in the relevant job market.

W. *Merit Date*: The effective date that an employee is eligible for a merit increase.

X. *Merit Increase*: A within-range increase awarded an employee on or after his/her merit date based on satisfactory performance during the preceding 12-month period, or 6-month period for newly hired employees hired at the minimum rate of the pay range.

Y. *Non-exempt Employee*: An employee who is not exempt from FLSA overtime.

Z. *Overtime:* Time worked by a non-exempt employee in excess of 40 hours in an FLSA defined work week compensable at time and one-half the employee's regular hourly rate of pay. Time worked does not include paid leave time, except holiday leave.

AA. *Promotion*: Movement of an employee from one classification level or pay grade to a higher classification level or pay grade as a result of reclassification, voluntary change, or reorganization.

BB. *Prorated Accruals*: Proration of vacation and sick leave accruals and holiday credits for a regular status part-time employee determined by dividing the employees's regular weekly work schedule by 40 hours.

CC. *Reassignment:* Movement of an employee to a different work group with no change in classification or pay grade.

DD. *Reclassification of Position*: The changing of a classification level or position of an employee as a result of a classification review and/or amendment to the classification plan in recognition of changes in job duties and responsibilities that have occurred over time, excluding any action resulting from discipline.

EE. *Reemployment*: Employment of an employee who has terminated employment and who is subsequently rehired when such employment does not qualify as reinstatement.

FF. *Regular Employee Full-time:* An employee who has successfully completed a trial service period as defined in this Code and who regularly works a minimum of 40 hours per week in a regular position. A regular full-time employee may only be disciplined for cause.

GG. *Regular Employee Part-time*: An employee who has successfully completed a trial service period as defined in this Code and who regularly works less than 40 hours but at least 22.5 hours a week in a regular position. A regular part-time employee may only be disciplined for cause.

HH. *Regular Position:* A City Council created and budgeted full-time equivalent position, or some portion thereof.

II. *Regular Status Employee:* A regular (full or part-time) or at-will employee serving in a regular position.

JJ. *Reinstatement:* Return of a regular status employee to a former position within two years following layoff, leave of absence without pay, or classification reduction as a result of reorganization.

KK. *Reorganization:* Reallocation of duties, assignments, workload, programs, service and/or responsibilities to achieve organizational objectives.

LL. *Salary Range Adjustment*: A percentage or fixed dollar adjustment of wages and salaries applied generally to pay ranges in the Compensation Plan.

MM. *Service Credit Date*: Date assigned to each regular status employee based upon his/her most recent date of hire into a regular position with the City.

NN. *Special Assignment Pay:* A specified monthly amount which is added to the base salary rate of an exempt employee who is required to perform a special function or project that is outside of his/her normal work responsibilities and that requires the employee to work a substantial amount of extra work time. Requires written approval from the department director.

OO. *Standby Pay:* An allowance granted by the Department Director to non-exempt employees in specified job classifications who may be required to be available and subject to call outside of scheduled working hours.

PP. *Special Recognition Award*: A lump-sum award for special recognition to E, G, L, and M Pay Plan employees.

QQ. *Transfer*: Reassignment of an employee to a different classification within the same pay grade.

RR. *Trial Employee*: An at-will employee who has not yet completed an initial trial service period in a regular position or has not yet completed the trial service period after promotion, demotion or transfer to a regular position, and who has not achieved regular employee status. Any trial employee serves at the pleasure of the appointing authority and his/her employment can be terminated at any time with or without cause. Unless otherwise specified, the policies and procedures outlined in this manual apply to trial employees.

SS. *Trial Service Period:* A specified length of time worked during which a newly hired, promoted, demoted or transferred regular status employee's performance in a regular position is reviewed to determine whether the match between the employee and the job is appropriate.

TT. *Unlawful Discrimination*: Discrimination in employment prohibited by federal, state, or local law.

3.79.050 EMPLOYMENTS

The City of Bellevue shall have the following categories of employments:

A. Regular Employees - Full or Part-Time

B. At-Will Employees

3.79.060 RECRUITMENT AND SELECTION

The City of Bellevue seeks to hire and promote qualified candidates for positions with the City. The City also supports diversity in the workforce. The City Manager shall develop and implement rules and procedures for recruitment and selection of employees as appropriate or necessary in conformance with applicable laws.

A. Recruitment and Moving Expenses

Recruitment and Moving Expenses may be reimbursed as provided and limited by rules and procedures developed by the City Manager or his/her designee within the limitations of the adopted budget.

ORIGINAL

3.79.070 EMPLOYMENT OF RELATIVES

The City of Bellevue may limit the employment of immediate family members of current employees based on business necessity including those circumstances where there is a compelling and essential need to avoid business-related conflicts of interest, or to avoid the reality or appearance of improper influence or favor.

3.79.080 EMPLOYMENT AND WORKPLACE POLICIES

A. Equal Employment Opportunity

The City has a policy of providing a work environment free from unlawful discrimination and harassment. The City will take appropriate steps so that employees have such a discrimination- and harassment-free work environment, including appropriately disciplining, up to and including termination from employment, employees who are found to have violated this policy. The City Manager shall develop a complaint procedure for reporting unlawful discrimination and harassment that requires employees to utilize the complaint procedure where they believe that they are being subjected to unlawful discrimination or harassment in the workplace.

B. Code of Ethics

In accordance with the City's Code of Ethics and other applicable law, the City Manager will adopt rules for City employees (both regular and at-will) with respect to use of public property, conflicts of interest, and political activities.

C. Outside Employment

Employees may retain their position with the City while having outside employment provided that such employment does not interfere with their assigned duties and responsibilities within the City and does not create a conflict of interest.

D. Intellectual Property

Any software authored or otherwise developed by a regular or at-will employee on City time or for City purposes is the property of the City. The City shall hold all rights and privileges regarding its use and distribution.

E. Smoking in the Workplace

Because the City wishes to promote a healthy and productive work environment consistent with applicable laws, the City Manager shall adopt rules for regulating smoking in the workplace and on/in City of Bellevue property.

ORIGINAL

F. Safety

All regular (full or part-time) and at-will employees are responsible for following applicable health and safety precautions on the job including using appropriate safety equipment and clothing as required. The City Manager or his/her designee is responsible for promoting safe working conditions and compliance with safety standards at work sites.

G. Accidents

The City Manager or his/her designee shall adopt rules and procedures for the prompt reporting of on-the-job accidents, illnesses and/or injuries, and prescribing consequences for failure to report.

H. Workplace Violence

The City of Bellevue is committed to providing, in so far as it reasonably is able to do so within available budgetary appropriations and adopted policies, a safe environment for working and conducting business. The City will not tolerate acts of violence committed by either regular (full or part-time) or at-will employees while on City of Bellevue property or while performing City of Bellevue business at other locations. The City Manager shall develop and implement rules that promote a workplace free from violence, including defining dangerous weapons and prohibiting the possession or use of such dangerous weapons on City property, in City vehicles, or in any personal vehicle which is used for City business, with appropriate exceptions.

I. Substance Abuse Policy

It is the City's policy that regular (full or part-time) or at-will employees shall not be under the influence or in the possession of alcohol or illegal drugs while on City property, while at City work locations, and while on duty or subject to being called to duty. Regular (full or part-time) and at-will employees shall not sell or provide alcohol or illegal drugs to any other employee or person while on duty. Employees engaged in selling illegal drugs whether on or off duty pose a serious risk to the reputation of the City and to the well-being of fellow employees and the City. Therefore, the City will not tolerate employees engaged in the selling of illegal drugs whether on or off duty. While the use of validly prescribed medications and drugs does not violate this policy, failure by an employee to notify his/her supervisor, before beginning work when taking medications or drugs that foreseeably might interfere with the safe and effective performance of duties, or the operation of City equipment can result in discipline up to and including termination.

ORIGINAL

The City reserves the right to search, without employee consent, all areas and property in which the City maintains control or joint control with the employee. The City further reserves the right to conduct for cause and/or random drug and alcohol tests as permitted by law in furtherance of this policy.

Refusal to immediately submit to an alcohol and/or drug test or analysis when lawfully requested by a manager or supervisor constitutes insubordination and is grounds for discipline up to, and including, termination.

The City Manager or his/her designee shall develop necessary or appropriate rules for implementing this Substance Abuse Policy including rules for random and for cause drug and alcohol testing for applicants and employees.

J. Personnel Files

The City will maintain a personnel file for each employee. The City in its discretion reserves the right to assert the confidentiality of employee personnel files to the extent permitted by law. The City Manager or his/her designee shall develop rules relating to the release of employee information including the release of information in response to requests for references for employment.

3.79.090 GENERAL WORKING CONDITIONS

A. Work Hours

Except where otherwise specified in rules established by the City Manager or his/her designee, work hours for City employees are from 8:00 a.m. to 5:00 p.m., Monday through Friday, holidays excepted. The City Manager or his/her designee shall establish necessary or appropriate rules relating to the employee work week, work schedule, and work assignments.

B. Overtime (Non-exempt Employees)

Regular (full or part-time) non-exempt and at-will non-exempt employees may be required to work overtime with prior authorization by the employee's supervisor or manager.

C. Extra Work Compensation (Exempt)

Regular (full or part-time) exempt and at-will exempt employees are not entitled to compensation or other benefits as a result of working in excess of their regular assigned hours unless under special circumstances preauthorized by the City Manager or his/her designee and as permitted by law.

ORIGINAL

3.79.100 ATTENDANCE, ABSENTEEISM AND TARDINESS

A. Policy

The successful and efficient operation of the City Administration depends on prompt and reliable attendance of all regular (full or part-time) and at-will employees. Therefore, the City shall have the right to require verification from an employee's health care provider for absence from work due to illness or injury. It is further the City's policy to provide appropriate levels of vital services to the community during unusual weather conditions and during emergencies while recognizing a concern for employees' safety. The City Manager or his/her designee shall develop rules and procedures as necessary or appropriate regarding attendance, absence from work, tardiness, reporting to work in unusual weather conditions, and natural disasters.

B. Abandonment of Position

An abandonment of position by a regular (full or part-time) or at-will employee constitutes a resignation of employment.

3.79.110 JOB PERFORMANCE AND CHANGES IN EMPLOYMENT STATUS

A. Trial Service Period

Employees other than at-will employees shall serve a trial service period upon initial hire, promotion, demotion or transfer into regular positions. The trial service period is an integral part of the selection process. The length of the trial service period shall be established by the City Manager or his/her designee.

The City Manager or his/her designee may extend the trial service period where further trial service is considered appropriate and in the best interests of the City. The City Manager or his/her designee shall develop and implement rules relating to the extension of trial service periods.

B. Performance of Employees

The City Manager or his/her designee shall develop and implement rules relating to the review of employee job performance, consequences where performance is not satisfactory and merit increases.

C. Discipline

1. Causes for Discipline - Regular (full or part-time) employees are subject to discipline for cause, up to and including, termination from employment, where their acts or omissions adversely affect or may adversely affect their ability to perform their job or have an adverse

ORIGINAL

impact on other employees or the City. Causes may include but are not limited to:

a. Insubordination;

b. Unprofessional conduct, including disorderly conduct, indecent language, and immoral acts;

c. Unauthorized use of property;

d. Unauthorized use, release, or disclosure of confidential information;

e. Failure, inability or refusal to perform assigned duties; or performing job duties in an unsatisfactory, negligent or careless manner;

f. Verbal or physical abuse or harassment of employees or customers;

g. Making malicious, false, or derogatory statements about another employee;

h. Falsification of an employee's application for employment, medical, time, or other records;

I. Habitual or unexcused absences or tardiness or abuse of any other leave policies;

j. Unauthorized absence from work for a period of three consecutive days (abandonment of position);

k. Theft, deliberate destruction, abuse or unauthorized possession of City property; or any other malicious or careless acts causing property damage, accidents or expense while acting in the scope of his/her employment;

l. Dishonesty;

m. Unlawful discrimination against or unlawful harassment of another employee, a client of the City or a member of the public;

n. Possession, sale, purchase, distribution, consumption, or being under the influence of alcohol or controlled substances while at work locations, or while on duty, subject to being called to duty or while on stand-by duty;

o. Sale or manufacture of illegal drugs off-duty;

p. A positive random drug test;

q. Failure or refusal to submit immediately to an alcohol or drug test or analysis when lawfully requested by a manager or supervisor;

r. Failure to comply with safety or security policies and procedures, or any conduct endangering the life, safety or health of self or others;

s. Possession or use of unauthorized explosives, unauthorized firearms, or other dangerous weapons on City premises;

t. Violation of City policy or procedure;

u. Subsequent to being hired, a conviction of a felony or misdemeanor; or

v. Misconduct of any kind not otherwise specified, or any other acts or omissions of an employee that are inimical to the good working order of the City.

2. Imposition of Discipline

The level of discipline imposed is left to the discretion of the appointing authority or his/her designee based on a consideration of the totality of the circumstances, including progressive discipline and the severity of the infraction. Only regular (full or part-time) employees are entitled to be disciplined only for cause. At-will employees may be terminated at any time, with or without cause. The City Manager or his/her designee shall develop and implement rules for imposing discipline consistent with this Code.

3. Levels of Discipline include any of the following:

a. Oral Warning

b. Written Reprimand or Warning

c. Suspension Without Pay

d. Demotion

e. Discharge

ORIGINAL

4. Process for Implementing Significant Discipline

The City Manager or his/her designee shall develop and implement rules for imposing and appealing discharge, demotion, and suspensions without pay in accordance with applicable law.

5. Liberty Interest Hearing

Where an employee is terminated from employment under circumstances requiring a liberty interest hearing, such hearing will be provided as required by law.

D. Resignation

Employees who resign from their employment with the City shall provide the City with reasonable advance notice of their resignation including the effective date of the resignation.

E. Layoff/Retention

The City shall have the right to reduce the number of employees of the City due to reasons of reorganization, a change in the duties of a position, lack of work, changing needs of the organization, insufficient funding or operational analysis. The City Manager or his/her designee shall develop and implement rules for the redeployment or laying off of employees that are no longer needed in their current position, including the effects of such redeployment or laying off on wages, benefits and reinstatement. The City Manager or his/her designee shall have the discretion to develop rules providing for severance pay in the event of layoff in an amount not inconsistent with budget constraints, and to determine when and in what circumstances these rules shall apply.

3.79.120 GRIEVANCE PROCESS

A. Who May Grieve:

Regular employees (full or part-time) may use the grievance procedure. At-will employees may not use the grievance process.

B. What May Be Grieved:

Alleged violations of this Code, the HR Policy Manual, and/or the Compensation Plan, except as limited by this Code, the HR Policy Manual and/or the Compensation Plan. Basic Management Rights including the decision to assign and schedule work and decisions to lay off are not grievable. Appeals of Significant Discipline are governed by § 3.79.110C.4.

C. Grievance Procedure:

The City Manager or his/her designee shall develop and implement a grievance procedure which outlines the steps of the grievance procedure, the time lines which must be followed by the employee consistent with this Code. The rules shall require that an employee file a grievance within 14 calendar days from the date the employee first was, or should have been, aware of the incident giving rise to the grievance. The grievance procedure shall end with an appeal to the City Manager or his/her designee whose decision will be final and binding. The City Manager or his/her designee in his/her discretion may refer the grievance to a hearing officer who will make a non-binding recommendation to the City Manager regarding the disposition of the grievance. The City Manager or his/her designee may develop rules for alternative dispute resolution and may require participation therein.

3.79.130 COMPENSATION AND BENEFIT POLICY

The City's Compensation Policy is set forth herein. The City's Pay Plan will be adopted annually by the Council.

A. Responsibility for Salary and Benefit Administration

The City Manager or his/her designee is responsible for the development, interpretation, and administration of the City's compensation programs, for maintaining records of employee time worked, calculating, adjusting and paying compensation earned, calculating the accrual and paying paid leaves of absence, determining amounts of deductions and contributions for employee benefits, paying benefits, conducting the prepayment audit of all expenditures, and developing procedures necessary to carry out these functions.

B. Adjustments to Employee Compensation

The City Manager may adjust employee compensation when this becomes necessary in order to carry out sound personnel management, and to accomplish objectives within the City's defined commitments. However, the City Manager may not adjust the salary range for the class of City Manager, nor may he/she adjust the pay of bargaining unit employees except in accordance with procedures established in collective bargaining. The City Manager or his/her designee shall develop and implement rules for correcting over/underpayments of salary or other forms of compensation.

ORIGINAL

C. Garnishment

The City of Bellevue will deduct a processing fee for the first payment made pursuant to a garnishment order. If the garnishment is a continuing lien on earnings, additional deduction may be made for the second and any subsequent payment under the assignment.

D. Merit Increases

The City Manager or his/her designee shall develop necessary or appropriate rules for timing of receiving merit increases after completion of the trial service period and changes in employment status consistent with this Code, the adopted Compensation Plan and budget constraints.

E. Special Recognition/Alternative Rewards

The City Manager or his/her designee may approve implementation of other pay and benefit delivery systems within budget limits, such as gains sharing plans, small group incentive plans, and skill/knowledge-based plans; special recognition awards; service awards; reimbursement for training; professional memberships; licenses and certificates; clothing allowances; and tuition reimbursement programs.

F. Paid and Unpaid Leave Programs

The City Manager or his/her designee shall develop and implement necessary and/or appropriate rules for the accrual and use of sick leave including maternity/paternity leave and bereavement leave, and all other paid and unpaid leaves, including family leave, military training leave, active military duty leave, jury duty, other civic duty and administrative leave.

G. Paid Time Off Schedules

1. Holidays Observed

The following are paid holiday for all regular status employees of the City, with exception of those employees in the J Pay Plan:

* New Year's Day (January 1)
* Martin Luther King's Birthday (3rd Monday in January)
* Washington's Birthday (3rd Monday in February)
* Memorial Day (last Monday in May)
* Independence Day (July 4)

* Labor Day (1st Monday in September)

* Veteran's Day (November 11)

* Thanksgiving Day (4th Thursday in November)

* The day immediately following Thanksgiving Day (4th Friday in November)

* Christmas Day (December 25)

2. Floating Holidays

Excluding employees in the J Pay Plan and employees who work 24 hours schedules and earn eight hours of holiday credit per month, regular status employees on January 1 will receive 16 hours of holiday credit on January 1 in addition to the 10 designated holidays listed above. A part-time regular employee will receive a prorated number of hours to reflect his/her normal scheduled work week, rounded to the nearest one-tenth hour. The City Manager or his/her designee shall develop and implement all necessary or appropriate rules regarding holidays and floating holidays.

3. Vacation Leave

a. Accruals

Each full-time regular status employee will accrue vacation leave time at the following rate based upon his/her continuous length of service from his/her most recent service credit date as a regular status employee. A full-time regular status employee must be in paid status for at least 90 hours in a calendar month to earn vacation credit for that month (calendar month of service); a part-time regular status employee must be in paid status for at least 75 percent of his/her regular work scheduled in a calendar month to vacation credit. Accruals are credited and posted to the employee's account at the completion of each calendar month.

Length of Service	Annual Leave in Days Per Year of Service	Hours of Leave Accrued per Calendar Month of Service
0-4 years	12	8
5 - 9 years	15	10
10-14 years	19	12.7
15 - 19 years	22	14.7
20 years or more	25	16.7

i. A part-time status employee will accrue vacation leave according to this schedule, prorated to reflect his/her normally scheduled work week as compared to a full-time work week of 40 hours. Prorated accruals are rounded to the nearest one-tenth hour.

ii. Employees in the Fire Department who work 24-hour shifts will accrue vacation leave according to the schedule specified in the Firefighter's bargaining unit contract, whether or not they are covered by that bargaining unit contract.

iii. A regular status employee reinstated from a layoff will begin at the same vacation accrual rate he/she was earning prior to the layoff.

iv. The City Manager or his/her designee shall develop and implement necessary or appropriate rules for vacation including the accrual and use of vacation and payment of vacation upon termination, consistent with the adopted Compensation Plan.

b. Accelerated Vacation Accruals for Exempt Level Employees

In order to ensure the City is competitive in hiring and retaining the most qualified employees in exempt level positions, the City Manager is authorized to agree to an initial lump sum and specific monthly accruals of vacation time which exceed the schedules of earning contained in Section 3.79.130G.3.a. (Accruals).

4. Sick Leave Accruals

a. Each full-time regular status employee will accrue sick leave at the rate of eight hours for each calendar month of service completed since his/her most recent service credit date as a regular status employee. A part-time regular status employee will accrue a prorated number of hours which reflects the proportion his/her normally scheduled work week is to a full-time work week of 40 hours. A full-time regular status employee must be in paid status for at least 90 hours in a calendar month to accrue sick leave for that month; a part-time regular status employee must be in paid status for at least 75 percent of his/her regular work scheduled in a calendar month to earn sick leave for that month.

b. Fire Department employees not in bargaining units who work 24-hour shifts and who are entitled to sick leave benefits will accrue sick leave at the rate of 12 hours per completed calendar month of service.

c. Payment for Sick Leave Accruals at Time of Retirement. Upon retirement, a regular status employee is entitled to receive a cash payment equal to ten percent of his/her current total unused sick leave hours, multiplied by the employee's current base hourly rate.

d. Bonus for Non-Use of Sick Leave. The City Manager or his/her designee may develop and implement a bonus program for non-use of sick leave within the City's budget constraints.

3.79.140 POSITION CLASSIFICATION

The City Manager or his/her designee will develop and maintain a position classification system consistent with this Code and the Compensation Policy of the City.

3.79.150 PAY AT TIME OF TRANSFER, PROMOTION, REDUCTION OR DEMOTION

Consistent with budgetary constraints and the adopted Compensation Plan, the City Manager or his/her designee shall develop rules relating to employee pay at time of transfer, promotion, reduction and/or demotion.

3.79.160 SALARY RANGES

A. Salary ranges are established in accordance with market data and Council policy, and are adopted by the City Council.

B. Base salary rates for non-represented employees will be determined annually through the Compensation Plan.

C. Base salary rates covered by collective bargaining unit agreements will be determined and amended through negotiation and in accordance with Council policy.

3.79.170 SERVICE CREDIT DATE

A. Service credit date is the date assigned to each regular status employee based upon his/her most recent date of hire into a regular position with the City. An employee whose hire date occurs on or between the first and the fifteenth of any month will establish his/her service credit date on the first of that month. An employee whose hire date occurs on or between the sixteenth and the last day of the month will establish his/her service credit date on the first of the following month.

B. Service Credit Date Adjustments

A regular status employee who has an interruption in service due to layoff or a leave of absence without pay for any reason (except active duty military service) will have his/her service credit date adjusted to deduct the period of interruption in service (to the nearest whole month). A regular status employee whose City employment is interrupted by a layoff and who is subsequently reinstated will also receive credit for his/her continuous service as a regular status employee immediately prior to the effective date of the layoff where the period of the layoff does not exceed two years.

3.79.180 PROVISIONS FOR OVERTIME COMPENSATION

A. Non-exempt Employees

1. An employee in a non-exempt position who is authorized and required to work overtime is entitled to one and one-half times his/her regular rate of pay for overtime worked where the employee has worked in excess of forty hours in an FLSA defined work week. Time worked does not include paid leave time, except holiday leave.

2. The City Manager or his/her designee shall develop and implement rules for the earning of compensatory time off in lieu of overtime pay not inconsistent with applicable laws. Regular status employees shall not be permitted to accrue compensatory time off in excess of 40 hours per calendar year.

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B. Exempt Employees

1. An employee in an exempt position (full-time or part-time) is salaried, and is paid a predetermined amount constituting all or part of his/her compensation. Exempt employees are not entitled to be paid for hours worked in excess of 40 hours per workweek except as authorized by the City Manager or his/her designee prior to the work being performed.

2. Special Assignment Pay for Exempt Employees in Certain Work Situations. The City Manager or his/her designee may authorize payment of a flat, monthly premium to an exempt employee assigned to a special function or a project that is outside his/her normal work responsibility and requires the employee to work a substantial amount of extra time.

Section 3. This ordinance shall be effective five (5) days after its passage and legal publication.

PASSED by the City Council this 21st day of September, 1998, and signed in authentication of its passage this 21st day of September, 1998.

(SEAL)

Mike Creighton

Mike Creighton, Mayor

Approved as to form:

Richard L. Andrews, City Attorney

Siona D. Windsor, Assistant City Attorney

Attest:

Myrna L. Basich

Myrna L. Basich, City Clerk

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