

CITY OF REDMOND, WASHINGTON

ORDINANCE NO. 497

AN ORDINANCE, relating to city service and employment; and establishing rules and regulations governing hours of work, holidays, vacations, sick leave, overtime, and other practices and procedure concerning city personnel.

THE CITY COUNCIL OF THE CITY OF REDMOND DO ORDAIN AS FOLLOWS:

Section 1. Personnel policy. It is hereby declared the personnel policy of the City that employment shall be based on merit and fitness, free from racial, religious and political considerations. Just and equitable incentives and conditions of employment shall be established and maintained to promote efficiency and economy in the operation of the city government.

Section 2. Tenure. Tenure of employees covered by this ordinance shall be subject to good behavior, the satisfactory performance of work, need of the work to be performed and the availability of funds.

Section 3. Exclusion. This ordinance shall not apply to the following officers: mayor, councilman, city treasurer, city attorney not serving full time, and members of commissions and boards.

Section 4. Definitions. Unless the context clearly indicates otherwise, the following words, phrases and terms used in this ordinance shall have the meanings indicated below:

a. "Anniversary date" shall mean the annual recurring calendar date on which the employee commenced employment with the City.

b. "Appointing authority" shall mean the officer or department head having the primary responsibility and authority over a designated department of the City. The Mayor shall be the "appointing authority" with respect to department heads and all actions of the department heads with respect to personnel shall be subject to his review.

c. "City" shall mean the City of Redmond, Washington.

d. "Close relative" shall include the following: Father,

mother, son, daughter, grandparents, grandchildren, sister, brother, spouse, step-brother, step-sister, step-daughter, step-son, half brother, half sister, and any uncle, aunt, nephew and niece related by blood to the employee.

e. "Compensation" shall mean salary or wages earned or paid in money for an individual's service in a position, but excluding any reimbursements for expenses incurred incidental to employment.

f. "Department" shall mean the organization unit whose principal executive officer reports directly to the Mayor.

g. "Employee" shall mean a person employed by the city and occupying a position for which a salary or wage is paid for services rendered on a full time continuing basis. The term does not include part-time, seasonal, intermittent, temporary or limited term workers, or persons engaged or retained by the city or by a person, firm or corporation under any contract with the city.

h. "Employee, regular part-time" shall mean a person who is employed by the city on a fixed regular schedule, and who regularly and normally works not less than twenty hours each week and is compensated on the basis of a portion of the month's salary fixed by ordinance.

i. "Employee, permanent" shall mean an employee who has worked in a position budgeted as permanent for six months of continuous service either on a monthly salary or hourly wage. To become a permanent employee, an employee must be filling a position that has been established as permanent and be notified of the permanent appointment by the appointing authority.

j. "Employee, probationary" shall mean an employee who is hired for a permanent position and who has 1) not completed the probationary period of six months and 2) has not been designated permanent by the appointing authority.

k. "Employee, temporary" shall mean an employee who is employed for a special purpose for a specific or limited determinable

time and is not budgeted as a permanent position.

l. "Holidays" shall mean the days which are designated as holidays with pay in this ordinance.

m. "Hourly rate of pay" shall mean the employee's normal hourly rate of pay, or if the employee is salaried, his monthly salary exclusive of pay for overtime multiplied by twelve and the product thereof divided by 2,080.

n. "Leave of absence" shall mean an officially approved absence from work as provided for herein.

o. "Overtime pay" shall mean the compensation paid to an employee for overtime work performed.

p. "Personnel Officer" shall mean the employee appointed by the Mayor to administer personnel matters.

q. "Portion of a month of service" shall mean, as applied to a regular part-time employee, that the employee must, during the calendar month, have performed or been given credit for at least seventy-two hours of regular or part-time service by either, or a combination of the following:

(1) On the job duty at actual work as a part-time employee, or

(2) Credit approved for valid absence from duty on a regular work day during which regular pay continues the same as if actually on duty.

r. "Regularly scheduled day off" shall mean a day, designated by an authorized schedule of work, on which day an employee is not required to work.

s. "Separation" shall mean termination of employment with the city.

t. "Sick leave" shall mean a working day or days on which an employee of the City may continue to receive the regular rate of compensation although he does not report for duty or perform the normal functions of the job classification in which he regularly works

or is assigned to duty by reason of being sick or physically unable to work.

u. "Vacation leave" shall mean a working day or the accumulation of working days on which an employee of the city may by prearrangement continue to receive the regular rate of compensation although he does not report for duty or perform the normal functions of the job classification in which he regularly works or is assigned to duty. Vacation leave time shall accrue only during the period of time during which the employee is on a permanent status.

v. "Year of employment" shall mean the annual interval between any two consecutive 'anniversary dates' during which the employee shall be continuously employed.

Section 5. Administration. The Personnel Officer under the direction of the Mayor shall be responsible for the administration of the regulations adopted herein and any amendments hereto.

~~Section 6.~~ Hours of work. Eight hours shall constitute a day's work for all employees of the City. Five days shall constitute a week's work for all employees of the City. Provided, That where appropriate, work schedules may be established which shall provide for other than eight hours per day and other than five days per week with corresponding changes in hours off and in days off. All departments shall keep daily attendance records.

All employees shall be in attendance at their work in accordance with schedules established subject to the provisions of this ordinance relating to work hours, pay for overtime, vacations, legal holidays, sick leave and leaves of absence.

Section 7. Overtime. All overtime shall be authorized by the department head in advance or within twenty-four hours after the work has been performed. Overtime may be adjusted by compensatory leave or by overtime pay at the discretion of the department head in accordance with budget allowances and restrictions. Each department head shall designate the employees who are qualified for overtime. Employees

qualified for overtime shall receive compensatory leave or overtime pay for overtime worked other than on a holiday on the basis of the overtime hours worked multiplied by one and one-half. Employees qualified for overtime shall receive compensatory leave or overtime pay for overtime worked on a holiday, in accordance with the provisions of Section 16 of this ordinance, on the basis of the overtime hours worked multiplied by two.

Compensatory time off shall be taken at the convenience of the City and within twelve months following the date of the overtime service performed; and if not so taken and adjusted within the time specified, the employee shall receive no compensatory time off for such overtime. Department heads shall limit the accumulation of compensatory time by any employee and shall arrange for compensatory leave time as soon after the same is accrued as is possible. In no event shall the accumulation of compensatory time exceed sixty hours.

Qualified temporary and part-time employees shall receive compensatory leave or overtime pay for overtime worked under the same terms and conditions as employees. Department heads and personnel who have been classified and designated as supervisory shall not be entitled to overtime compensation.

Section 8. Vacation leave. Each full time employee shall accrue vacation leave time at the rate of 5/6 working day per month for each full calendar month of continuous employment (ten days per year) and shall be entitled to take vacation leave with pay in accordance with the rules and regulations herein specified; Provided, That vacation leave time shall not vest, or be available, to any employee until he shall have worked for the City a minimum of one year.

Each full time employee shall accrue additional vacation leave time for longevity service according to the length of service, upon completion of continuous employment for the years indicated below as follows:

<u>Years of employment</u>	<u>Additional vacation days</u>
Three	One
Four	Two

Five
Eight
Ten
Fifteen
Twenty (or more)

Three
Four
Five
Seven
Ten

An additional day of vacation will be granted in case a paid holiday falls within an employee's vacation period.

Vacation leave time cannot be earned or accrued during any leave without pay, but such leave shall not be considered an interruption of consecutive years of employment, for the purpose of determining entitlement to additional vacation days under the foregoing schedule. Consecutive years of service shall cease with the date of separation.

Section 9. Rules for vacation leave.

(a) Annual vacation leave shall be taken during the calendar year of employment following the year of employment in which it was earned, except as otherwise specifically authorized by the appointing authority.

(b) Vacation leave may not be taken during the first year of employment.

(c) Earned vacation days may be taken at any time during a period of sickness after expiration of sick leave.

(d) Vacations shall be scheduled by the City and department heads at a time that will cause the least possible interference with the operations of the City and the department. Every employee desiring to claim accrued vacation leave must first procure the approval of the department head under which he is employed. It shall be the duty of each department head to keep a roster of vacation leave and approve a schedule of vacation leave so as to least interfere with the operation of the department. Department heads desiring to claim accrued vacation leave must secure the approval of the Mayor.

(e) In order to avoid unreasonably extended periods of absence from position of employment, vacation leave time for two successive years must be separated by at least twenty days of on the job work

time. Vacation leave during any calendar year may be claimed and taken by an employee for a continuous period, or may be divided into not more than two separate periods during any calendar year. When the best interest of the City require it, the appointing authority may divide such vacation leave into more than two such periods during a calendar year.

(f) The original date of employment shall be used in computation of continuous service time, notwithstanding the fact that such date of employment may antedate the effective date of this ordinance. Vacation leave time shall not accrue for service time during a fraction of a month which is insufficient to constitute a "calendar month of service" as defined by this ordinance.

(g) Each department head shall prepare in writing on or by March 15 of each year, a preliminary schedule of vacations for the employees in his department. A copy of such preliminary schedule shall be filed with the City Clerk, the Mayor, and the Personnel Officer.

On or by the last day of each calendar year, each department head shall file with the City Clerk, the Mayor and the Personnel Officer, a written report listing thereon names of the employees and the vacation leave periods during which vacations were taken by each of the respective employees. All used vacation time shall be entered on the personnel record of the respective employee.

(h) Vacation leave shall not be accumulated from year to year. Failure of an employee to make use of earned vacation leave time within the year following its accrual as prescribed by this ordinance, shall constitute a waiver and loss of such leave and shall not form the basis of any severance pay or additional compensation to such employee by reason of having continued to work at his regular job during which the employee may have been entitled to take time off for vacation.

At the option only of the administrative staff, and for the

convenience and benefit of the City, vacation leave time may be accumulated from year to year, up to but not exceeding twenty-five working days. Such specifically authorized accumulated vacation leave shall be reviewed annually on January 1st, and any earned unused vacation time accumulated in excess of the twenty-five day limit shall be forfeited by the employee and removed from the records. Failure of an employee to make use of earned vacation leave time so as to avoid such forfeiture shall constitute a waiver, and the loss of such leave shall not form the basis of any severance pay or additional compensation to such employee by reason of having continued to work at his regular job for a period during which he may have been entitled to take time off for vacation.

Section 10. Payment in lieu of vacation. There will be no pay in lieu of earned vacation leave which has not been taken except in cases of separation. In cases of separation, the following procedures shall apply for payment for vacation time earned but not taken:

(a) Employees with less than one year of employment to date of separation who leave the employ of the City for any reason are not entitled to any pay or adjustment for vacation time.

(b) Employees with more than one year of employment who leave the employ of the City because of discharge for cause or resignation without two weeks notice will receive pay for unused vacation up to the end of the last preceding full year of employment.

(c) Employees with more than one year of employment who leave the employ of the City for any reason other than discharge for cause or resignation without two weeks notice will receive pay for any vacation time earned but not taken up to separation date.

Section 11. Sick leave. Each full time employee shall accrue sick leave time at the rate of one working day per month for each full calendar month of continuous employment and shall be entitled to take sick leave with pay in accordance with the rules and regulations herein specified; Provided, That sick leave time shall not vest, or be available, to any employee until he shall have worked for the City a minimum

of six calendar months; Provided further, That the City Council may grant up to thirty days additional sick leave for extended illness.

Sick leave may be accumulated to a maximum of 60 days. Any accumulated sick leave is forfeited upon separation except in cases of death or retirement under the provisions of any City employee pension or retirement system. In these instances, the employee shall be compensated to the extent of 25% of his sick leave accruals up to the maximum accrual of 60 days. In the case of retirement, such amount shall be paid to the employee and in the case of death, to the beneficiary designated as such under the applicable pension or retirement system, or, in the event no beneficiary has been named, to the employee's estate.

In any case in which an employee shall be entitled to benefits or payments under the Workmen's Compensation Act or similar legislation of the State of Washington or any other governmental authority, the City shall only pay the difference between the benefits and payments received by such employee and the regular rate of compensation such employee would be eligible to receive from the City if he would have been able to work. The foregoing payment or contributions of the City shall be limited to a period of time such employee had accumulated sick leave as hereinabove specified.

Section 12. Rules for sick leave.

(a) Sick leave will be granted for the following purposes:

- (1) Bona fide personal illness resulting from a cause beyond the employee's control;
- (2) Personal injury;
- (3) Forced quarantine of the employee;
- (4) Out-patient medical care;
- (5) Death of a close relative (up to four days); and
- (6) Dental care.

(b) The procedure for claiming sick leave shall be as follows:

- (1) The employee shall promptly report his absence

to his immediate supervisor and within one hour of the time he was scheduled to report for duty if physically possible.

(2) The employee shall keep his immediate supervisor informed of the duration and nature of his absence.

(3) A doctor's certificate may be required at the discretion of the Personnel Officer or department head. Normally, if the period of absence claimed as sick leave does not exceed three days, no doctor's certificate will be required.

(4) Within thirty-six hours after returning to work, the employee shall submit a sick leave request form, which shall indicate the time the employee was off duty, the reason for the absence, and a request for compensation for the time lost, together with any other pertinent information required by the Personnel Officer. Such form, when completed, shall be submitted to the employee's department head and shall then be transmitted to the Personnel Officer and City Clerk.

(c) Bona fide doctor and dental appointments requiring not more than two hours absence from work shall not be charged against the sick leave record of the employee, if orally reported to and approved by his immediate supervisor. Absence for a fraction or part of a day that is chargeable to sick leave shall be charged proportionately in an amount not smaller than one-half of a day.

(d) Sick leave is on a working day basis - that is, an employee is charged with days of sick leave only on those days when he would have worked regularly according to his work schedule.

(e) Any sick leave accumulated to the credit of any employee will lapse when employment is terminated, but may be restored if and when he is re-employed.

(f) Sick leave may not be used for vacation purposes.

(g) Any employee found to have abused the sick leave privileges by falsification or misrepresentation may thereupon be subject to dismissal or other disciplinary action, in addition to forfeiture of sick leave compensation.

Section 13. Sick leave credit. As a bonus for regularity, full time employees shall be entitled to a credit of twenty-five percent (25%) of their unused sick leave accrued during the preceding twelve (12) months, at the option of the employee, to be added to their vacation leave or paid for at their regular rate of pay as determined by the department head or appointing authority. Sick leave credit shall be determined and allowed on or about November 30th or each calendar year.

Section 14. Regular part-time employees - Vacation leave and sick leave. Regular part-time employees, as defined in this ordinance, shall be entitled to accrue and claim the benefits of sick leave and vacation leave on a proportionate basis. Regular part-time employees shall not be entitled to a grant of leave of absence without pay.

In the application of the rights and privileges of regular part-time employees with respect to sick leave and vacation time, the regular part-time employees must meet the requirements for a portion of the month's service, as defined in this ordinance, in the same manner as a full-time employee must meet the requirements for a calendar month of service.

The length of service credited to each regular part-time employee shall also be computed in the same proportions that their scheduled work week bears to forty (40) hours.

Section 15. Leave policy. The following types of leaves of absence are officially established: vacations, compensatory leave, holidays, military leave, jury duty leave, leave without pay and sick leave. All requested leaves may be granted by the department head or appointing authority in compliance with this ordinance.

Section 16. Holidays. Employees of the City shall be granted the following holidays, as leaves without reduction in pay:

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|--------------------------|----------------------------|
| a. New Year's Day | - January 1 |
| b. Washington's Birthday | - February 22 |
| c. Memorial Day | - May 30 |
| d. Independence Day | - July 4 |
| e. Labor Day | - 1st Monday in September |
| f. Veterans Day | - November 11 |
| g. Thanksgiving Day | - 4th Thursday in November |
| h. Christmas Day | - December 25 |

In addition, the Mayor may annually proclaim one holiday leave day to immediately precede or follow Independence Day or Christmas Day or to follow Thanksgiving Day. In the event a holiday falls on a Saturday or Sunday, the Friday preceding or the Monday following, as the case may be, shall be designated as the holiday leave day instead.

Any employee whose regular schedule requires him to work on a holiday leave day shall either receive compensatory pay or leave, at the discretion of the department head in accordance with Section 7 of this ordinance, equivalent to the time worked. Each department head shall determine in advance whether pay or compensatory leave shall be given to employees who work on holiday leave days within his department. Whenever any holiday leave day falls on an employee's regularly scheduled day off, a compensating day off with pay shall be given for each holiday so occurring. Such compensating day off or time off shall be taken at the convenience of the City as provided in Section 7. Temporary employees shall be treated as "employees" with regard to the provisions of this section.

Section 17. Military leave. Leave not to exceed fifteen (15) days during each calendar year shall be allowed to any employee who is a member of the Washington National Guard or any organized reserve of the armed forces of the United States and required by reason of such membership to be on active duty. The employee shall be paid his normal pay during such military leave. The employee must file a copy of his official orders together with his affidavit of performance as evidence of his right to be paid.

When an employee enters upon active duty for a period greater than fifteen (15) days in the Washington National Guard, the armed forces of the United States or the United States Public Health Service, he shall be granted leave of absence without pay and without loss of position, rating or eligibility, providing he applies for re-employment within ninety (90) days after termination of such duty. An employee who leaves his position to volunteer for the National

Guard or armed forces and is not accepted shall be re-employed if he applies within thirty (30) days from date of rejection.

Section 18. Jury duty leave. Any employee may be allowed necessary leave to serve as a member of a jury, not to exceed thirty days at one time. During such leave, the employee will be paid his regular pay less any compensation received for performance of jury duty. To obtain leave, the employee must complete any required leave forms.

Section 19. Leave without pay. A leave of absence without pay may be granted to an employee for a period of not to exceed one year by the appointing authority with the approval of the Personnel Officer and the Mayor when the same has been determined to be in the interest and to the welfare and convenience of the City. To obtain leave, the employee must make an application therefor, submitting his reasons for requesting a leave of absence, the length of time requested and his expected return. No leave of absence without pay will be granted until all accrued and unused vacation time has been utilized by the employee. Leave of absence time without pay shall not accrue vacation leave or sick leave time.

Section 20. Prior service credits for present employees. Upon the effective date of this ordinance, each department head and appointing authority shall certify to the Personnel Officer and Mayor a schedule containing the names of all employees within his department, their respective position and rate of pay, the date the employee was first employed by the City, and the length of service the employee has with the City. Each full time employee presently employed by the City shall be credited with the actual time such employee has been continuously employed by the City for the purpose of determining vacation time entitlement based upon the number of years of service. Full time employees with more than six months service shall be accepted as full time permanent employees without regard to probationary time requirements, otherwise to be given credit for the actual time of prior service towards satisfying probationary time

requirement.

Section 21. Prior service. Employees entering into employment with the City who have had previous employment in a comparable position or capacity to that employed by the City, may be given "prior service credit" by the appointing authority with the approval of the Personnel Officer and the Mayor when the same has been determined to be in the interest and to the welfare and convenience of the City. "Prior service credit" shall entitle eligible employees to have placed to their credit upon commencement of employment with the City the days sick leave time accrued, vacation time accrued and vacation time entitlement which they had earned and were entitled to under the employment plan of the prior employer and for which they were not compensated upon leaving such prior employment, provided, the employee left such prior employment in good standing and has satisfactorily completed the required probationary period of employment with the City. If eligibility for prior service credit is determined and allowed, the appointing authority shall certify to the Personnel Officer and City Clerk the name and position of the eligible employee and the days credit allowed, if any, for prior service on sick leave time, vacation time and vacation time entitlement. Partial credit may be given at the discretion of the appointing authority with the approval of the Personnel Officer and Mayor.

Section 22. Termination for cause. Continued employment with the City shall be dependent upon the continued fitness of the employee to perform the duties required of the position and office in which employed and upon the satisfactory performance by the employee of those duties. Employees of the City are subject to removal, suspension without pay for up to thirty (30) days, reduction in rank, position or pay, reprimand or being deprived of vacation privileges or other special privileges for the following reasons which are declared to be cause, although charges may be based on causes other than those enumerated:

(1) Incompetency, inefficiency or inattention to or dereliction of duty;

(2) Mental or physical unfitness to perform the duties of the position which the employee holds;

(3) Conviction of a criminal offense involving moral turpitude;

(4) Misuse or abuse of public property or waste of public supplies; any misuse of public funds; or falsifying reports or records;

(5) Acceptance for personal use of a fee, gift, or other valuable thing in the course of work when given in the hope or expectation of receiving a favor or better treatment than that accorded the public generally;

(6) Failure to pay just debts or make reasonable provision for future payments;

(7) Dishonest, disgraceful, immoral or prejudicial conduct; insubordination, discourteous treatment of the public, or a fellow employee, or any other act of omission or commission tending to injure the public service; or any conduct unbecoming an officer or employee;

(8) Intoxication or the use of intoxicating liquor, narcotics, or any other habit forming drug, liquid or preparation to such extent that the use thereof interferes with the efficiency or mental or physical fitness of the employee, or which precludes the employee from properly performing the function and duties of any position;

(9) Violation of this ordinance or of rules, regulations or orders issued by the employee's immediate supervisor, department head, Personnel Officer, Mayor or the City Council.

Full time permanent employees terminated for cause shall be entitled to two weeks notice prior to the effective date of the termination or, at the option of the appointing authority, such employee may be given two weeks terminal pay in lieu thereof.

Section 23. Resignation. Employees shall give at least two weeks

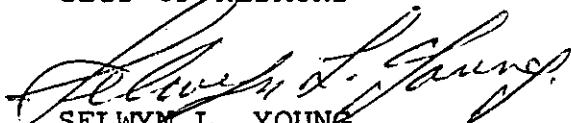
notice of resignation prior to the effective date thereof, provided, that the appointing authority may waive the required notice in the interest of the City. Terminal vacation pay shall not be granted and shall be forfeited if the required notice is not given or waived, and the improper resignation will become a matter of record on the employee's personnel records.

Section 24. Mandatory retirement age. All employees of the City shall be retired from employment at the end of the calendar month in which they reach the mandatory retirement age specified by the retirement pension system then in effect for the City employee affected Provided, that this provision shall not preclude the City hiring persons above the specified retirement age on a contractual basis and the retirement age may be extended upon the application of the employee for successive one year periods, subject to the approval of the Personnel Officer and the City Council.

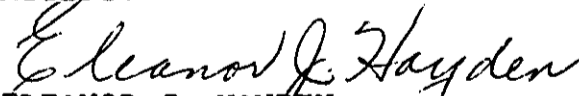
Section 25. Effective date. This ordinance shall take effect and be in force five (5) days after the date of its publication in the manner provided by law; provided, that the personnel policies and provisions herein set forth shall be effective for the calendar year 1969, commencing January 1, 1969.

PASSED by the Council of the City of Redmond, Washington at a regular meeting thereof and APPROVED by the Mayor this 17th day of June, 1969.

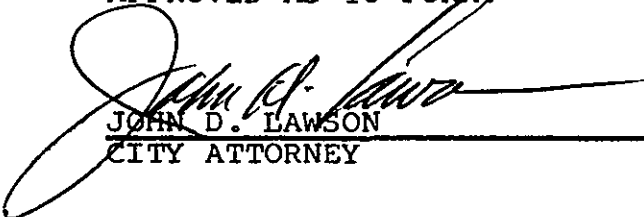
CITY OF REDMOND


SELWYN L. YOUNG
MAYOR

ATTEST:


ELEANOR J. HAYDEN
CITY CLERK

APPROVED AS TO FORM:


JOHN D. LAWSON
CITY ATTORNEY

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CITY OF REDMOND, WASHINGTON

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PERSONNEL ORDINANCE

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