



City of Kenmore - 18120 68th Avenue NE - Kenmore, WA 98028
Phone: 425-398-8900 - E-mail: cityhall@kenmorewa.gov

City Council Special & Regular Meeting

ON-SITE

MONDAY, MAY 8, 2023 - 6:30 PM

In addition, we try to provide access to the meeting virtually:

ZOOM LINK: <https://kenmorewa-gov.zoom.us/j/83637324828>

Or One tap Mobile: US: +12532158782,,83637324828#

Or Telephone Dial US: +1 253 215 8782

Callers please dial *9 to raise and lower hand

Webinar ID: 836 3732 4828

If you are having difficulty accessing the meeting virtually, please contact mkang@kenmorewa.gov.

Technical Difficulties - If the virtual component of the meeting disconnects, and we cannot resolve technical difficulties to reconnect the virtual component, the in-person meeting will continue at City Hall if there is a quorum of the body to conduct business.

I. CALL SPECIAL MEETING TO ORDER - 6:30 PM

II. EXECUTIVE SESSION

- A. Pursuant to RCW 42.30.110(1)(i), the City Council will now enter an executive session to discuss pending litigation. This executive session is slated to last 30 minutes.

EXECUTIVE SESSION HELD

III. POSSIBLE ACTION RELATING TO EXECUTIVE SESSION

NO ACTION TAKEN

IV. ADJOURN SPECIAL MEETING

V. CALL REGULAR MEETING TO ORDER - 7:00 PM

VI. ROLL CALL

VII. FLAG SALUTE

VIII. AGENDA APPROVAL

AGENDA APPROVED AS PRESENTED

IX. PRESENTATION

- A. King County Regional Homelessness Authority (KCRHA):
Organizational and Progress Updates, presented by Assistant to the

City Manager Garrett Oppenheim and KCRHA Director of Sub-Regional Planning and Equitable Engagement Alexis Mercedes Rinck

PRESENTED

[Presentation - KCHRA Organizational and Progress Updates](#)

X. WHERE'S THE FUN?

XI. PUBLIC COMMENTS

- A. We welcome our community members to the Council's meeting. In this forum, the Council does not engage or dialogue with the public; the primary role of the Council is to listen. We will hear from our on-site guests first, followed by our virtual guests. If you're online, please use the "raise hand" feature now if you wish to speak. All guests must address comments to the Mayor and City Council. The Clerk will acknowledge your request and call your name when it is your turn. Your time will start when we confirm that we can hear you. Please state your name and city of residence for the record and keep your comments to the allotted time. We will not split your time with others or reset your time except by express approval of the Presiding Officer. Screen-sharing is not allowed; you can submit materials to the Council or Clerk in advance. Please do not comment about pending development projects on which the Council will make future decisions as those are quasi-judicial matters, and Councilmembers must limit their communications about such matters. This meeting is being recorded. Thank you for taking the time to express your comments.

XII. CONSENT AGENDA

APPROVED

- A. Approve City Council Special and Regular Meeting Minutes from April 10, 2023.
[City Council Special and Regular Meeting Minutes from April 10, 2023](#)
- B. Approve Total Check #s 51819 through 51925 totaling \$379,058.94 and Total Payroll/Taxes/Flexible Spending/Retirement & Health Savings Account Electronic Deposits Dated 04/07/2023 in the amount totaling \$221,377.59 and ACH Payment to US Bank Purchase Cards in the amount of \$4,466.30, and ACH Payment to Washington Federal Bank in the amount of \$1,793.89.
[Voucher Certification and Approval 04/01/23-04/14/23](#)

XIII. PUBLIC HEARING

- A. Proposed Resolution No. 23-397 for the 2024-2029 Six-Year Transportation Improvement Program, presented by Engineering Director John Vicente, *for Public Hearing*

PUBLIC HEARING HELD

[Agenda Bill - 2024-2029 Six-Year Transportation Improvement Program](#)

[Attachment A - Proposed Resolution No. 23-397 \(updated 5/4\)](#)

[Presentation - 2024-2029 Six-Year Transportation Improvement Program \(updated 5/8\)](#)

XIV. BUSINESS AGENDA

- A. Proposed Resolution No. 23-397 for the 2024-2029 Six-Year Transportation Improvement Program, presented by Engineering Director John Vicente, *for Adoption*

RESOLUTION PASSED

[Agenda Bill - 2024-2029 Six-Year Transportation Improvement Program](#)

[Attachment 1 - Proposed Resolution No. 23-397 \(updated 5/4\)](#)

XV. STUDY SESSION AGENDA

- A. Personnel Policies Manual Comprehensive Update, presented by City Manager Rob Karlinsey and Attorney Kathy Weber, *for Discussion and Direction*

DISCUSSED AND DIRECTION GIVEN

[Agenda Bill - Personnel Policies Manual Comprehensive Update](#)

[Attachment 1 - Proposed Resolution No. 23-398 with Exhibit A \(Personnel Policies Manual\)](#)

[Attachment 2 - Comparison of Several Compensation Policies Among Neighboring Cities](#)

[Presentation - Personnel Policies Manual](#)

XVI. STAFF REPORTS

XVII. COUNCILMEMBER REPORTS & COMMENTS

XVIII. ADJOURNMENT

XIX. UPCOMING MEETINGS

- A. City Council Regular Meeting of May 15, 2023 at 7:00 PM
City Council Regular Meeting of May 22, 2023 at 7:00 PM
City Council Regular Meeting of June 12, 2023 at 7:00 PM

XX. NOTICE OF POTENTIAL QUORUMS

[Click here for information about Potential Quorums of the City Council.](#) Now found on the City website under City Council Meetings.

King County Regional Homelessness Authority



Auburn, April 2023

IX. A. King County Regional Homelessness Authority (KCRHA): Organization... Topics

Organizational Overview

Five Year Plan

North King County Sub-Regional Implementation Plan

North King County Agreement - Progress Update

Theory of Change

If we create a homeless response system
that centers the voices of people with
lived experience,
Then we will be able to meet needs and
eliminate inequities,
In order to end homelessness for all.



Background





INFRASTRUCTURE	Housing Capital and Development	✓	✓	✗
	CoC Funded Programs	✗	✗	✓
	Shelter			✓
PROGRAMS	Diversion	✗	✗	✓
	Rapid Re-Housing	✗	✗	✓
	Coordinated Entry	✗	✗	✓
	HMIS	✗	✗	✓
OTHER SERVICES	Outreach	✓	✗	✓
	Encampment Cleans	✓	✓	✗
	Behavioral Health and Crisis Response	✓	✓	✗

Progress to Date

- Over 1,500 people engaged throughout 2022: UUHP and Five-Year Plan
- Emergency Housing Vouchers: 100% utilization rate and nearly twice the utilization rate of peer communities (over 1,400 households)
- Launching Re-procurement using our equitable procurement manual
- More Than 5,600 Moved to Permanent Housing in 2022
- Ensured encampment resolutions are focused on housing
- Improved coordination and effectiveness of severe weather response

Five Year Plan: *Overview & Update*

Five-Year Plan Development

Summer – Fall 2022: Community Engagement Across King County

- Workshops with sub-regions, systems, and sub-populations

Fall – Winter 2022: Content Development with Community Review

- South King City Staff weighed-in throughout process

January 2023: First Release & Public Comment Period

- City Staff Feedback
- Provider Leadership Lunch and Learn & Feedback Sessions

February – March 2023: Restructure

- **April – May:** Implementation Board & Governing Committee Review

Scope & Scale of the Issue

- How Many People are Experiencing Homelessness?
- Who is Experiencing Homelessness?
 - Racial Disproportionality
 - Sub-populations and identities
- Limitations on Data
- Our Work in Memoriam

Who is Experiencing Homelessness?

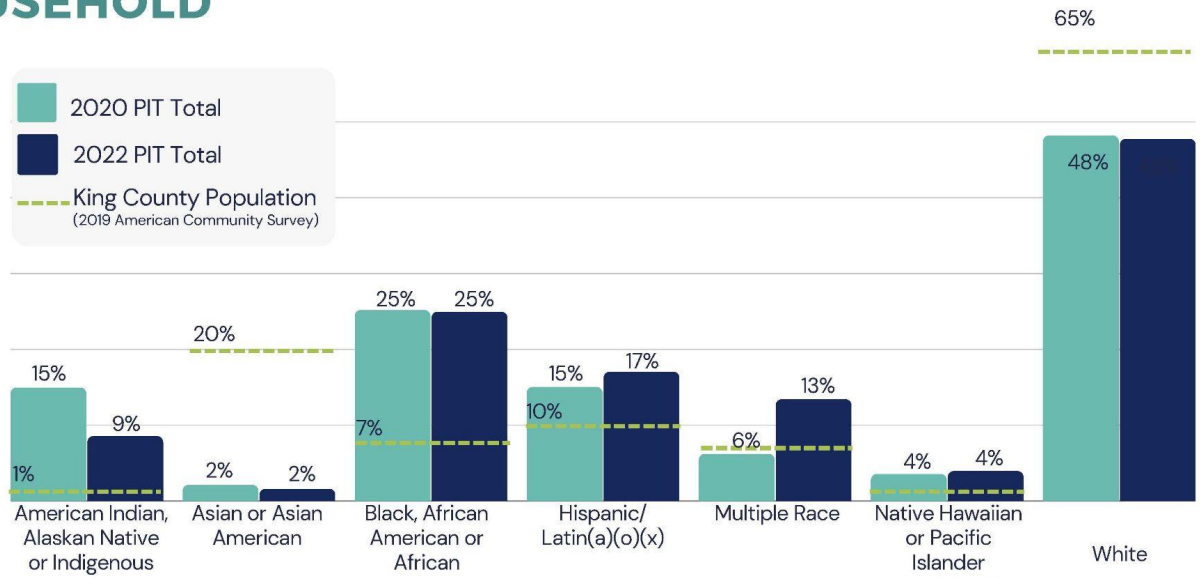
Emergency Shelter		
King County Sub-Region	Beds	% of Countywide
East	715	15.5%
North	143	3.1%
Seattle	3,009	65.3%
South	568	12.3%
Southeast	89	1.9%
Snoqualmie Valley	44	1.0%
Urban Unincorporated	41	0.9%
Total	4,609	100%

North King County has 3 service providers offering emergency shelters.

None of these locations are drop-in.

Who is Experiencing Homelessness?

RACE & ETHNICITY* OF HEAD OF HOUSEHOLD



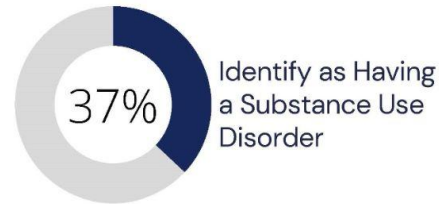
*HUD requires submission of race and ethnicity as separate categories. Here, we have included households identifying as Hispanic/Latin(a)(o)(x) with the HUD-required race categories. Since these questions are asked separately, a respondent may identify as Hispanic/Latin(a)(o)(x) and in another category represented in this chart.



Who is Experiencing Homelessness?

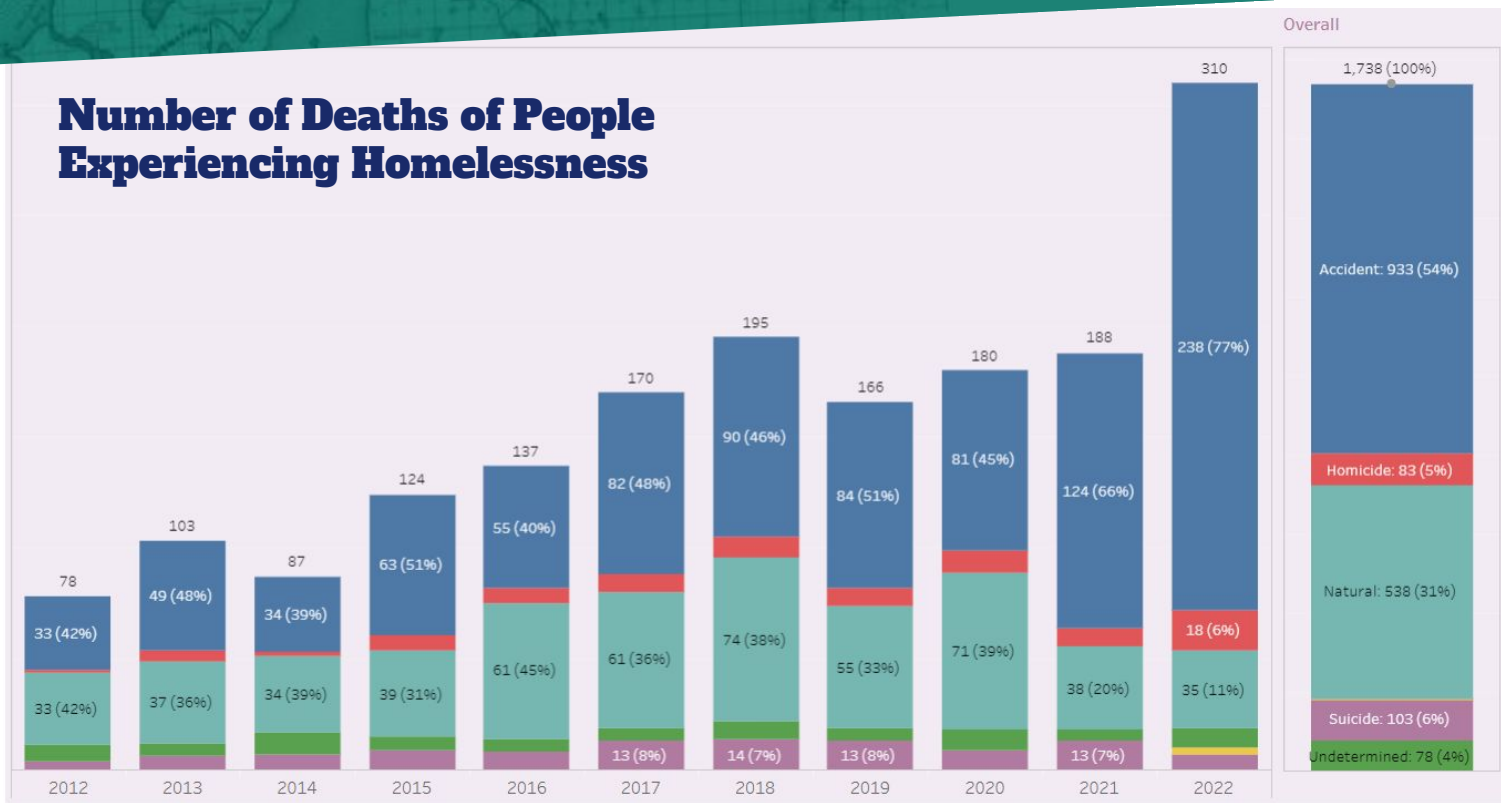
HEALTH CARE NEEDS

Experiencing homelessness is traumatic and can trigger, create, or exacerbate health conditions, disability, substance use, and mental and behavioral health conditions, while at the same time making it harder to access treatment and care. Navigating the health care system is difficult, and it's harder for people who are regularly being displaced to make traditional appointments. Expanded access to stable housing and high-acuity care would directly improve health outcomes.



Our Work in Memoriam

Number of Deaths of People Experiencing Homelessness



(Source: King County Medical Examiner's Office)



Current & Future State

- How the current homelessness system is functioning
- Our ideal system state

Current State Service Provider Organizations

- Staffing
- Wages
- Data/Reporting
- Funding
- Training
- Increased Acuity
- Overdose Deaths



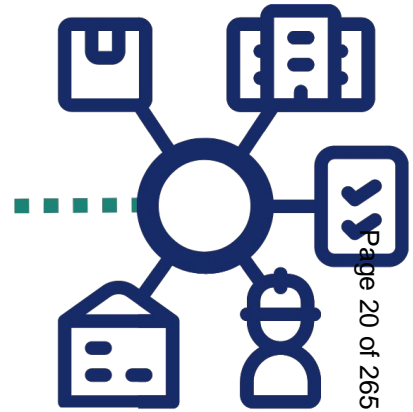
Current State Network of Homeless Services

- Data Sharing Between Providers
- Referral pathways
- Sub-regional gaps
- Sub-population gaps
- How our programs are fairing
- How the system operates



Current State System-to-System Connections

- Lack of collaboration and alignment (vision, values, projects, programs, etc.)
- Limited connective tissue between systems (folks falling through the cracks)
- Data sharing and transparency
- Accountability and Role Clarity
- Coordination on funding sources – strategic investments



Ideal System State



Every service provider is able to adequately hire and retain trained staff that can carry out best practices when serving clients.



All service providers are coordinated through data, every sub-region has services, and all disproportionately impacted sub-populations are served.



No missed opportunities to intercept someone before becoming homeless.

Supportive transitions.

How We Get There

- One, Overall Goal
- Metrics of Success
- Activities Sequenced & Within Budget
- Funding Strategy Shift

One, Overall Goal:

“Bring Unsheltered People Inside as Quickly as Possible to Prevent Death and Further Harm”

Metrics of Success

- Number of households accessing the homelessness response system
- Number of households entering the homelessness response system
- Number of households exiting the homelessness response system to permanent housing
- Number of households returning to homelessness after 6, 12, and 24 months from a permanent housing exit
- Number of temporary and permanent housing units in the system
- Throughput through temporary and permanent housing units in the system

Where possible, these measures will be broken down by:

- Household type: Single Adults, Families with Children and Youth and Young Adults
- Race & Ethnicity
- Program Type

Snapshot: Year One Priorities

King County
Regional Homeless
Organization

King County
Regional Homeless
Authority (KCRHA)

Year 1 - Year 2

Key Actions	Topic Areas	Impact	Status
Develop a real-time bed availability tool inclusive of all types of shelter and emergency housing	Data Resource Availability	<i>Insight into real-time shelter vacancies will allow for greater enrollments into the shelter system at any given time which will improve our understanding of how many single adults, families and youth may be accessing the system.</i>	In-Motion
Partner with the behavioral health organizations to support connections to behavioral health services.	Behavioral Health Health Care High-Acuity System Connection Enhanced Care	<i>Establishing connections and providing smooth transitions for individuals to behavioral health supports enhances the quality of care, mitigates future needs for support, and increases the chances of success in permanent housing; ultimately reducing rates of return into homelessness and increasing throughput in homelessness programs.</i>	Page 25 of 265
Partner with King County Behavioral Health and Recovery Division and Public Health and Healthcare for the Homeless Network to improve communication, coordination, education, and information sharing across our homelessness response system for high acuity individuals.	Behavioral Health Health Care High-Acuity System Connection	<i>Partnerships across systems allows for efficient use of resources, better understanding of system processes, and increased ability to care for people quickly which can increase the chances of success in permanent housing, increase throughput in our system, and reduce returns to homelessness.</i>	In-Motion

Prioritization of Activities

Within Current Budget:

Table 1: Activities for Years 1-2 of plan

Table 2: Activities for Years 3-5 of plan

Go First Strategies for New Funding:

Table 3: Activities that would require new funding

Approval Process

Implementation Board



The 13-member Implementation Board votes to recommend the Plan.

Governing Committee



The 11-member Governing Committee votes to approve the Plan.

Five Year Plan

The strategic roadmap to
transform the homelessness
response system

North King County Sub-Regional Implementation Plan

What does it mean to
implement and act on these
goals in North King County?

Sub-Regional Implementation Plan: Approach

- From the Five-Year Plan, **30 activities will be tailored to each sub-region**
 - Identified in collaboration with service providers, community partners, and city human services staff
 - Some activities require either region-wide standardization or are KCRHA administrative tasks
- Action steps and timelines developed in partnership with NKC community

Subject Matter Working Groups

10+ Organizations Identified Already

Will work on targeted initiative
areas to develop action steps
and timelines.

Key Components of Sub-Regional Plans

Rooted in equity & social justice principles, there are six key components:

- | | | |
|--------------------------|---|---|
| 1. Landscape of services | → | 2023 HIC/RSD |
| 2. Investment/Funding | → | Updated 2023–2024 Biennium Figures |
| 3. Lived experiences | → | CI Request with Participatory Researchers |
| 4. Gaps and Needs | → | Re-Analyze + Cloudburst |
| 5. Action steps | → | Implementation Plan |
| 6. Timeline | → | Implementation Plan |

Sub-Regional Implementation Plan: *Example*

Activity: *Deploy an effective communications strategy to ensure the Ombuds Office is well-known and easily accessible, including the creation of centralized contact mechanisms (e.g., a hotline).*

This activity will be developed to include action steps and timeline appropriate for South King County.

Example Action Steps for South King County **could** look like:

1. Educate North King community on Ombuds office; identify stakeholders to convene and develop strategy.
2. Deploy – January 2025
3. Review & enhance – January 2026

Sub-Regional Implementation Plan: *Feedback*

What do you want to see in the Sub-Regional Implementation Plan?

- What should be built into the North King County Homelessness Response?
- What is missing from the North King County Homelessness Response?

What level of guidance would you like to see in the plan?

How would you as a council like to stay informed or involved?

Which key stakeholders should we engage in the plan development process?

Any other suggestions?

North King County ILA

- Tax documentation
- Invoicing
- FLUXX grants management
- 6 Service Providers Funded
- New Funding for Severe Weather Response

Next Council Presentation: October 2023

Draft North King County Sub-Regional Implementation Plan

North King County Outcomes

**City of Kenmore
City Council Meeting
Special & Regular Meeting Minutes
Monday, April 10, 2023**

These minutes are created to capture Council action. This is not a verbatim transcript.
Meeting video and audio is available on the City YouTube channel.

PRESENT:

Councilmembers: Mayor Nigel Herbig
Deputy Mayor Melanie O’Cain – Virtual
Councilmember David Baker – Virtual
Councilmember Joe Marshall
Councilmember Angela Kugler – Virtual
Councilmember Debra Srebnik
Councilmember Corina Pfeil

Staff: Acting City Manager Stephanie Lucash
City Attorney Dawn Reitan
City Attorney Christopher Pirnke
Acting City Clerk Michelle Kang
Co-Clerk Brian Randall
Finance & Administration Director Melinda Merrell
Engineering Director John Vicente
Senior Civil Engineer Kent Vaughn
Development Services Director Samantha Loyuk
Construction Inspector Miguel Kelley
Community Development Director Debbie Bent
Public Works Operations Director Jennifer Gordon
Traffic Engineer Tobin Bennett-Gold
Police Chief Brandon Moen

Public Comments Speaking Guests:
Keith Hunter, Kenmore Resident
RF Ovid, Kenmore Resident
Scott Olson, Kenmore Resident
Steve Yoder, Kenmore Resident
Dennis Quinn, Kenmore Resident
Karen Grabo, Kenmore Resident
Doug Edge, Kenmore Resident

Victoria Grayland, Kenmore Resident
Claire Alexander-Joly, Kenmore Resident
Leslie McCallum, Kenmore Resident
Tony Enslow, Kenmore Resident

CALL SPECIAL MEETING TO ORDER

Mayor Herbig called the special meeting to order at 6:15 PM.

EXECUTIVE SESSION

Pursuant to RCW 42.30.110(1)(i), the City Council entered an executive session to discuss pending or potential litigation. Mayor Herbig announced that the executive session is slated to last 45 minutes.

POSSIBLE ACTION RELATING TO EXECUTIVE SESSION

MOTION: Councilmember Pfeil moved to authorize the City Manager and City's Attorney Office to proceed with filing a lawsuit against Ziply Fiber for damages and costs incurred by the City in the Juanita Drive NE Pedestrian and Bicycle Improvement Project No. T41 (20-C2144), resulting from conflicts with Ziply Fiber's facilities, and to take all other steps necessary to implement this motion. Councilmember Srebnik seconded the motion.

VOTE: 7 Yes; 0 No; 0 Abstain. **MOTION PASSES**

ADJOURN SPECIAL MEETING

Mayor Herbig adjourned the special meeting at approximately 7:02 PM.

CALL REGULAR MEETING TO ORDER

Mayor Herbig called the regular meeting to order at approximately 7:02 PM.

FLAG SALUTE

Mayor Herbig led the Council in the flag salute.

AGENDA APPROVAL

The agenda was approved as presented.

PRESENTATION

Development Services Director Samantha Loyuk introduced Construction Inspector Miguel Kelley. Miguel Kelley shared some information about himself to the Council.

WHERE'S THE FUN?

Acting City Manager Stephanie Lucash shared some photos courtesy of Kenmore Resident Jason Sperling. Jason Sperling took the photos from his kayak of ʔaʔwadis (Ti'awh-ah-dees) Park.

PUBLIC COMMENTS

The City Council took comments from the public.

Timestamped link here:

<https://www.youtube.com/live/5wNvsjSYWXI?feature=share&t=3009>

CONSENT AGENDA

- A. Approve City Council Special and Regular Meeting Minutes from March 13, 2023.
[City Council Special and Regular Meeting Minutes from March 13, 2023](#)
- B. Approve Total Check #s 51652 through 51713 totaling \$587,068.04 and Total Payroll/Taxes/Flexible Spending/Retirement & Health Savings Account Electronic Deposits Dated 03/10/2023 in the amount totaling \$205,294.38 and ACH Payment to Washington Federal Bank in the amount of \$4,851.73, and Payroll Check #10208 in the amount of \$208.82, and Payroll Check #10209 in the amount of \$2,492.65
[Voucher Certification and Approval 03/04/23 - 03/17/23](#)
- C. Receive and file the November 2022 Monthly Financial Report.
[November 2022 Monthly Financial Report](#)
- D. Receive and file the December 2022 Monthly Financial Report.
[December 2022 Monthly Financial Report](#)
- E. Adopt Ordinance No. 23-0572, amending Title 3 of the Kenmore Municipal Code to adopt a new Chapter 3.90 KMC establishing an affordable housing fund as presented.
[Agenda Bill - Affordable Housing Fund](#)
[Attachment 1 - Proposed Ordinance No. 23-0572](#)
- F. Authorize the City Manager to sign and execute Contract No. 23-C2896 for Federal Government Relations in an amount not to exceed \$80,000 per year.
[Agenda Bill - Contract No. 23-C2896 Federal Government Relations](#)
[Attachment 1 - Contract No. 23-C2896](#)
- G. Authorize the City Manager to execute Amendment #1 to Contract No. 22-C2845 with PRR, Inc. to increase the contract by \$17,000 to a total contract of \$167,000 for scope related to middle housing analysis, public engagement, and racial equity report.
[Agenda Bill - Amendment #1 to Contract 22-C2845](#)
[Attachment 1 - Contract 22-C2845 PRR Consultant Services Agreement](#)

[Attachment 2 - Amendment #1 to Contract 22-C2845](#)

MOTION: Councilmember Pfeil moved to approve the consent agenda outlined above. Councilmember Srebnik seconded the motion.

VOTE: Consent Agenda was approved by UNANIMOUS CONSENT

BUSINESS AGENDA

- A. Veterans Memorial Proposal for City Hall, presented by Acting City Manager Stephanie Lucash, Community Development Director Debbie Bent, and Public Works Operations Director Jennifer Gordon, *for Review and Recommendation*

[Agenda Bill - Veterans Memorial Proposal](#)

[Attachment 1 - Veterans Memorial Submittal, Review, and Selection Criteria](#)

[Attachment 2 City's Donation Policy Ordinance No 19-0942](#)

[Attachment 3a - Email from the Kenmore Historical Society](#)

[Attachment 3b - Kenmore Historical Society Veterans Memorial Proposal](#)

[Attachment 4a - Email from Stacey Valenzuela Veterans Tribute for Kenmore Proposal](#)

[Attachment 4b - Image of Veterans Memorial](#)

[Attachment 4c - Image of Veterans Memorial](#)

[Attachment 4d - Image of City Hall Location](#)

Community Development Director Debbie Bent presented to the Council the Veterans Memorial Proposals submitted to the City for consideration. Two proposals were submitted: one from the Kenmore Historical Society and one from Veterans Tribute, led by Kenmore Resident Stacey Valenzuela.

After reviewing both proposals based on the criteria available in the Agenda Bill, Staff recommended moving forward with the proposal from the Kenmore Historical Society.

MOTION: Deputy Mayor O'Cain moved to approve the Veterans Memorial Proposal submitted by the Kenmore Historical Society. Councilmember Srebnik seconded the motion.

VOTE: 6 Yes; 0 No; 1 Abstain. **MOTION PASSES**

MOTION: Councilmember Baker moved to authorize the City Manager to execute any necessary agreements with the Kenmore Historical Society. Councilmember Pfeil seconded the motion.

VOTE: 7 Yes; 0 No; 0 Abstain. **MOTION PASSES**

MOTION: Councilmember Baker moved to authorize up to \$4,000 of City funds, if needed, as matching funds for memorial expenditures, such as design, fabrication, and installation. Mayor Herbig seconded the motion.

VOTE: 7 Yes; 0 No; 0 Abstain. **MOTION PASSES**

- B. Facility Alternatives for Westbound 170th Street between Juanita Dr / 68th Ave and 72nd Ave, presented by Engineering Director John Vicente and Traffic Engineer Tobin Bennett-Gold, *for Discussion and Direction*

[Agenda Bill - Facility Alternatives](#)

[Attachment A – Scope Diagram](#)

[Attachment B – Westbound Buffered Bike Lane Conceptual Diagram](#)

[Presentation - Facility Alternatives](#)

Traffic Engineer Tobin Bennett-Gold and Engineering Director John Vicente presented to the City Council the following:

1. A brief overview of stopping sight distance.
2. Why street parking is problematic on 170th St.
3. What we can do instead of street parking.
4. What does a City have to do to get sidewalk around here.

Staff has concluded that the City cannot safely allow street parking on 170th St and has provided suggested alternatives for what to do with the space instead:

- Alternative A: Bike box
- Alternative B: Right turn lane crossing bike lane

Staff also presented about sidewalks between 70th and 68th. In the pedestrian facilities plan, the project to build fully out to the City's standards will cost around \$2.5 million, which the City currently does not have the budget for. The existing conditions are not suitable for sidewalk, bike lane, and buffers. The City would require an extra five feet, possibly more, to accommodate the pedestrian facilities. Furthermore, building sidewalks requires the City to be ADA compliant, which the driveways along the road that is in discussion are currently not.

Councilmembers provided directions to Staff. The bike lane can be created up until the maintenance entrance of Rhododendron Park and Staff should return to the Council with some additional alternatives that would make the intersection feel safer for bicyclists, since Councilmembers are not in consensus with Alternative A or B. The future discussion will encompass how the bike lane will approach the intersection and how bicyclists interact with the intersection.

- C. Ordinance No. 23-0573 regarding the use of personal flotation devices on waterways in the City of Kenmore while using human-powered watercraft, presented by Police Chief Brandon Moen, *for Discussion and Direction*

[Agenda Bill - Personal Flotation Device Ordinance No. 23-0573](#)

[Attachment 1 - Draft Ordinance No. 23-0573](#)

[Exhibit 1 - KMC 8.17](#)

[Attachment 2 - Map of Lake Washington Marine Patrol Districts](#)

Presentation - Personal Flotation Device

Kenmore Police Chief Brandon Moen presented to the Council Proposed Ordinance No. 23-0573 regarding the use of personal flotation devices on waterways in Kenmore. The waterways within City limits are well used and this proposed ordinance would require users of human-powered watercraft to use a properly fitted and approved personal flotation device. Examples of watercrafts include kayaks, rowboats, and paddle boards. The proposed ordinance is intended to be educational in nature. The first offense is warning, second offense is a civil fine, and a subsequent offense within six months is a greater civil fine. The proposed ordinance is similar to the current Lake Forest Park Ordinance and is supported by King County Sheriff's Office, Marine Unit.

Councilmembers provided questions and comments.

- Clarification question that this ordinance would require wearing the flotation device as opposed to just having it in the watercraft, which is a higher standard than powered boats for adults?
 - Correct.
- Can we get PFDs at our waterfront parks?
 - Staff is in discussion with the Public Works department to create a project where life jackets can be borrowed at parks, particularly Log Boom Park.
- Suggestion of community service or a fine for the second offense and community service and a fine for the third offense.

The proposed ordinance will return for adoption consideration by the Council on the consent agenda of the April 24, 2023 City Council meeting.

STAFF REPORTS

No staff reports.

COUNCILMEMBER REPORTS & COMMENTS

ADJOURNMENT

Mayor Herbig adjourned the meeting at approximately 9:45 PM

Nigel Herbig, Mayor

Michelle Kang, Acting City Clerk



Voucher Certification and Approval

City of Kenmore

DATE RANGE:

04/01/23 - 04/14/23

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed as described herein, that any advance payment is due and payable pursuant to a contract or is available as an option for full or partial fulfillment of a contractual obligation, and the the claim is a just, due and unpaid obligation against the City of Kenmore and that I am authorized to authenticate and certify to said claim. The following checks and electronic payments are approved for payment:

Total Check #s 51819 through 51925: \$379,058.94

Total Payroll/Taxes/Flex Spending/Retirement & Health Savings Acct Electronic Deposits Dated: 04/07/2023 \$221,377.59

ACH Payments-US Bank Purchase Cards: \$4,466.30

ACH Payment-Washington Federal Bank: \$1,793.89

Rob Karlinsey

Rob Karlinsey (Apr 18, 2023 16:51 PDT)

Apr 18, 2023

City Manager / Date

Melinda Merrell

Melinda Merrell (Apr 18, 2023 16:23 PDT)

Apr 18, 2023

Finance & Administrative Services Director / Date

Vendor Name	Check #	Date	Description	Amount
U.S. BANK PURCHASE CARDS	1345	04/12/2023	Albert Lee/Diversified/Amazon/WSNLA	4,466.30
WASHINGTON FEDERAL BANK	1346	04/14/2023	Retainage for Strider Construction 21-C2670	1,793.89
AMERICAN GENERAL LIFE GPO/400S	51819	04/07/2023	Life Insurance	220.33
MISSION SQUARE / 109964	51820	04/07/2023	City of Kenmore 401a	23,736.61
MISSION SQUARE 457 / 304745	51821	04/07/2023	ICMA 457 Deferred Comp	5,879.47
AABCO BARRICADE COMPANY INC.	51822	04/14/2023	Signs for TI' awh-ah dees Park	793.22
ALPHAGRAPHS	51823	04/14/2023	Business Cards	185.31
ALPHAGRAPHS	51824	04/14/2023	Business Cards	420.95
APPLEONE EMPLOYMENT SERVICES	51825	04/14/2023	Temporary Svcs Records Review - Week Ending 3/25	1,801.60
APPLEONE EMPLOYMENT SERVICES	51826	04/14/2023	Temporary Records Mgmt Svcs Week Ending 4/1	878.28
ASPECT CONSULTING LLC	51827	04/14/2023	March Boyd's Dry Cleaner Site Remediation	1,280.00
BRIEN, GAYLYNN	51828	04/14/2023	Jan. Sales Tax Data Conversion Svcs	50.00
BULGER SAFE & LOCK, INC.	51829	04/14/2023	Padlocks & Shackle for Parks & Juanita Project	570.64
CHANIN KELLY-RAE CONSULTING LLC	51830	04/14/2023	March DEI Consulting Services	4,895.00
CITY OF BELLEVUE	51831	04/14/2023	2023 ARCH Contributions	62,000.00

XII. B. Approve

Total Check #s 51819 through 51925 totaling \$379,058.94 ...

CITY OF BELLEVUE	51832	04/14/2023	2nd Qtr ARCH Contributions	15,576.00
CODE PUBLISHING COMPANY	51833	04/14/2023	Municipal Code Web Update	181.12
COMCAST	51834	04/14/2023	April City Hall & Hangar Internet	2,071.68
DAVIDSON MACRI SWEEPING, INC.	51835	04/14/2023	December Street Sweeping Svcs	9,029.31
DEPARTMENT OF LABOR AND INDUSTRIES	51836	04/14/2023	1st Qtr Volunteer Hours	20.63
DTG RECYCLE	51837	04/14/2023	4/3-4/8 Recycling Services	452.12
E SQUARED SYSTEMS, LLC	51838	04/14/2023	Boathouse Fire Alarm Monitoring	132.12
ELECTRONIC BUSINESS MACHINES	51839	04/14/2023	March B/W & Color Copier Overage Chgs	327.67
FERGUSON ENTERPRISES INC #3011	51840	04/14/2023	Drainage Materials for WO #9404	1,621.21
FERGUSON ENTERPRISES INC #3011	51841	04/14/2023	Drainage Materials for WO #9404	1,490.74
FIRE PROTECTION, INC	51842	04/14/2023	City Hall Annual Fire Alarm Monitoring	330.30
FIRE PROTECTION, INC	51843	04/14/2023	City Hall Fire Alarm/Elevator Monitoring	1,294.78
FIRE PROTECTION, INC	51844	04/14/2023	Hangar Bldg. Annual Fire Alarm Monitoring	713.45
FIRE PROTECTION, INC	51845	04/14/2023	City Hall Fire Alarm Servicing	908.33
GORDON THOMAS HONEYWELL	51846	04/14/2023	March Government Affairs Consulting	4,515.00
H.D. FOWLER COMPANY	51847	04/14/2023	Drainage Materials for Buried CB WO #9395	908.24
HOME DEPOT CREDIT SERVICES	51848	04/14/2023	PW Supplies/Volunteer Equipment/Drainage Material	900.46
HONEY BUCKET	51849	04/14/2023	Public Works Yard Rental 4/3-4/30/23	156.75
INSLEE, BEST, DOEZIE & RYDER, P.S.	51850	04/14/2023	March Attorney Services	25,304.23
JACOBS ENGINEERING GROUP	51851	04/14/2023	15-C2522 12/31-3/31 W. Sammamish Bridge Proj.	13,592.47
JASON RICHARD SPERLING	51852	04/14/2023	TI' Awh-ah-dees Park Photo Album	400.00
KENMORE HERITAGE SOCIETY	51853	04/14/2023	1st Quarter History Book Sales	150.00
KENMORE MIDDLE SCHOOL	51854	04/14/2023	1st Qtr Human Svcs - Kitchen Table Tutoring	2,500.00
KERALA ASSOCIATION OF WASHINGTON	51855	04/14/2023	City Hall 3/25 Rental Deposit Refund	250.00
KING COUNTY ANIMAL SVCS	51856	04/14/2023	March Pet Licensing	180.00
KING COUNTY BAR ASSOCIATION	51857	04/14/2023	1st Quarter Neighborhood Legal Clinics	200.00
KING COUNTY FINANCE	51858	04/14/2023	Small Cities Indigency Screening Reimbursement	81.00
KING COUNTY FINANCE	51859	04/14/2023	Burke Gilman Trail Permit-Bicycle Lane/Wayfinding	500.00
KING COUNTY RECORDER'S OFFICE	51860	04/14/2023	\$50 Additional Fee for Nonstandard Document	50.00
KING COUNTY TREASURY	51861	04/14/2023	Property Taxes for 9 Parcels	8,391.20
KISHORE SERALATHAN	51862	04/14/2023	Partial Deposit Release PRJ21-0070/ROW21-0754	17,731.35
KLB CONSTRUCTION, INC.	51863	04/14/2023	20-C2143 March 68th Ave Ped/Bike Proj.	15,217.99
LIGHTHOUSE CONSULTING INC	51864	04/14/2023	March Protection/Archiving/Webhosting/Backup	10,534.09
LIGHTHOUSE CONSULTING INC	51865	04/14/2023	March IT Services	4,066.75
LIUBOV UZIK	51866	04/14/2023	2/10 Hangar Deposit Refund	150.00

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Total Check #s 51819 through 51925 totaling \$379,058.94 ...

LOUDEDGE, INC.	51867	04/14/2023	Graphic Design Svcs for 4th of July Event	1,125.00
MILLER STEPHENS, MARY	51868	04/14/2023	March Public Defense Svcs @ SCORE	1,250.00
MINUTEMAN PRESS	51869	04/14/2023	Legislator Sendoff Postcards & Postage	4,087.83
MORUP SIGNS, INC.	51870	4/14/2023	Sign for 2023 Pavement Overlay/Sidewalk Proj.	715.65
MR. T'S TROPHIES & AWARDS LLC	51871	04/14/2023	Council Dais Name Plate	16.46
NELSON ELECTRIC, INC.	51872	04/14/2023	Lighting Repairs at Hangar Bldg.	3,423.27
NORTHSHORE SCHOOLS FOUNDATION	51873	04/14/2023	1st Qtr Human Svcs - Removing Barriers	750.00
NORTHSHORE SENIOR CENTER	51874	04/14/2023	1st Qtr Adult Day Health Program	1,562.50
NORTHSHORE UTILITY DIST	51875	04/14/2023	March Fleet Maintenance & Fuel	7,075.11
NORTHSHORE UTILITY DIST	51876	04/14/2023	1/31-3/31 Rhododendron Park Irrigation	221.60
NORTHSHORE UTILITY DIST	51877	04/14/2023	1/31-3/31 Rhododendron Park Irrigation/68th	356.48
NORTHSHORE UTILITY DIST	51878	04/14/2023	1/31-3/31 Rhododendron Park Irrigation	222.63
NORTHSHORE UTILITY DIST	51879	04/14/2023	1/31-3/31 Various Irrigation & Water/Sewer Chgs	2,433.45
OFFICE DEPOT	51880	04/14/2023	Misc. Office Supplies	76.42
OFFICE DEPOT	51881	04/14/2023	Misc. Office Supplies	81.74
OLYMPIC ENVIRONMENTAL RESOURCES INC	51882	04/14/2023	2023 Recycling Program Implementation	2,860.15
ONTRA MARKETING GROUP	51883	04/14/2023	Kenmore Cares Quarterly Website Fee	75.00
OUTCOMES BY LEVY, LLC	51884	04/14/2023	March Consulting Community Proj. Funding	7,300.00
PACE ENGINEERS, INC.	51885	04/14/2023	21-C2667 February On-Call Services	171.00
PACIFIC TOPSOILS	51886	04/14/2023	2/27-3/23 Dump Fees & Materials Purchased	494.92
PAT'S TREES AND LANDSCAPE INC.	51887	04/14/2023	Stump Grinding @ Moorlands	1,541.40
PRR, INC	51888	04/14/2023	22-C2845 Feb. Missing Middle Housing Prof. Svcs	16,432.47
PUGET SOUND ENERGY	51889	04/14/2023	18523 68th NE Ped/Bike Project Connection	638.05
PUGET SOUND ENERGY	51890	04/14/2023	3/3-4/3 Street Lights	24,219.77
PUGET SOUND ENERGY	51891	04/14/2023	March City Hall Electricity	3,277.49
PUGET SOUND PLANTS	51892	04/14/2023	ROW Tree Replacement	1,467.44
QUADIENT LEASING USA, INC.	51893	04/14/2023	4/27-7/26 Postage Meter Lease	710.14
QUALITY BUSINESS SYSTEMS/WELLS FARGO	51894	04/14/2023	3/5-4/4 Copier Lease	676.14
QUALITY WATER FINANCIAL	51895	04/14/2023	Public Works Office Filtered Water System	66.00
REPUBLIC SERVICES	51896	04/14/2023	March Rhododendron Park Solid Waste	770.93
REPUBLIC SERVICES	51897	04/14/2023	March City Hall & PW Shop Solid Waste	930.72
RFI ENTERPRISES INC.	51898	04/14/2023	City Hall Access Control Repairs	295.89
SALCIDO, LETICIA	51899	04/14/2023	Replacement Ck. for Office Supply Reimbursement	80.32
SCHWARZWALTER, MARK	51900	04/14/2023	Reimbursemen Linksy Velop Wifi System-Home Office	218.00

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SCORE	51901	04/14/2023	Feb. 2023 Outside Health Services	154.79
SECRETARY OF STATE	51902	04/14/2023	Archive Boxes	39.24
SHRED IT, C/O STERICYCLE, INC>	51903	04/14/2023	Monthly Shredding Service 3/2 & 3/30	226.96
SREBNIK, DEBRA	51904	04/14/2023	Reimbursement for NLC Hotel Chgs	996.63
STAPLES ADVANTAGE	51905	04/14/2023	City Hall & Hangar Maint. Supplies	238.31
STAPLES ADVANTAGE	51906	04/14/2023	City Hall & Hangar Maint. Supplies	92.46
STAPLES ADVANTAGE	51907	04/14/2023	Hangar & Facility Maint. Supplies	168.65
STAPLES ADVANTAGE	51908	04/14/2023	City Hall & Hangar Maint. Supplies	56.12
STRIDER CONSTRUCTION CO., INC.	51909	04/14/2023	21-C2670 TI' awh-ah-dees Park Construction	37,707.50
SYDNEY DANZIGER	51910	04/14/2023	Refund Hangar Deposit for 3/31 Reservation	150.00
T MOBILE USA, INC.	51911	04/14/2023	Staff Cell Phones & Data Plans	1,388.59
THE EVP GROUP	51912	04/14/2023	March Business Acceleration Program	2,500.00
TOTAL LANDSCAPE CORP	51913	04/14/2023	Moorlands/NS Summit/TI' awh-ah-dees Landscaping	3,385.58
U.S. BANK N.A. / CUSTODY	51914	04/14/2023	Investment Custody Fees	90.00
VERIZON WIRELESS	51915	04/14/2023	Staff Cell Phones & Data Plans	80.06
WA ASSOC OF BUILDING OFFICIALS	51916	04/14/2023	Building Code & Inspection Books	159.31
WA STATE DEPT OF TRANSPORTATION	51917	04/14/2023	Feb. Red Light Camera Installation	165.24
WASHINGTON AUDIOLOGY SERVICES, INC.	51918	04/14/2023	3/21/23 Hearing Tests	1,080.50
WASHINGTON MUNICIPAL CLERKS ASSOC	51919	04/14/2023	A. Warhol Membership Renewal through 5/1/24	100.00
WASHINGTON MUNICIPAL CLERKS ASSOC	51920	04/14/2023	M. Kang Membership Renewal through 5/1/24	100.00
WASHINGTON STATE OFFICE CASH MGMT	51921	04/14/2023	1st Qtr State Building Permit Fees	402.50
XEROX CORPORATION	51922	04/14/2023	2/24-3/16 1st Floor City Hall Copier B/W & Color	160.07
ZIPLY FIBER	51923	04/14/2023	3/28-4/27 City Hall Phones	670.85
ZIPLY FIBER	51924	04/14/2023	3/19-4/18 Internet at Public Works Office	153.00
ZONAR SYSTEMS	51925	04/14/2023	Annual Fleet Vehicle Tracking (De-Icer/Sweeper)	528.21
DRS 457	DFT0001551	04/07/2023	DRS 457 Deferred Comp	555.00
AVIDIA HEALTH	DFT0001552	04/07/2023	Employee Health Savings Contribution	142.30
DEPARTMENT OF RETIREMENT SYSTEMS	DFT0001553-1559	04/07/2023	Public Employees Retirement	33,849.62
NAVIA	DFT0001560	04/07/2023	Employee Flexible Spending Account	996.48
BANK OF AMERICA 941	DFT0001561	04/07/2023	Federal Taxes	29,912.66
BROWN, STEPHANIE	10211	04/07/2023	Void	
PAYROLL	Electronic Dep.	04/07/2023	Direct Deposit	155,921.53
TOTAL				<u><u>\$ 606,696.72</u></u>

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City of Kenmore

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Vendor	Name	Volume
0022	ASSOCIATION OF WA CITIES	21369.16
0024	BAKER, DAVID	440.11
0054	BULGER SAFE & LOCK, INC.	570.64
0064	CASCADE PEST CONTROL	463.74
0067	CENTER FOR HUMAN SERVICES	5550
0076	CITY OF BELLEVUE	97992.73
0083	CITY OF LAKE FOREST PARK	54026
0092	CODE PUBLISHING COMPANY	336.37
0099	CONSOLIDATED PRESS	5807.71
0109	DAILY JOURNAL OF COMMERCE	679.9
0121	REPUBLIC SERVICES	5064.75
0130	EMPLOYMENT SECURITY DEPARTMENT	9536.06
0137	FERGUSON ENTERPRISES INC #3011	5679.17
0151	CALPORTLAND COMPANY	1164.8
0173	HOME DEPOT CREDIT SERVICES	1758.62
0184	INSLEE, BEST, DOEZIE & RYDER, P.S.	91564.96
0191	INTERNATIONAL INST OF MUNI CLERKS	225
0197	JET CITY PRINTING	526.28
0205	KENMORE HERITAGE SOCIETY	820
0206	KENMORE MIDDLE SCHOOL	2500
0213	KING COUNTY ANIMAL SVCS	380
0216	KING COUNTY FINANCE	500
0219	KING COUNTY FINANCE	120454.35
0230	KING COUNTY RADIO COMM SERVICES	319.84
0235	KING COUNTY TREASURY	61227.82
0251	LIGHTHOUSE CONSULTING INC	40847.48
0260	MEEHAN, NANCY	46.04
0261	PENDLETON CONSULTING LLC	2534.73
0267	MR. T'S TROPHIES & AWARDS LLC	265.45
0286	NORTHSHORE SCHOOL DISTRICT	15312
0287	NORTHSHORE SENIOR CENTER	15312.5
0288	NORTHSHORE UTILITY DIST	47188.31
0289	NORTHSHORE YMCA	10000
0292	HONEY BUCKET	627
0300	OFFICE DEPOT	1696.26
0304	OLYMPIC ENVIRONMENTAL RESOURCES INC	10199.15
0310	PACIFIC TOPSOILS	2911.49
0311	PARAMETRIX INC	32684.63
0314	PETTY CASH CUSTODIAN	357.66
0328	PUGET SOUND ENERGY	136900.76
0329	PUGET SOUND FINANCE OFFICERS ASSOC	75
0345	SEATTLE TIMES	2063.84
0355	STAPLES ADVANTAGE	3214.02
0356	STATE AUDITOR'S OFFICE	1623.3
0357	STEWART MACNICHOLS HARMELL, INC.	15000
0365	TOTAL LANDSCAPE CORP	22989.74
0371	UNITED STATES POSTMASTER	2122.85
0375	US POSTAL SERVICE (HASLER)	3617.59
0385	WA ASSOC OF BUILDING OFFICIALS	879.31
0387	WA CITIES INSURANCE AUTHORITY	643692
0390	WA FINANCE OFFICERS ASSOCIATION	150
0391	WASHINGTON MUNICIPAL CLERKS ASSOC	200

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Vendor	Name	Volume
0400	WASHINGTON STATE DEPT OF REVENUE	22770.22
0401	WA STATE DEPT OF TRANSPORTATION	2502.15
0405	WASHINGTON STATE OFFICE CASH MGMT	788
0412	WM CORPORATE SVCS - COLUMBIA RIDGE LANDFILL	10365.13
0424	MISSION SQUARE 457 / 304745	37570.54
0425	DRS 457	3785
0426	AFLAC	627.12
0428	BANK OF AMERICA 941	182851.56
0429	AWC EMPLOYEE BENEFIT TRUST	253153.62
0431	DEPARTMENT OF RETIREMENT SYSTEMS	226275.98
0432	DEPARTMENT OF LABOR AND INDUSTRIES	13694.45
0434	UNITED WAY OF KING COUNTY	120
0436	NATIONAL LIFE OF VERMONT	369.51
0448	UPS STORE KENMORE	83.52
0449	ACF WEST INC	84.63
0450	AURORA RENTS	2474.2
0473	ARTS OF KENMORE	4750
0483	PAT'S TREES AND LANDSCAPE INC.	1541.4
0484	CITY WIDE FENCE COMPANY, INC	11158.64
0494	SECRETARY OF STATE	292.86
0542	AMERICAN SOCIETY OF COMPOSERS	420
0550	KING COUNTY RECORDER'S OFFICE	277.5
0558	SNOHOMISH COUNTY	3765
0586	QUADIENT LEASING USA, INC.	710.14
0610	WA STATE DEPT OF TRANSPORTATION	153.68
0685	PACE ENGINEERS, INC.	1961
0689	DIGITAL REPROGRAPHICS SERVICES INC.	126.27
0690	BUILDERS EXCHANGE OF WASHINGTON INC	82.8
0692	HDR ENGINEERING, INC	183538.52
0696	AMERICAN GENERAL LIFE GPO/400S	971.89
0781	QUALITY BUSINESS SYSTEMS INC.	1333.94
0817	GRAINGER	2662.55
0851	EVERMARK, LLC	264.86
0892	JACOBS ENGINEERING GROUP	24455.02
0898	ZONAR SYSTEMS	528.21
0899	SHRED IT, C/O STERICYCLE, INC>	1243.74
0913	KENMORE ELEMENTARY	1250
0937	ZUMAR	1650.95
0981	COMCAST BUSINESS	708.04
0994	GORDON THOMAS HONEYWELL	13545
1003	iWORQ SYSTEMS	2800
1010	WESTLAKE HARDWARE WA-153	2067.48
1052	FIRE PROTECTION, INC	5790.17
1068	WA STATE DEPT OF LABOR & INDUSTRIES	243.1
1123	AM TEST, INC	680
1140	PAWS	220
1197	MILLER STEPHENS, MARY	3750
1267	AUTOMATED CONTROLS/ALBIREO ENERGY	1079.64
1297	GOVERNMENT FINANCE RESEARCH GROUP	1995
1299	VERIZON WIRELESS	240.2
1313	BOTHELL KENMORE CHAMBER OF COMMERCE	2100
1322	AABCO BARRICADE COMPANY INC.	793.22
1331	KBA INC.	94824.46
1337	STATE OF WA DEPT. OF LICENSING	2.16
1358	ALPHAGRAPHS	606.26
1383	CHICAGO TITLE	397.98
1385	AZTECA SYSTEMS, LLC/CITYWORKS	605.55
1390	UTILITIES UNDERGROUND LOCATION CTR	334.11

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Vendor	Name	Volume
1403	OSBORN CONSULTING INC.	119012.6
1431	BRIEN, GAYLYNN	150
1452	CITY OF KENT	500
1459	FLEMINGS HOLIDAY LIGHTING LLC	1598.51
1482	HIGHWIRE	2059.7
1485	WA ASSOC OF PUBLIC RECORDS OFFICERS	25
1504	SCORE	38022.69
1544	METROPOLITAN TRANS. COMMISSION	2000
1547	LOYUK, SAMANTHA	513.5
1550	THE EVP GROUP	7500
1555	LINCOLN NATIONAL LIFE INSURANCE	5387.33
1596	NW ENVIRONMENTAL TRAINING CENTER	195
1629	WESTERN DISPLAY FIREWORKS, LTD.	6875
1634	SREBNIK, DEBRA	1670.99
1673	KPFF CONSULTING ENGINEERS	82129.79
1689	MOTT MACDONALD GROUP, INC.	23311.08
1711	SOFTWAREONE, INC.	16135.49
1731	NORTHWEST ARBORICULTURE LLC	7491.2
1754	RFI ENTERPRISES INC.	1582.28
1763	REID, JAMES FALCONER	3995
1816	NAVIA	14221.21
1828	QUALITY BUSINESS SYSTEMS / WELLS FARGO	2028.42
1838	AVIDIA HEALTH	946.1
1884	HEIDELBERG MATERIALS	1119.09
1885	NATIONAL BARRICADE CO., LLC	619.55
1889	WILLIAMS, KASTNER & GIBBS PLLC	674.5
1900	ASPECT CONSULTING LLC	1280
1914	MCNAMARA SIGNS	2235.03
1930	T MOBILE USA, INC.	4152.75
1932	U.S. BANK N.A. / CUSTODY	90
1943	BALDWIN DESIGN WORKS, LTD.	1469
1960	WALTER E. NELSON CO.	1393.38
1979	MSPT XXII, LLC C/O FLYWAY RETAIL + LIVING	1500
1980	HRA VEBA TRUST	20545.92
1991	WASHINGTON STATE TREASURER	4451
1993	HYAS GROUP, LLC	3750
1994	LAKE CITY PARTNERS ENDING HOMELESSNESS	1125
1999	KING COUNTY POLICE CHIEFS ASSOCIATION	50
2004	RED BARN ENGINEERING, INC.	24830
2047	PUGET SOUND PLANTS	1467.44
2048	SMS CLEANING, INC.	19485
2052	J. A. BRENNAN ASSOCIATES, PLLC	24006.96
2078	WA RECREATION & PARK ASSOC.	1250
2081	SHANNON & WILSON, INC.	2850
2126	SCHWARZWALTER, MARK	218
2137	ECIVIS, INC.	4000
2142	MISSION SQUARE / 109964	155196.11
2175	ELECTRONIC BUSINESS MACHINES	537.08
2176	CANON FINANCIAL SERVICES, INC.	798.24
2183	SISKUN POWER EQUIPMENT	877.85
2209	MORUP SIGNS, INC.	715.65
2210	PACWEST MACHINERY	1976.31
2221	O'REILLY/FIRST CALL	157.34
2236	COMCAST	8343.54
2249	KING COUNTY BAR ASSOCIATION	450
2250	NAMI EASTSIDE	750
2252	TRUGREEN	338.01
2254	U.S. BANK PURCHASE CARDS	59531.49

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Vendor	Name	Volume
2262	DILIGENT CORPORATION	17736.86
2270	LAKESIDE INDUSTRIES	1185.78
2282	RICK BURNSTEAD CONSTRUCTION, LLC	2932
2284	ENVIROTECH	7973.66
2285	QUALITY WATER FINANCIAL	613.77
2327	PACIFIC AIR CONTROL, INC.	3649.81
2330	PROMOTIONS NOW	236.05
2334	NORTHSHORE YOUTH SOCCER ASSOC.	55
2338	58 STARS TRAVEL	2442.6
2353	NORTHSHORE SCHOOLS FOUNDATION	750
2360	O'CAIN, MELANIE	295.5
2361	BFI 4 LLC	2000
2369	MARIA SZABLYA RIVAS	150
2386	CECCANTI, INC.	401677.46
2393	SEATTLE PUMP & EQUIPMENT CO./JETTERS NORTHW	457.47
2396	ZIPLY FIBER	2471.55
2403	AMERICALL	298.62
2425	THOMCO CONSTRUCTION, INC.	689875.89
2437	LOUDEDGE, INC.	1125
2459	NELSON ELECTRIC, INC.	5752.44
2464	D.P. NICOLI, INC.	301.45
2468	DAVIDSON MACRI SWEEPING, INC.	4157.38
2484	LUKASZ LISOWSKI	322.64
2486	CASCADIA LAW GROUP	5259.38
2489	THE ORIGINAL POOP BAGS	1319.89
2503	NORTH AMERICAN SAFETY, INC.	3098.5
2511	SALCIDO, LETICIA	80.32
2530	CASCADIA CONSULTING GROUP, INC.	18691.25
2531	BCN TELECOM, INC.	1619.56
2537	HUNTINGTON TECHNOLOGY FINANCE	44525.18
2540	BRIGHT SPARK EARLY LEARNING SERVICES	375
2545	KLB CONSTRUCTION, INC.	201914.84
2561	PRR, INC	37260.3
2570	H.D. FOWLER COMPANY	1399.67
2577	APPLEONE EMPLOYMENT SERVICES	10606.92
2578	CENTRICITY GIS, LLC	375
2579	CHANIN KELLY-RAE CONSULTING LLC	14685
2589	ABRACADABRA PRINTING	1350.56
2598	WAGNER ARCHITECTS	49354
2609	DTG RECYCLE	452.12
2617	STRIDER CONSTRUCTION CO., INC.	652533.31
2618	STEPHANIE LUCASH	512.91
2641	VENTILATION POWER CLEANING, INC.	6176.3
2642	WASHINGTON AUDIOLOGY SERVICES, INC.	1080.5
2660	WASHINGTON FEDERAL BANK	17292.82
2661	JASON RICHARD SPERLING	600
2667	CREATION ORGANICS, LLC	2182.38
2691	E SQUARED SYSTEMS, LLC	264.24
2692	PREMIER MEDIA GROUP	1000
2707	ONTRA MARKETING GROUP	300
2728	NARWHAL MET, LLC	800
2731	ROBERT SAYRE-MCCORD	148.8
2736	PAUL LEE	28684
2737	THERESA TIMMES KING	150
2738	JULIANA FISHER	150
2745	HOME COMFORT ALLIANCE	228.48
2747	CHRISTINE CABATIT	298.49
2748	GOURAV MITRA	250

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Vendor	Name	Volume
2750	MID SOUND FISHERIES	250
2751	MERANDA DIRECTO	311.85
2752	MEADOWDALE MARINA LLC	7500
2755	CITY OF KIRKLAND	41049.69
2756	DIVYA GATTU	150
2757	KAT ZUO	100
2758	ALEXA'S CATERING INC.	1531
2759	SAID HAMOOD	150
2761	KARA VAN LUCHENE	150
2762	APPLIANCE REPAIR MM LLC	78.73
2763	LA CONNER INN	758
2764	RHOMAR INDUSTRIES, INC.	42.96
2765	TRUSTEES OF THE HAMLINE UNIVERSITY OF MINNESC	4433.02
2767	GAMES2U	572.5
2769	DEBUG MOBILITY PRODUCTS	2865
2770	EARTHCRAFT SERVICES, INC.	1651.5
2771	GIRL SCOUTS OF WESTERN WA	150
2772	POLYGON WLH LLC	7500
2773	REGIONAL CRISIS RESPONSE AGENCY	41049.69
2774	KISHORE SERALATHAN	17731.35
2775	LIUBOV UZIK	150
2776	KERALA ASSOCIATION OF WASHINGTON	250
2778	OUTCOMES BY LEVY, LLC	7300
2779	SYDNEY DANZIGER	150
2780	XEROX CORPORATION	160.07
Vendor Set Vendor Set 01 Total:		5712007.23

XII. B. Approve
Total Check #s 51819 through 51925 totaling \$379,058.94 ...



City Council Business Agenda Item City of Kenmore, WA

<p>Subject/Topic:</p> <p>Public Hearing and Resolution Adopting the 2024-2029 Six-Year Transportation Improvement Program</p>	<p>For Council Meeting Agenda of: May 8, 2023</p> <p>Department: Public Works/Engineering</p> <p>Prepared by: John Vicente, PE</p>								
<p>Proposed Council Action/Motion:</p> <p>Public Hearing and Adoption of Resolution No. 23-397 for the 2024-2029 Six-Year Transportation Improvement Program</p>	<table border="0" style="width: 100%;"> <tr> <td style="width: 70%;">Approved by Department Head:</td> <td style="text-align: right;"><u>Initial & Date</u></td> </tr> <tr> <td>Approved by City Attorney:</td> <td style="text-align: right;">JV 4/25/23</td> </tr> <tr> <td>Approved by Finance Director:</td> <td style="text-align: right;">DR 4/25/2023</td> </tr> <tr> <td>Approved by City Manager:</td> <td style="text-align: right;">RK 5/8/23</td> </tr> </table> <p>Exhibits/Attachments: A: Resolution No. 23-397</p>	Approved by Department Head:	<u>Initial & Date</u>	Approved by City Attorney:	JV 4/25/23	Approved by Finance Director:	DR 4/25/2023	Approved by City Manager:	RK 5/8/23
Approved by Department Head:	<u>Initial & Date</u>								
Approved by City Attorney:	JV 4/25/23								
Approved by Finance Director:	DR 4/25/2023								
Approved by City Manager:	RK 5/8/23								

INFORMATION/BACKGROUND:

In accordance with RCW 35.77.010, the legislative body of each city in Washington State must prepare and adopt a six-year comprehensive transportation improvement program (TIP) annually. The TIP may also be modified at any time during the year as needed. The purpose of the TIP is to assure that each city “perpetually have available advanced plans looking to the future for not less than six years as a guide in carrying out a coordinated transportation program.” The 6-year TIP has been prepared and is attached to Resolution No 23-397 (Exhibit A).

A public hearing has been scheduled for May 8, 2023 to receive public comment and to consider adoption of the TIP.

The TIP provides a summary of potential transportation projects and funding for each project. The projects listed in the TIP are consistent with Transportation element of the City’s adopted Comprehensive Plan. The revenue sources are categorized into three groups: Local funds; reasonably secured Federal and State Funds; and funding not secured. The TIP is a planning document that is not fiscally constrained, meaning all funds identified do not need to be “in hand” to include a project in the TIP.

The recommended TIP continues the City’s emphasis on multimodal transportation safety such as maintaining our City infrastructure (including sidewalks and pavement), adding new sidewalks, and replacing/repairing existing infrastructure.

FISCAL CONSIDERATION:

Funding secured for projects are noted on the attached TIP. For projects with unsecured funding, additional local funds would be needed and/or Federal/State funding would be required to complete the projects. Staff will continue to actively pursue funding for those projects currently not fully funded. For those projects listed that do not get full funding during the Capital Improvement Program update, they will be pushed out to subsequent years with each TIP amendment.

COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:

Goal #3: Emphasize multimodal transportation implementation including pedestrian and bicycle Safety.

**CITY OF KENMORE
WASHINGTON
RESOLUTION NO. 23-397**

**A RESOLUTION OF THE CITY COUNCIL OF KENMORE,
WASHINGTON, ADOPTING THE 2024-2029 SIX-YEAR
TRANSPORTATION IMPROVEMENT PROGRAM.**

WHEREAS, RCW 35.77.010 requires the City to review and adopt annually a revised and extended six-year comprehensive transportation program; and

WHEREAS, on May 8, 2023, the City Council held a public hearing and took public comment on the proposed 2024-2029 Six-Year Transportation Improvement Program; and

WHEREAS, the City Council finds that the proposed 2024-2029 Six-Year Transportation Improvement Program is consistent with the Transportation Element of the City of Kenmore Comprehensive Plan, and includes the facilities, projects, programs and information required by RCW 35.77.010;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON, DOES RESOLVE AS FOLLOWS:

Section 1. Program Adopted. The 2024-2029 Six-Year Transportation Improvement Program for the City of Kenmore, attached as an Exhibit and incorporated by this reference, is approved and adopted.

Section 2. Filing of Program. As required by RCW 35.77.010, the City Manager or designee is authorized and directed to file a copy of this resolution, together with the attached Exhibit, with the Secretary of the Washington Department of Transportation within thirty (30) days of adoption of this resolution.

PASSED BY THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON, AT A REGULAR MEETING THEREOF THIS 8th DAY OF MAY 2023

CITY OF KENMORE

Nigel Herbig, Mayor

ATTEST/AUTHENTICATED:

Michelle Kang, Deputy City Clerk

APPROVED AS TO FORM:

Dawn Reitan, City Attorney



CITY OF KENMORE

**6-Year TRANSPORTATION IMPROVEMENT
PROGRAM (TIP)**

2024-2029

May 8, 2023



CITY OF KENMORE

2024-2029 Transportation Improvement Program

Project name	Ped. Priority Number	Funding	Year							2024-2029 Totals	Project Totals
			Prior Years	2024	2025	2026	2027	2028	2029		
SR 522 West B (West boundary to 61st Ave NE)	NA	Local	\$ -							\$ -	\$ -
		Federal/State	\$ 50,000	\$ 400,000	\$ 800,000	\$ 750,000				\$ 1,950,000	\$ 2,000,000
		Unsecured		\$ 250,000	\$ 1,250,000	\$ 1,500,000				\$ 3,000,000	\$ 3,000,000
		Subtotal	\$ 50,000	\$ 650,000	\$ 2,050,000	\$ 2,250,000	\$ -	\$ -	\$ -	\$ 4,950,000	\$ 5,000,000
ADA Transition Program	NA	Local (incl. Utilities)	\$ 500,000	\$ 15,000	\$ 250,000	\$ 825,000	\$ 250,000	\$ 1,000,000	\$ 250,000	\$ 2,590,000	\$ 3,090,000
		Federal/State								\$ -	\$ -
		Unsecured								\$ -	\$ -
		Subtotal	\$ 500,000	\$ 15,000	\$ 250,000	\$ 825,000	\$ 250,000	\$ 1,000,000	\$ 250,000	\$ 2,590,000	\$ 3,090,000
Pavement Preservation Program	NA	Local (incl. Utilities)	\$ 7,953,224		\$ 1,070,000	\$ 150,000	\$ 1,520,000	\$ 200,000	\$ 1,520,000	\$ 4,460,000	\$ 12,413,224
		Federal/State	\$ 1,275,351							\$ -	\$ 1,275,351
		Unsecured								\$ -	\$ -
		Subtotal	\$ 9,228,575	\$ -	\$ 1,070,000	\$ 150,000	\$ 1,520,000	\$ 200,000	\$ 1,520,000	\$ 4,460,000	\$ 13,688,575
61st Ave NE Sidewalk Replacement Project, Phase 1	NA	Local (incl. Utilities)	\$ 139,070	\$ 15,000	\$ 92,918					\$ 107,918	\$ 246,988
		Federal/State	\$ 230,000	\$ 137,500	\$ 996,765					\$ 1,134,265	\$ 1,364,265
		Unsecured								\$ -	\$ -
		Subtotal	\$ 369,070	\$ 152,500	\$ 1,089,683	\$ -	\$ -	\$ -	\$ -	\$ 1,242,183	\$ 1,611,253
NE 170th St Sidewalk (70th - 72nd)	36	Local								\$ -	\$ -
		Federal/State								\$ -	\$ -
		Unsecured	\$ 25,000	\$ 175,000						\$ 175,000	\$ 200,000
		Subtotal	\$ 25,000	\$ 175,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 175,000	\$ 200,000
NE 181st St Sidewalk Project (61st Ave NE - 63rd Ave NE) - South Side	10, 44	Local	\$ 1,000	\$ 25,000	\$ 132,145	\$ 50,000				\$ 207,145	\$ 208,145
		Federal/State	\$ 50,000	\$ 289,514	\$ 981,486					\$ 1,271,000	\$ 1,321,000
		Unsecured								\$ -	\$ -
		Subtotal	\$ 51,000	\$ 314,514	\$ 1,113,631	\$ 50,000	\$ -	\$ -	\$ -	\$ 1,478,145	\$ 1,529,145
Lower Swamp Creek Bridge Replacement	NA	Local	\$ 50,000							\$ -	\$ 50,000
		Federal/State								\$ -	\$ -
		Unsecured			\$ 225,000	\$ 300,000	\$ 3,930,000	\$ 75,000		\$ 4,530,000	\$ 4,530,000
		Subtotal	\$ 50,000	\$ -	\$ 225,000	\$ 300,000	\$ 3,930,000	\$ 75,000	\$ -	\$ 4,530,000	\$ 4,580,000
NE Arrowhead Drive (NE 151st St - 64th Ave NE) Sidewalk Project	74	Local	\$ 1,000	\$ 25,000	\$ 25,000	\$ 50,000	\$ 270,712	\$ 10,000		\$ 380,712	\$ 381,712
		Federal/State	\$ 50,000	\$ 236,832	\$ 190,000	\$ 1,320,623	\$ 200,000			\$ 1,947,455	\$ 1,997,455
		Unsecured								\$ -	\$ -
		Subtotal	\$ 51,000	\$ 261,832	\$ 215,000	\$ 1,370,623	\$ 470,712	\$ 10,000	\$ -	\$ 2,328,167	\$ 2,379,167
80th Ave NE (SR522-NE 185th) Pedestrian and Bicycle Project	38, 51, 53, 107, 108, 117	Local	\$ 1,000	\$ 25,000	\$ 25,000	\$ 146,016	\$ 135,000	\$ 15,000		\$ 346,016	\$ 347,016
		Federal/State	\$ 50,000	\$ 285,000	\$ 285,000	\$ 1,602,636				\$ 2,172,636	\$ 2,222,636
		Unsecured								\$ -	\$ -
		Subtotal	\$ 51,000	\$ 310,000	\$ 310,000	\$ 1,748,652	\$ 135,000	\$ 15,000	\$ -	\$ 2,518,652	\$ 2,569,652
Simonds Rd (NE 152nd - 88th Ave) Sidewalk Project	1	Local								\$ -	\$ -
		Federal/State								\$ -	\$ -
		Unsecured			\$ 51,000	\$ 280,000	\$ 690,000	\$ 10,000		\$ 1,031,000	\$ 1,031,000
		Subtotal	\$ -	\$ -	\$ 51,000	\$ 280,000	\$ 690,000	\$ 10,000	\$ -	\$ 1,031,000	\$ 1,031,000



CITY OF KENMORE

2024-2029 Transportation Improvement Program

Project name	Ped. Priority Number	Funding	Year							2024-2029 Totals	Project Totals
			Prior Years	2024	2025	2026	2027	2028	2029		
73rd Ave NE (NE 192nd St - NE 201st St) Pedestrian and Bicycle Project	7	Local					\$ 250,000	\$ 136,437		\$ 386,437	\$ 386,437
		Federal/State		\$ 25,000	\$ 225,000	\$ 200,000	\$ 2,192,319			\$ 2,642,319	\$ 2,642,319
		Unsecured								\$ -	\$ -
		Subtotal	\$ -	\$ 25,000	\$ 225,000	\$ 200,000	\$ 2,442,319	\$ 136,437	\$ -	\$ 3,028,756	\$ 3,028,756
84th Ave NE Pedestrian and Bicycle Project (NE 150th St - NE 155th St)	5, 12, 17, 37	Local	\$ 1,000	\$ 25,000		\$ 50,000	\$ 216,631	\$ 20,000		\$ 311,631	\$ 312,631
		Federal/State	\$ 50,000	\$ 184,561	\$ 235,021	\$ 1,664,435				\$ 2,084,017	\$ 2,134,017
		Unsecured								\$ -	\$ -
		Subtotal	\$ 51,000	\$ 209,561	\$ 235,021	\$ 1,714,435	\$ 216,631	\$ 20,000	\$ -	\$ 2,395,648	\$ 2,446,648
192nd St Sidewalk Project (73rd - 75th) - North side	40	Local	\$ 1,000	\$ 25,000	\$ 82,849	\$ 5,000				\$ 112,849	\$ 113,849
		Federal/State	\$ 50,000	\$ 150,000	\$ 560,900					\$ 710,900	\$ 760,900
		Unsecured								\$ -	\$ -
		Subtotal	\$ 51,000	\$ 175,000	\$ 643,749	\$ 5,000	\$ -	\$ -	\$ -	\$ 823,749	\$ 874,749
84th Ave NE Pedestrian and Bicycle Project (NE 155th St-Simonds Rd)	6	Local								\$ -	\$ -
		Federal/State								\$ -	\$ -
		Unsecured			\$ 6,000	\$ 340,000	\$ 340,000	\$ 3,000,000		\$ 3,686,000	\$ 3,686,000
		Subtotal	\$ -	\$ -	\$ 6,000	\$ 340,000	\$ 340,000	\$ 3,000,000	\$ -	\$ 3,686,000	\$ 3,686,000
NE 155th St (84th - 87th) Sidewalk Project	9, 19	Local								\$ -	\$ -
		Federal/State								\$ -	\$ -
		Unsecured			\$ 6,000	\$ 150,000	\$ 150,000	\$ 1,800,000		\$ 2,106,000	\$ 2,106,000
		Subtotal	\$ -	\$ -	\$ 6,000	\$ 150,000	\$ 150,000	\$ 1,800,000	\$ -	\$ 2,106,000	\$ 2,106,000
80th Ave NE Pedestrian and Bicycle Project (185th St - 192nd St)	72, 115, 116, 127	Local								\$ -	\$ -
		Federal/State								\$ -	\$ -
		Unsecured			\$ 6,000	\$ 340,000	\$ 340,000	\$ 5,100,000	\$ 1,000,000	\$ 6,786,000	\$ 6,786,000
		Subtotal	\$ -	\$ -	\$ 6,000	\$ 340,000	\$ 340,000	\$ 5,100,000	\$ 1,000,000	\$ 6,786,000	\$ 6,786,000
NE 192nd St (73rd - 80th) Pedestrian and Bicycle Project	31, 79	Local								\$ -	\$ -
		Federal/State								\$ -	\$ -
		Unsecured			\$ 6,000	\$ 340,000	\$ 340,000	\$ 6,000,000	\$ 1,000,000	\$ 7,686,000	\$ 7,686,000
		Subtotal	\$ -	\$ -	\$ 6,000	\$ 340,000	\$ 340,000	\$ 6,000,000	\$ 1,000,000	\$ 7,686,000	\$ 7,686,000



City of Kenmore Capital Improvement Program

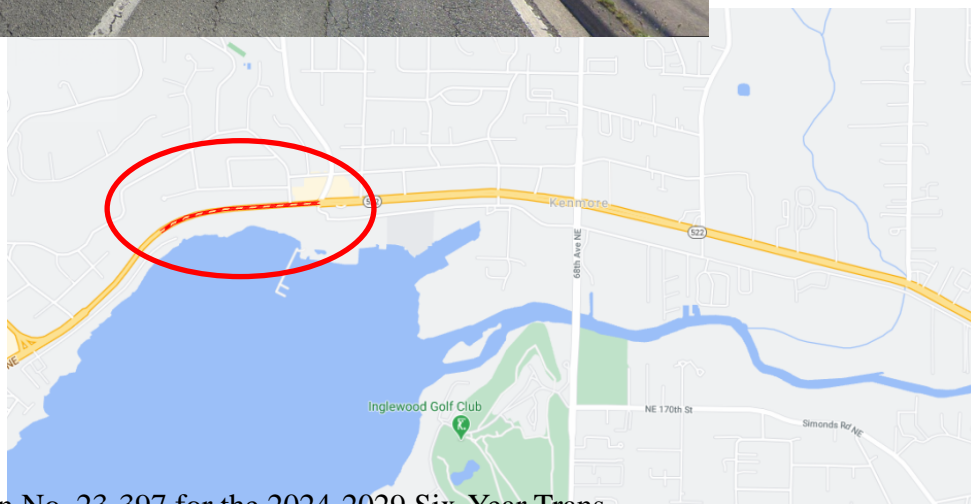
Project Name: SR 522 West B (57th Avenue NE to 61st Avenue NE)

Project No. T-8

Project Location: SR 522 from 57th Avenue NE to 61st Avenue NE

Project Description: This project will provide an American's with Disabilities Act (ADA) connection to the Burke Gilman Trail, ADA improvements to the sidewalk along SR 522, provide access management along this section of SR522 and a study of the south leg of 61st Avenue for conversion to one-way. Should additional funding become available, additional scope may consist of additional access points to the Burke Gilman Trail, undergrounding of utilities, new street lighting, and additional corridor landscaping.

Background: Since its incorporation, the City of Kenmore has completed improvements to SR 522 (Bothell Way) between 61st Avenue NE and the east city limits to increase safety, improve transit reliability, and ease congestion. Improvements included adding new traffic signals, street lighting and sidewalks, widening SR 522 for Business Access and Transit lanes, enhancing the corridor with new landscaping and medians to improve access management, replacing the Swamp Creek Bridge, undergrounding utilities, and more. The final segment, SR 522 West B (57th Avenue NE to 61st Avenue NE) will complete corridor improvements to the west City limits.





City of Kenmore Capital Improvement Program

Project Name: ADA Transition Program

Project No.: T-252

Project Location(s): Citywide

Project Description: This program is intended to replace curb ramps, sidewalks, crosswalks, pedestrian push buttons and marked on-street parking that are not compliant with ADA guidelines with ADA compliant facilities per the ADA Transition Plan.

Background: The City completed an inventory and assessment of its pedestrian facilities within the right of way. Several locations were identified as not being compliant with the American with Disabilities Act (ADA) standards. The ADA Transition Plan was adopted in June 2022 and contains a list of all facilities that are out of compliance and the approximate cost to replace those facilities. The ADA Transition Plan is a living document that will updated regularly





City of Kenmore Capital Improvement Program

Project Name: Pavement Preservation Program

Project No.: T-35

Project Location: Citywide.

Project Description: This program includes grind and overlay of selected streets within the City. Typically grind and overlay projects are completed on roadways with pavement ratings between 60 and 70 while pavement seal operations are completed on roadways with ratings above 70. As part of any pavement overlay, curb ramps within the project limits are upgraded to comply with the American's with Disabilities Act (ADA). In addition, pavement overlay may also include major pavement repairs, utility adjustments and pavement markings. The project also includes regular updates and analysis of existing pavement condition to assist in assessing future overlay locations.

Background: The City of Kenmore Comprehensive Plan promotes a fiscally constrained Transportation Element that prioritizes operation and maintenance of existing facilities within the City. The goals listed in the

1. Provide a complete transportation network serving local and regional circulation needs, safely accommodating all users;
2. Promote a transportation system that contributes to fiscal and environmental sustainability;
3. Facilitate freight mobility and economic prosperity.





City of Kenmore Capital Improvement Program

Project Name: 61st Avenue Sidewalk Replacement Project, Phase 1

Project No. T-44

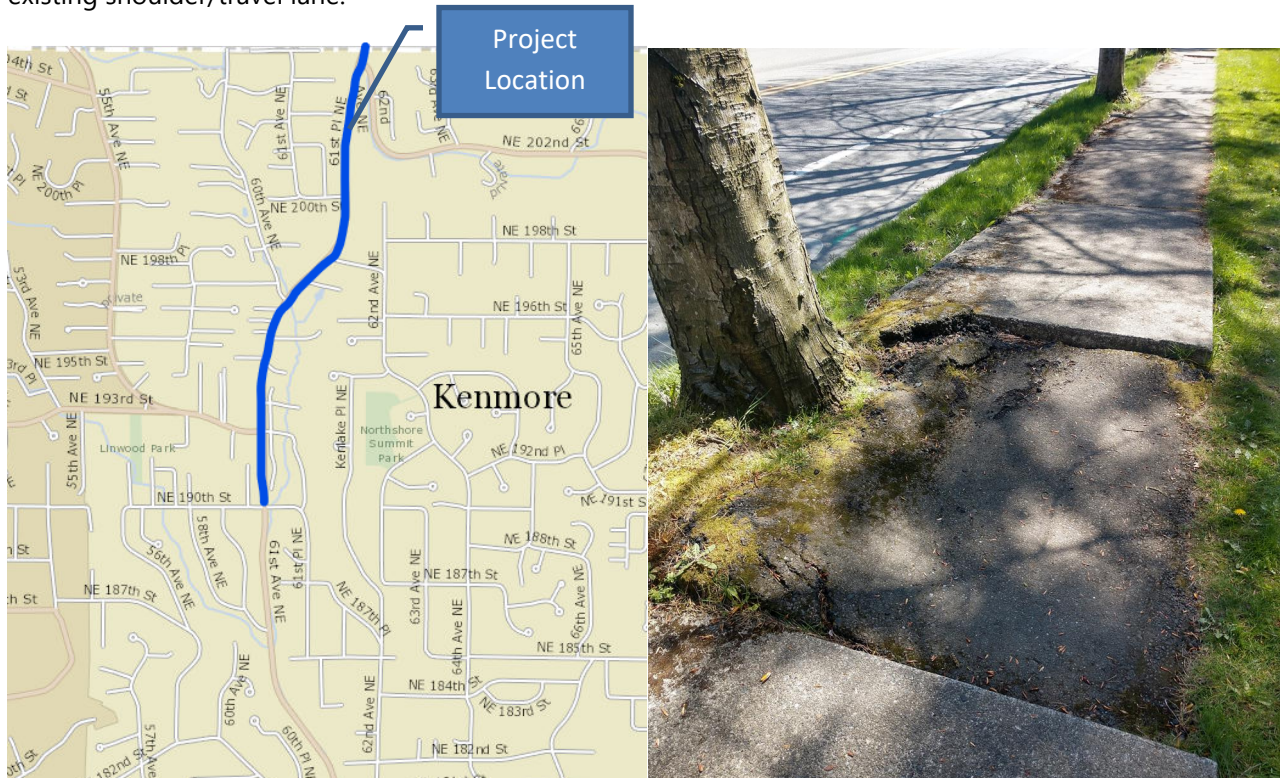
Project Location: 61st Ave/Pl NE (NE 190th Street north to 62nd Ave NE)

Project Description:

This project will update the alternatives analysis and include other possible scenarios for sidewalk replacement. Non-ADA Sidewalk panels will be replaced on the east side of 61st Avenue NE between NE 190th St and 60th Avenue NE and on 61st Place NE from 60th Avenue NE to the northern city limits. In addition to replacing sidewalk panels, the following will also be included in the project:

- A 2-inch grind and HMA overlay
- New bike lanes.
- On-street parking will be removed within this section
- Right turn pockets at NE 193rd St, 60th Ave NE, and 62nd Ave NE will be removed
- Rectangular Rapid Flashing Beacon (RRFB) at 193rd St and 60th Ave Intersections.

Background: 61st Avenue/Place NE is an arterial that runs north to south (north of SR 522). The intersection with NE 193rd Street is a major intersection that could utilize additional control. The sidewalks north of NE 190th Street do not meet American with Disability Act (ADA) compliance with many location having gaps or uplift issues. Over 70 locations along this corridor are experiencing sidewalk uplift due to nearby trees and several other panels have shifted and pedestrians with accessibility issues are sometimes forced into the existing shoulder/travel lane.





City of Kenmore Capital Improvement Program

Project Name: NE 170th St Interim Sidewalk

Project No. TBD

Project Location: North side of 73rd Ave NE between 70th Ave NE and 72nd Ave NE.

Project Description: This project will provide sidewalk along the north side of NE 170th St from 70th Ave NE to 72nd Ave NE. The proposed sidewalk would be the minimum width needed for ADA (Americans with Disabilities Act) compliance and would not meet the City's approved cross section. Driveway approaches would likely not be replaced at this time.

Background: This section of NE 170th St has a limited width dirt path that connects 72nd Ave NE St to sidewalks along Rhododendron Park. This interim project would close that sidewalk gap and provide better accessibility along this portion of NE 170th St.





City of Kenmore Transportation Improvement Program

Project Name: NE 181st St Sidewalks (61st Ave – 63rd Ave)

Project No.: T-253

Project Location: NE 181st Street between 61st Avenue NE and 63rd Avenue NE.

Project Description: This project builds approximately 615 LF of new sidewalks on south side of NE 181st Street from 61st Ave to 63rd Ave.

Background: There are limited sidewalks and pedestrian facilities along this section of NE 181st. Adding sidewalk would provide sidewalk connections along NE 181st to existing sidewalk on 62nd Ave NE and 61st Ave NE. This sidewalk is located in a community business zone.





City of Kenmore Capital Improvement Program

Project Name: Lower Swamp Creek Bridge Replacement

Project No.: T-38

Project Location: NE 175th Street/Swamp Creek Crossing

Project Description: An update of the alternatives analysis, cost estimates, funding alternatives will be conducted prior to design/construction of recommendations.

Background: The bridge over Swamp Creek at NE 175th Street is aging and is in need of rehabilitation/replacement. This structure is on NE 175th Street, adjacent to the Burke Gilman Trail and crosses Swamp Creek. This structure currently is wide enough for two way vehicle traffic. The existing structure is routinely evaluated by the King County Bridge Engineering group. Maintenance is provided to the structure as needed. King County recommended evaluation of the structure for rehabilitation vs. replacement. A study and alternatives analysis was performed in 2016 that recommended replacement of the bridge within the next 10 years.



Figure A: Existing Bridge

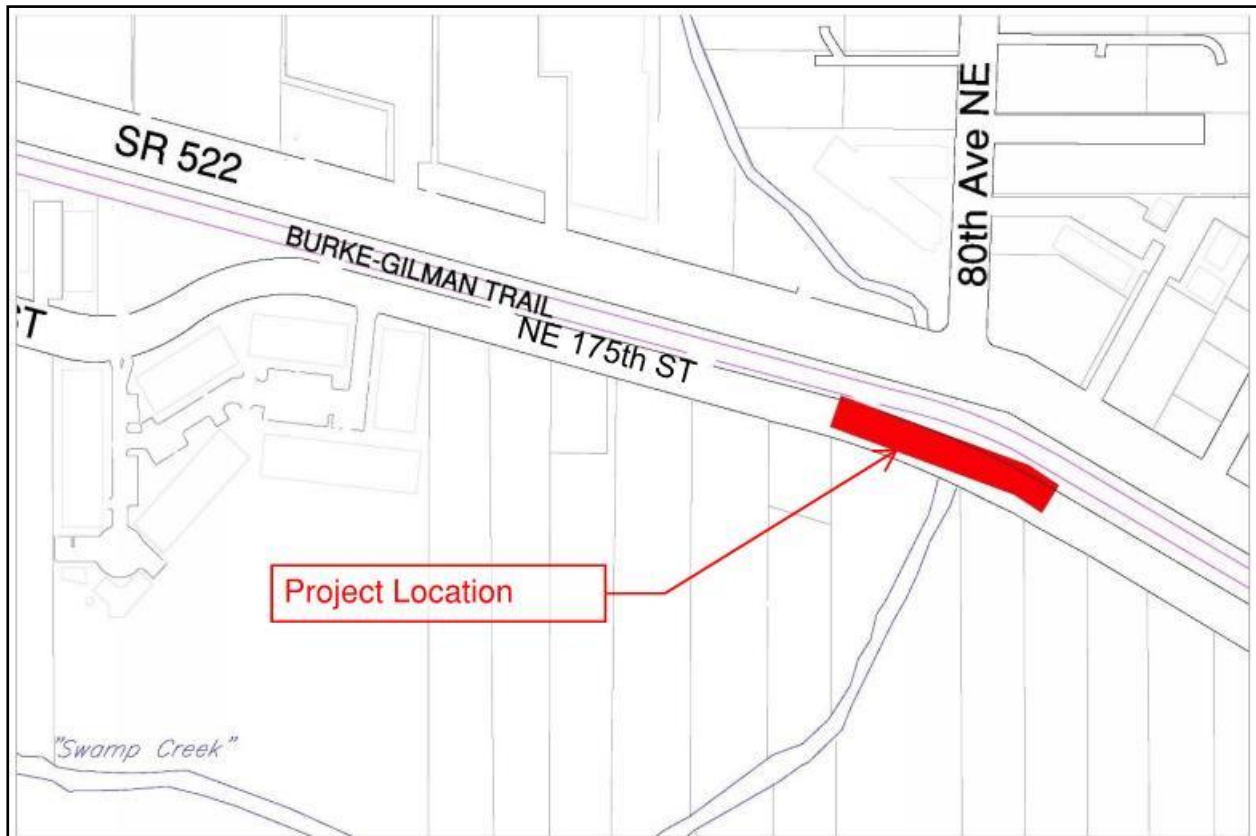


Figure B: Project Location



City of Kenmore Transportation Improvement Program

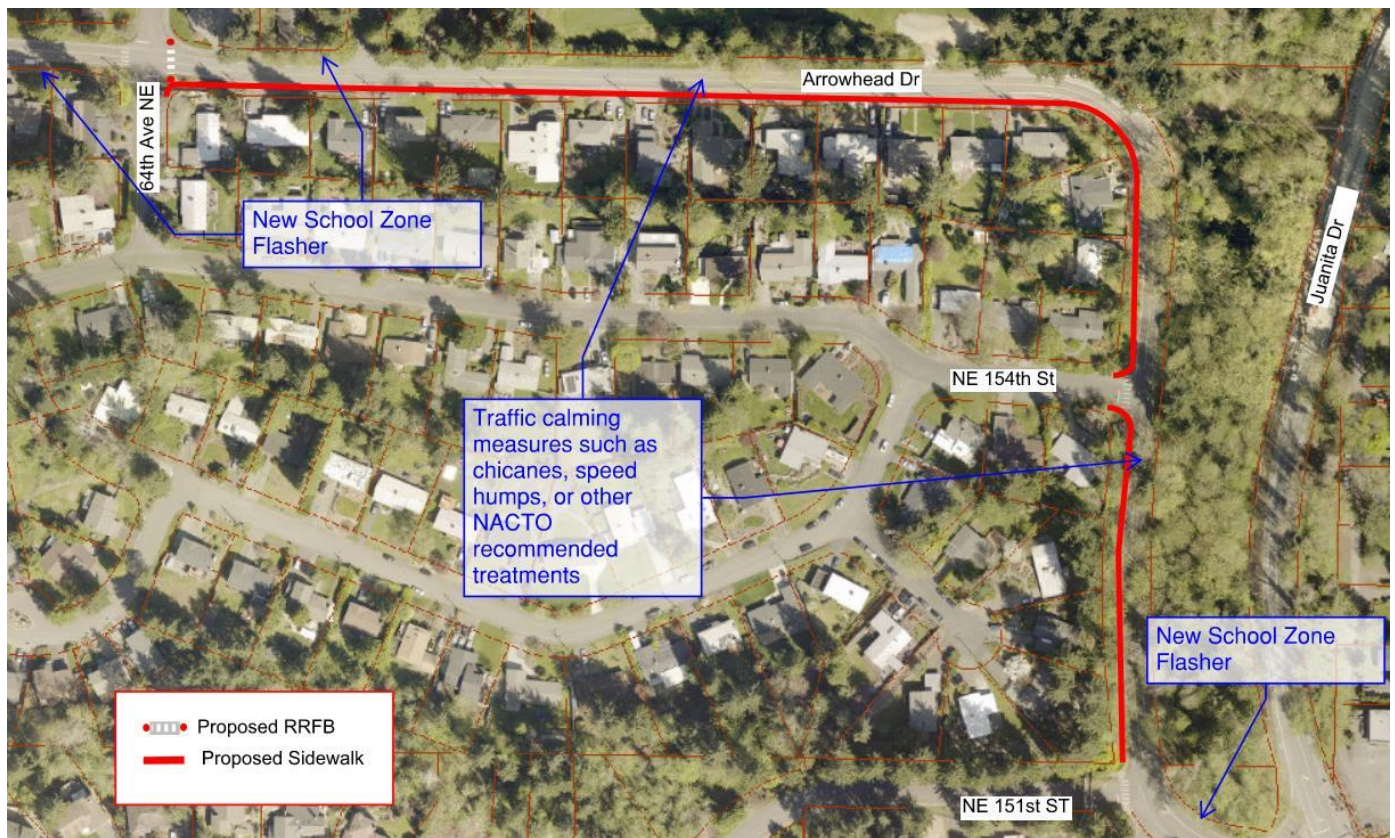
Project Name: NE Arrowhead Drive Sidewalks

Project No.: T-262

Project Location: NE Arrowhead Drive between NE 151st Street and 64th Avenue NE.

Project Description: This project builds approximately 2,050 LF of new sidewalks on west side/south side of NE Arrowhead drive from NE 151st St to 64th Ave NE. On-street parking adjacent to new sidewalk will be removed. Project will also include one rectangular rapid flashing beacon (RRFB), narrowing of street crossings, additional school zone signage, and several traffic calming features such as chicanes.

Background: NE Arrowhead Drive varies from 3-foot wide to 5-foot wide shoulder with two way traffic. NE Arrowhead Drive is a designated walking route for Arrowhead Elementary School students. Sidewalks along this road were identified as a high priority during the neighborhood meetings held for this area as part of the Neighborhood Transportation Program Plan and is listed as a high priority sidewalk in the Sidewalk Program.





City of Kenmore Transportation Improvement Program

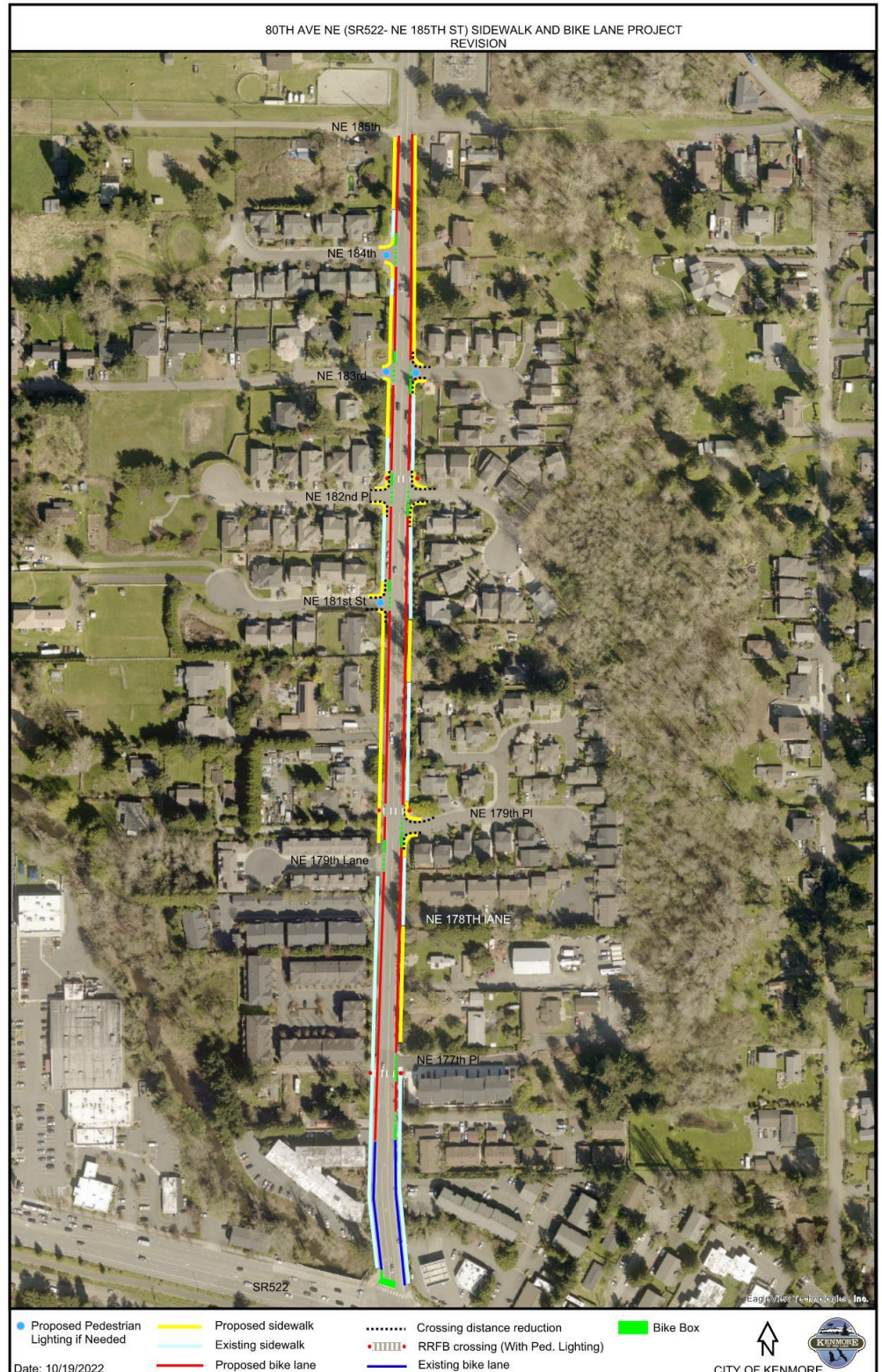
Project Name: 80th Ave NE Ped/Bike Project (SR522 – NE 185th St)

Project No.: T-260

Project Location: 80th Ave NE between NE 179th PI and NE 185th St (Tolt line).

Project Description: This project builds approximately 1,175 LF of new sidewalks on both sides of 80th Ave NE between NE 179th PI and NE 185th St (the Tolt water line corridor) with buffered bike lanes on both sides. This project also includes a flashing crosswalk near NE 182nd St. All on-street parking will be eliminated within the project limits.

Background: Sidewalk exists at sporadic location along 80th Ave NE within the project limits. This project will close gaps and create a continuous sidewalk on both sides of the street connecting to SR522.





City of Kenmore Capital Improvement Program

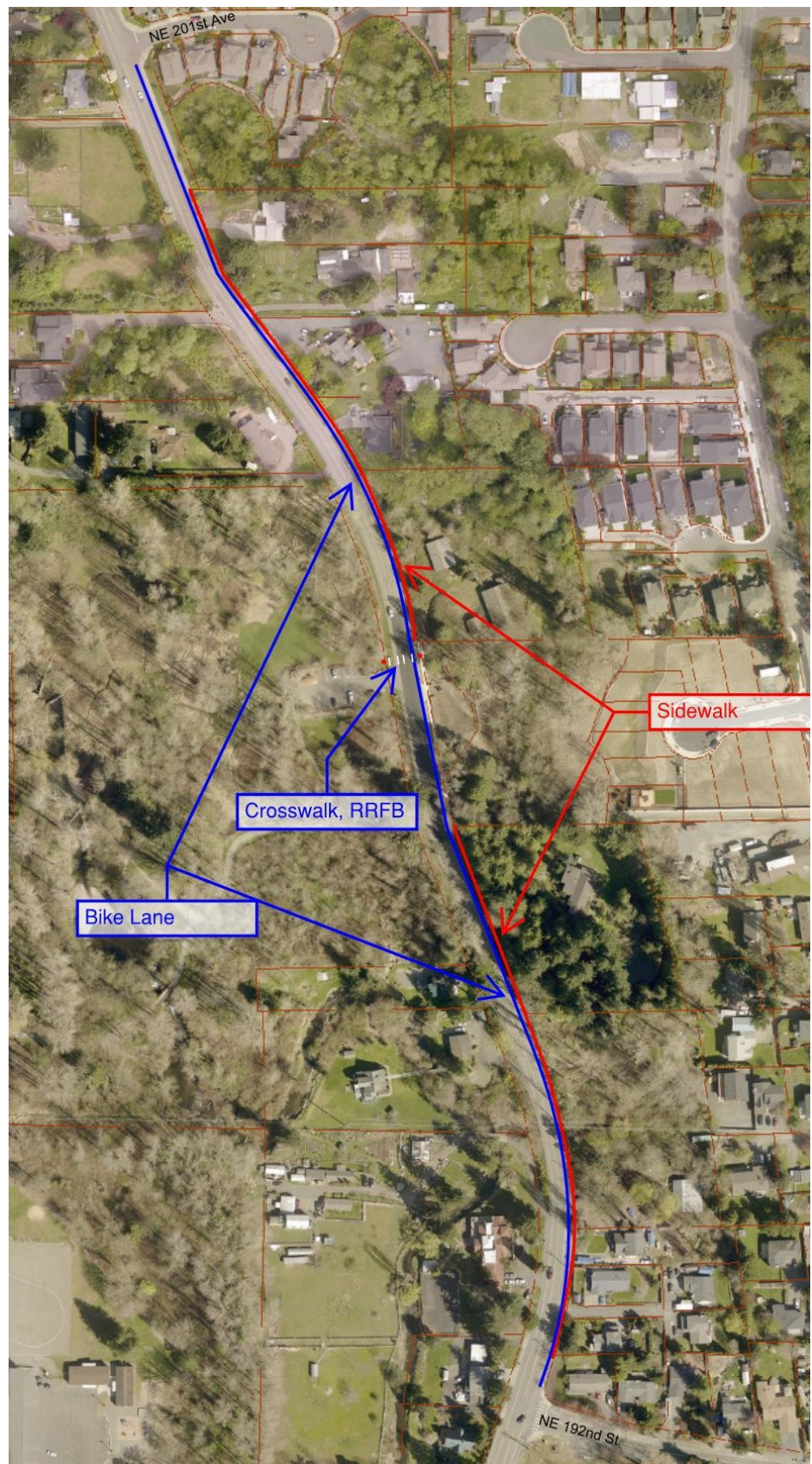
Project Name: 73rd Ave NE (NE 192nd St – NE 201st Pl) Sidewalk

Project No. T-0264

Project Location: East side of 73rd Ave NE between NE 192nd St and NE 201st Pl.

Project Description: This project will provide sidewalk along the east side of Simonds Rd from NE 192nd St to NE 201st Pl.

Background: This section of 73rd Ave NE is limited to pedestrian access via a 5-foot shoulder. This road provides the only pedestrian connection for residents along 73rd Ave NE. 73rd Ave NE is a main connection to the City's downtown, parks, transit, and other public amenities. This project would close gaps in the sidewalk network nearly completing sidewalk along the east side of 73rd Ave NE within the city limits.





City of Kenmore Transportation Improvement Program

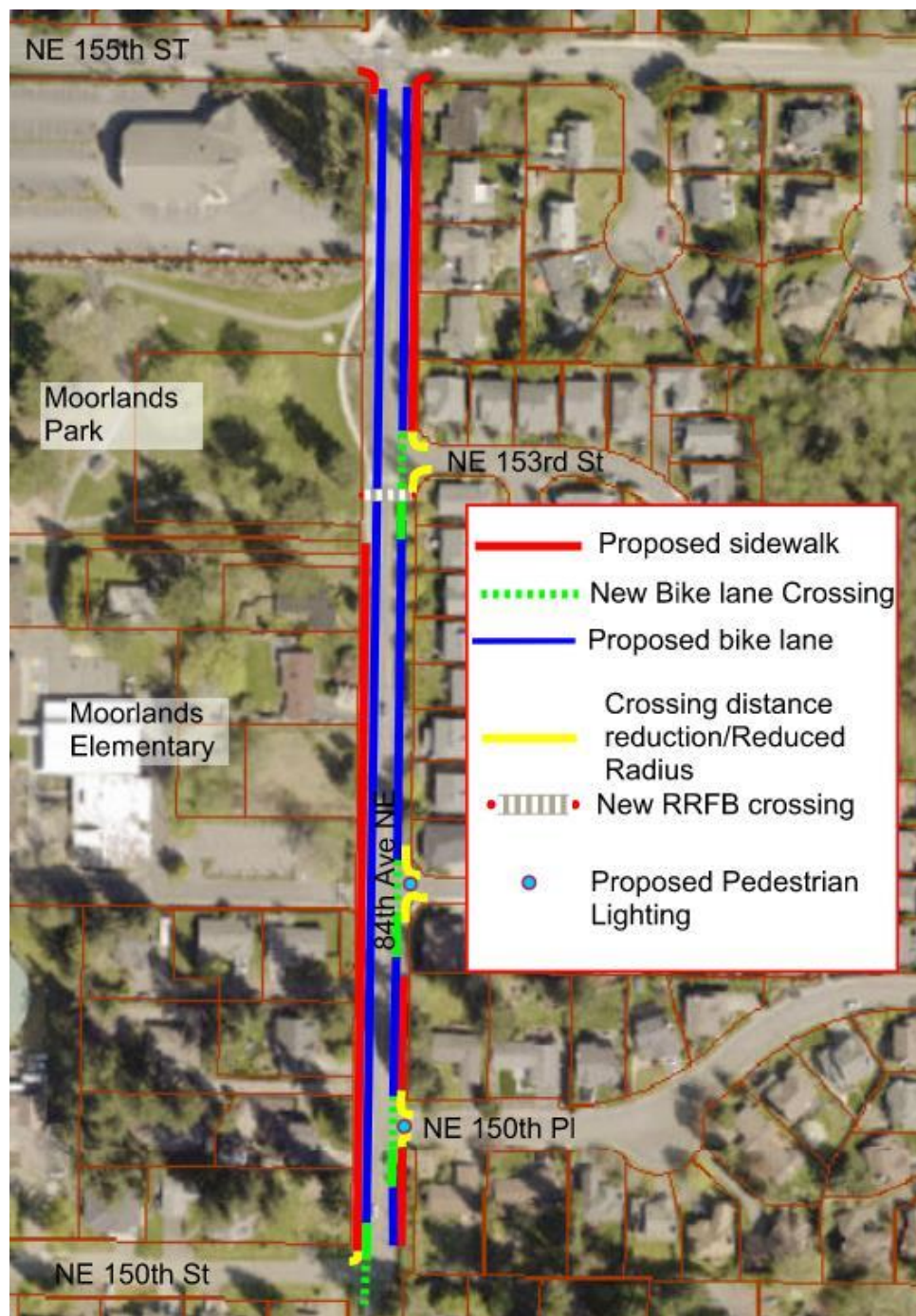
Project Name: 84th Ave NE Sidewalks (150th St – 155th St)

Project No.: T-263

Project Location: 84th Ave NE between 150th St and 155th St.

Project Description: This project builds approximately 742 LF of new sidewalks on west side of 84th Ave NE and LF of new sidewalk on the east side of 84th Ave NE from NE 150th St – NE 155th St. Project will also include buffered bike lanes on both sides of the street as well as reduction in crossing distances on side streets, a new rectangular rapid flashing beacon (RRFB) and some added pedestrian lighting.

Background: Sidewalk exists on the west side of 84th Ave NE at NE 155th St. and terminates approximately 500 feet south of NE 155th St and on the east side of 84th Ave NE between NE 151st PI and NE 153rd St. This project will extend the sidewalk south and create a continuous sidewalk between NE 150th St and NE 155th St. 84th Ave NE is a designated walking route for Moorlands Elementary School students.





City of Kenmore Transportation Improvement Program

Project Name: NE 192nd St Sidewalks (73rd Ave – 75th Ave)

Project No.: T-261

Project Location: NE 192nd Street between 73rd Ave NE and 75th Avenue NE.

Project Description: This project builds approximately 275 LF of new sidewalks on north side of NE192nd Street from 73rd Ave – 75th Ave and approximately 75 LF of sidewalk on the east side of 75th Ave NE to close the sidewalk gap.

Background: Sidewalk exists on NE 192nd Street at 73rd Avenue NE and terminates approximately 240 feet from 75th Ave NE. Approximately 500 LF of sidewalks were installed east of 75th Ave NE as part of private developments. Sidewalk also exists up 75th Ave NE. This project will close gaps and create a continuous sidewalk to Kenmore Elementary in this area. NE 192nd St is a designated walking route for Kenmore Elementary School students. Sidewalks at this location were identified as a high priority sidewalk in the Sidewalk Program.





City of Kenmore Transportation Improvement Program

Project Name: 84th Ave NE Sidewalks (155th St – Simonds Rd)

Project No.: TBD

Project Location: 84th Ave NE between NE 155th St and Simonds Rd.

Project Description: This project builds approximately 1,500 LF of new sidewalks on one side of 84th Ave NE from NE 155th St to Simonds Rd. Project will also include buffered bike lanes on both sides of the street and reconfigure the southern intersection with Simonds Rd to reduce the crossing distance of 84th at this location.

Background: An extruded curb separated shoulder exists on the west side of 84th Ave NE separating pedestrians from the travel lane. A large “paved desert” exists at the northern end of this segment resulting in a long crossing and excess impervious surfacing. This project will reconfigure the southern intersection by removing the pavement and narrowing the crossing of 84th and extending sidewalk south to 155th St to connect to the existing sidewalk to Moorlands Elementary. 84th Ave NE is a designated walking route for Moorlands Elementary School students. Sidewalks at this location were identified as a top 10 priority project in the Pedestrian Facilities Plan left to be completed.

Funding Sources: This project is currently unfunded. Staff will leverage granting sources to fund this project.





City of Kenmore Capital Improvement Program

Project Name: NE 155th St (84th Ave NE – 87th Ave NE) Sidewalk

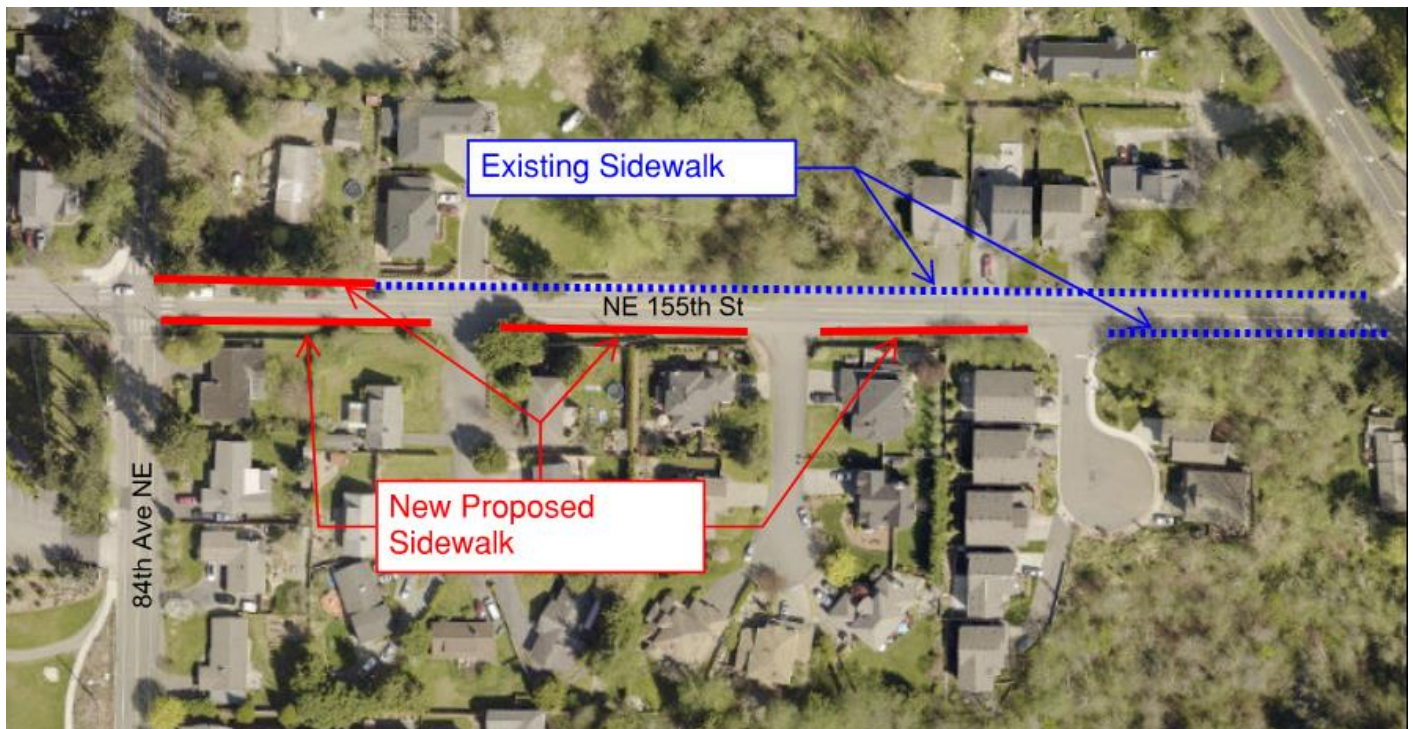
Project No. TBD

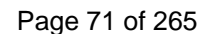
Project Location: NE 155th St from 84th Ave NE to 87th Ave NE

Project Description: This project will provide sidewalk along both sides of NE 155th St from 84th Ave NE to 87th Ave NE.

Background: This section of NE 155th is limited to pedestrian access via a 5-foot shoulder. This road provides connection for students to Inglemoor High School and access to Moorlands Elementary school students. Existing sidewalk exists east of this project filling a gap and providing continuous sidewalk between Simonds Rd to sidewalks on NE 155th St (and future sidewalks on 84th Ave NE).

Funding Sources: This project is currently unfunded. Staff will pursue available grant funds to support this project.





Project Name: 80th Ave NE Pedestrian and Bicycle Project (185th St – 192nd St)
Project No.: TBD

Project Description: This project builds approximately 3,470 LF of new sidewalks on both sides of 80th Ave NE from NE 185th St to NE 192nd St. Project will also include buffered bike lanes on both sides of the street and other pedestrian/bicycle safety measures. This project will also look at the possibility of a roundabout at the 80th Ave NE/NE 192nd St intersection.

Background: A painted shoulder exists on both sides of 80th Ave NE separating pedestrians from the travel lane. Intermittent sidewalk exists at locations within this area of 80th Ave NE. NE 192nd and 80th Ave is currently an all-way stop. This project will add multimodal facilities, narrow intersection crossings where possible, add crossing treatments as needed, and the intersection of 80th/192nd will be evaluated for a possible roundabout, to either be constructed with this project or planned as a later project. 80th Ave NE is a designated school bus stop corridor for students. Sidewalks at this location are identified in the Pedestrian Facilities Plan and 80th Ave NE is a designated bike route.

The map shows a residential area with streets including NE 198th St, NE 196th St, NE 195th St, NE 193rd Pl, NE 192nd St, 80th Ave NE, NE 183rd St, NE 180th St, NE 175th St, NE Bothell Way, and NE 175th St. A blue box labeled "Project Location" points to a segment of 80th Ave NE. An aerial photograph of the same road is shown to the right, showing a two-lane road with yellow double lines, surrounded by trees and greenery.



City of Kenmore Transportation Improvement Program

Project Name: NE 192nd St Pedestrian and Bicycle Project (73rd Ave – 80th Ave)

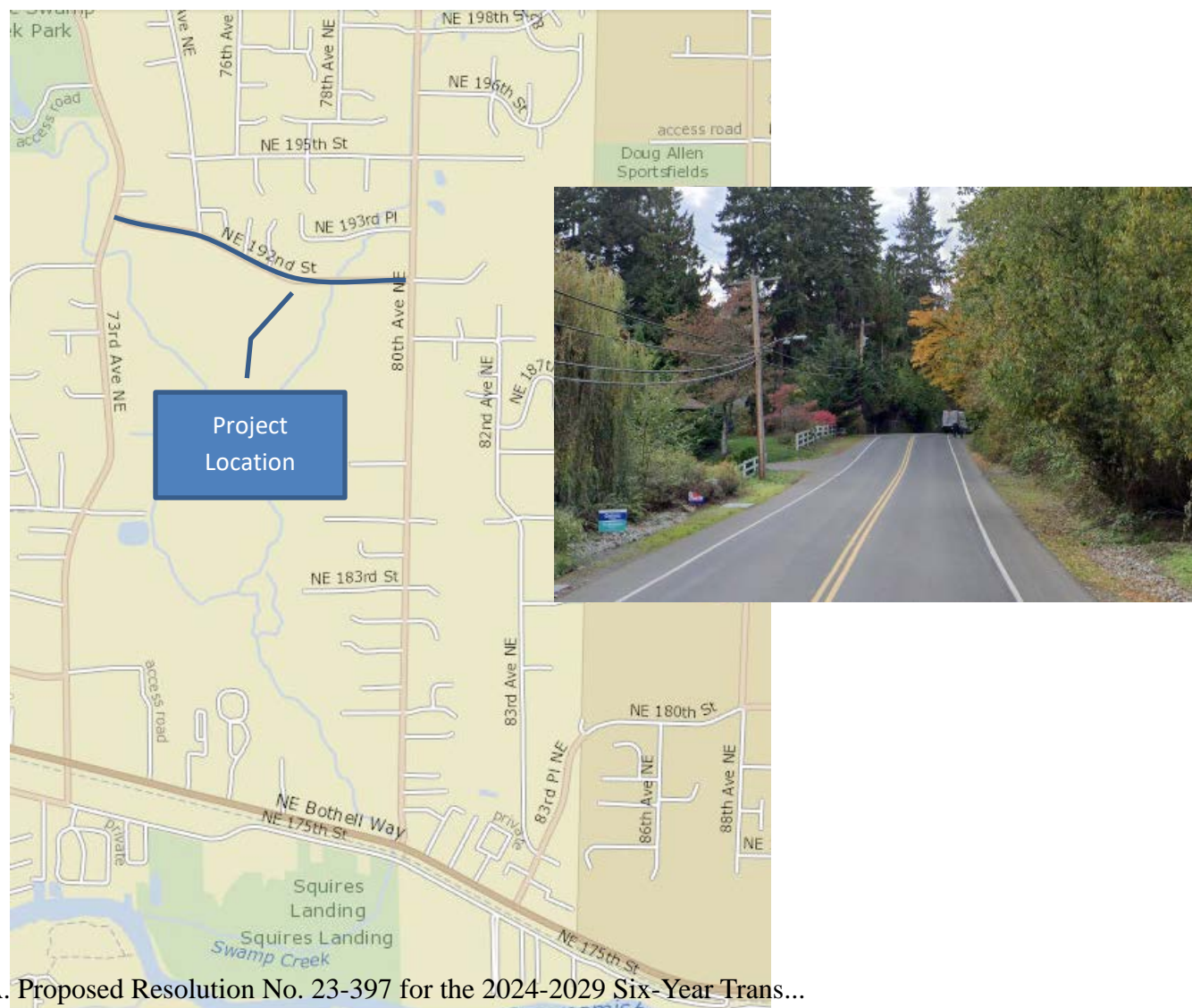
Project No.: TBD

Project Location: NE 192nd St between 73rd Ave NE and 80th Ave NE.

Project Description: This project builds approximately 3,190 LF of new sidewalks on both sides of NE 192nd St from 73rd Ave NE to 80th Ave NE. Project will also include buffered bike lanes on both sides of the street and other pedestrian/bicycle safety measures.

Background: A painted shoulder exists on both sides of NE 192nd St separating pedestrians from the travel lane. Sidewalk exists on the north side of NE 192nd St from 75th Ave NE to 76th PI NE. NE 192nd St and 80th Ave NE is currently an all-way stop. This project will add multimodal facilities, narrow intersection crossings where possible, add crossing treatments as needed, and the intersection of 80th/192nd will be evaluated for a possible roundabout, to either be constructed with this project or planned as a later project. NE 192nd St is the only direct east/west connection to bike lanes and sidewalk proposed along 80th Ave NE. NE 192nd St is designated as a Suggested Walk Route for Kenmore Elementary School students. Sidewalks at this location are identified in the Pedestrian Facilities Plan and NE 192nd St is a designated bike route and the alternative route to connect the future Tolt Trail on either side of Swamp Creek.

Funding Sources: This project is currently unfunded. Staff will leverage granting sources to fund this project.



Six Year Transportation Improvement Program 2024-2029

Presented by: John Vicente,
Engineering Director



Tonight's Discussion

- ▶ Review of the proposed Transportation Improvement Program (TIP)
- ▶ Review of new projects
- ▶ Summary of 2022 Improvements
- ▶ Public Hearing
- ▶ Recommendation to Adopt Resolution 23-397 and approve the 2024-2029 Six-Year Transportation Improvement Program

Background

- ▶ RCW 35.77.010 requires municipalities to create a Transportation Improvement Program (TIP)
- ▶ TIP must show how a City proposes to utilize funds for transportation related projects in the ensuing 6 years
- ▶ Consistent with the City's Comprehensive Plan
- ▶ Update must be performed each year
- ▶ TIP is a planning document and not fiscally restrained
- ▶ TIP filed with WA State Secretary of Transportation
- ▶ A public hearing is required prior to approval
- ▶ Local funds based upon approved CIP / Council

TIP Update, Carryover

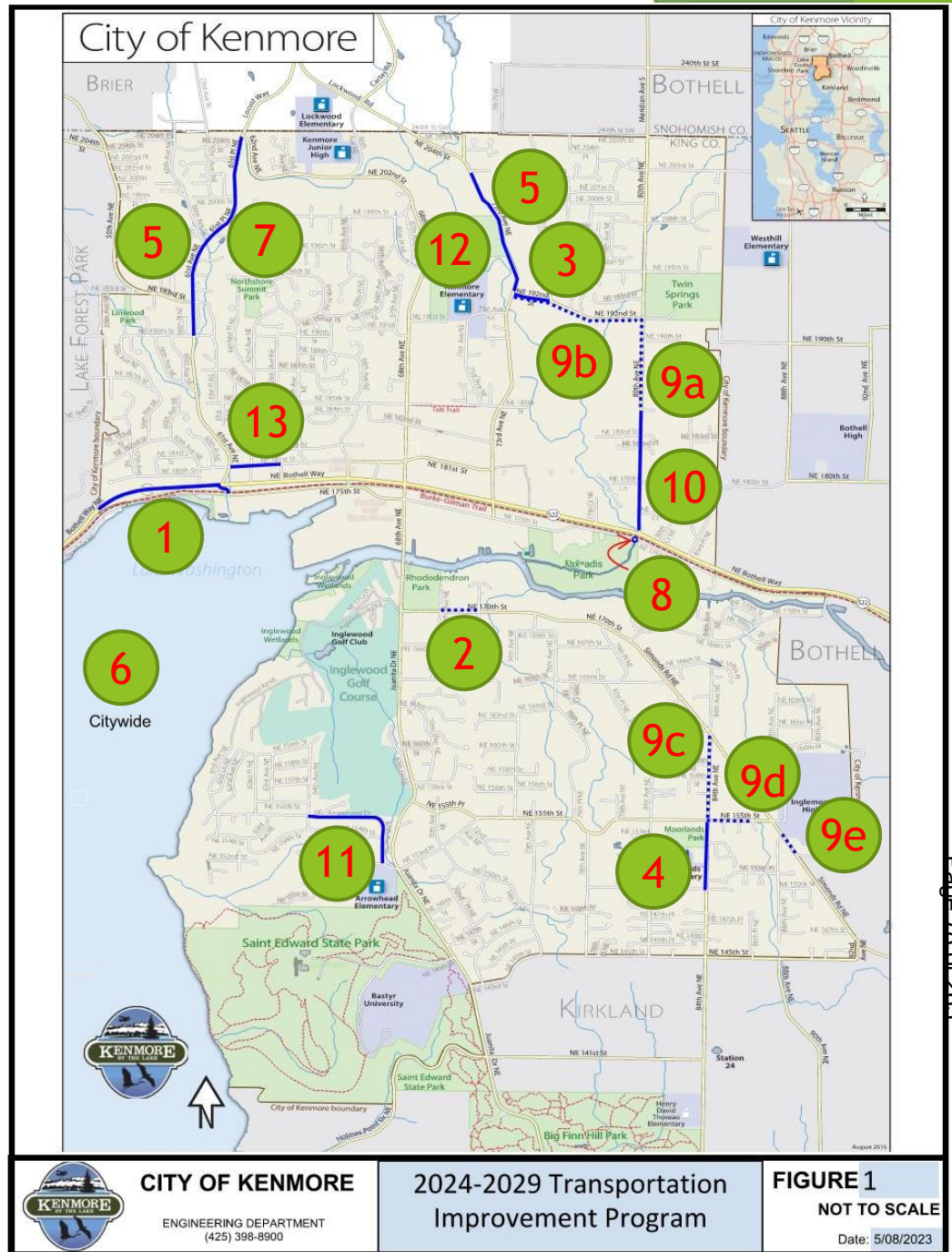
- ▶ 10 projects from 2023-2028 carried over
 - ▶ SR522 West B
 - ▶ Pavement Preservation
 - ▶ ADA Transition Program
 - ▶ 61st Ave Sidewalk Replacement, Phase 1
 - ▶ Lower Swamp Creek Bridge Replacement
 - ▶ Pedestrian Facilities Plan
 - ▶ 80th Ave (SR522 - 185th) Ped/Bike
 - ▶ Simonds Rd (152nd - 88th) Sidewalk
 - ▶ 73rd Ave (192nd – 201st) Sidewalk
 - ▶ NE 181st St (61st – 63rd) Sidewalk

TIP Update, New Project

- ▶ 7 projects added
 - ▶ NE 192nd Sidewalk (73rd – 75th) – North side
 - ▶ 80th Ave (185th St – 192nd St) Ped/Bike
 - ▶ Arrowhead Sidewalk
 - ▶ NE 170th St Interim Sidewalk
 - ▶ 84th Ave (Simonds Rd – 155th St) Ped/Bike
 - ▶ NE 155th St (84th Ave – 87th Ave) Sidewalk
 - ▶ NE 192nd St Ped/Bike (73rd – 80th)
- ▶ 3 projects graduated
 - ▶ W Sammamish River Bridge Project
 - ▶ Juanita Dr Ped/Bike
 - ▶ 68th Ave NE Ped/Bike

TIP Update Project Map

1. SR522 West B
2. NE 170th Interim Sidewalk
3. NE 192nd St Sidewalk
4. 84th Ave NE Ped/Bike
5. Pavement Preservation
6. ADA Transition Program
7. 61st Sidewalk Replacement
8. Lower Swamp Ck Bridge
9. Ped Facilities Program
 - a. 80th Ave NE
 - b. NE 192nd St
 - c. 84th Ave NE
 - d. NE 155th St
 - e. Simonds Rd
10. 80th Ave Ped/Bike
11. Arrowhead Dr Sidewalk
12. 73rd Ped/Bike
13. NE 181st Sidewalk



New Projects

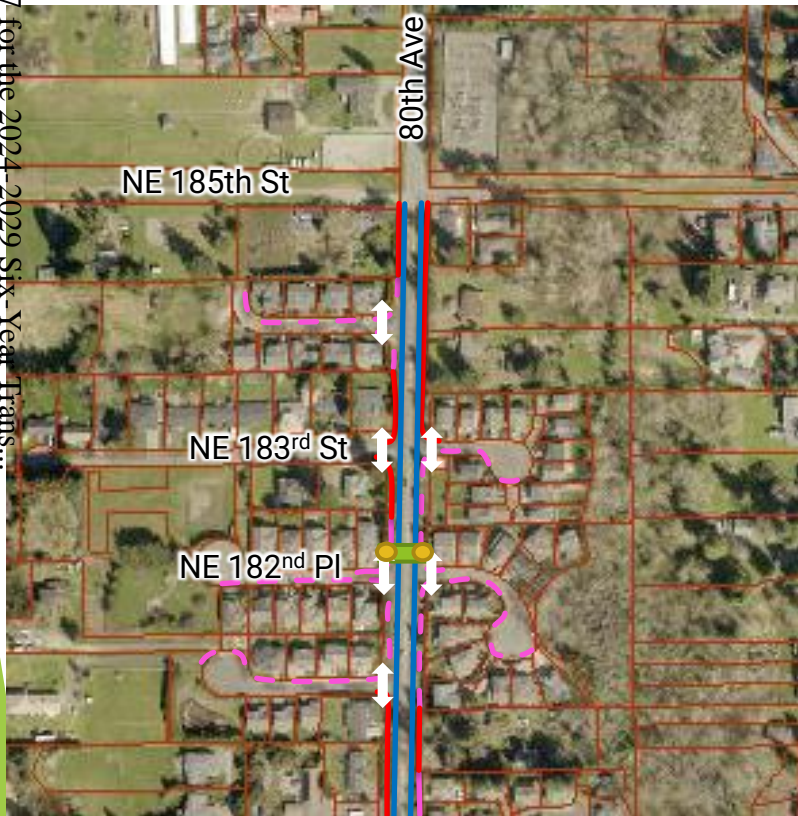
NE 192nd St Sidewalk – Safe Routes to Schools Program

- ▶ Approximately 380LF of new sidewalk
- ▶ School Zone Flasher



New Projects

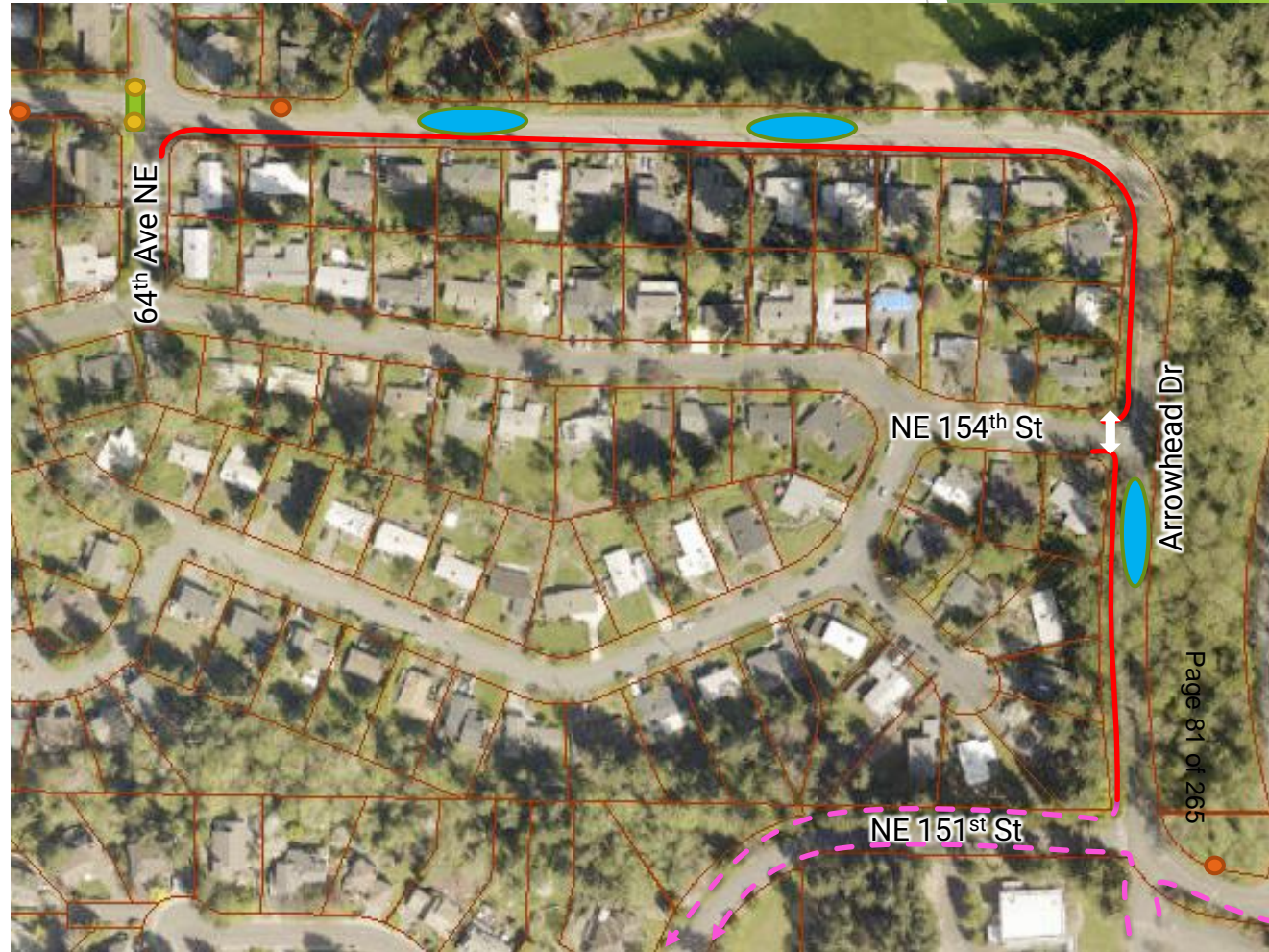
- ▶ 80th Ave Ped/Bike – Pedestrian/Bicycle Program
 - ▶ SR522 -185th St
 - ▶ 1,775 LF sidewalk
 - ▶ 3,600 LF bike lanes
 - ▶ 3 RRFB
- ▶ Curb ramps upgrades
- ▶ Curb bulbs/reduced curb radii
- ▶ Intersection lighting
- ▶ BGT Connection



New Projects

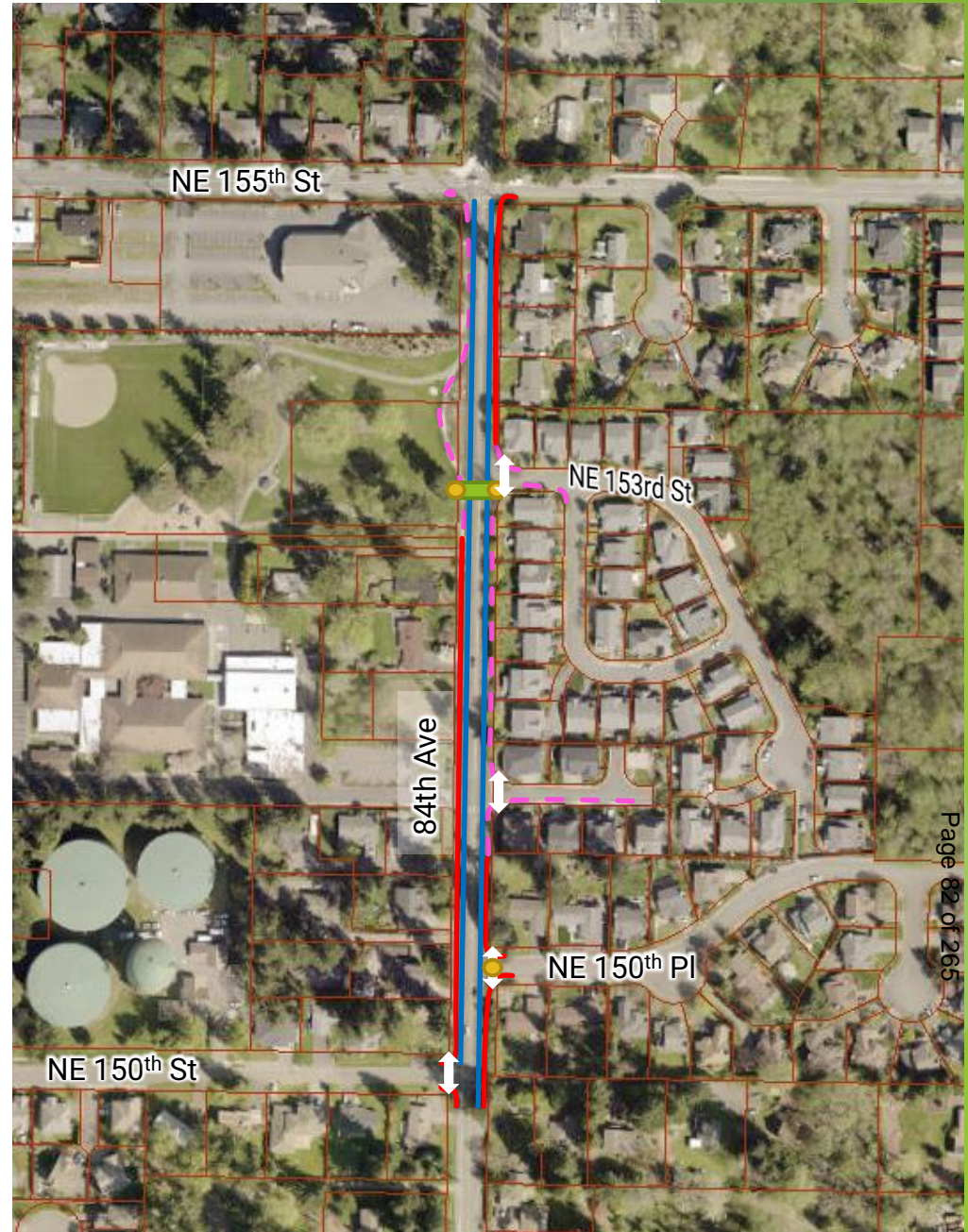
▶ Arrowhead Dr Sidewalk - Safe Routes to Schools Program

- ▶ 151st St – 64th Ave
- ▶ 1,125 LF sidewalk
- ▶ 3 School Zone Flashers
- ▶ 1 RRFB
- ▶ Intersection lighting
- ▶ Curb bulbs/reduced curb radii
- ▶ Traffic Calming



New Projects Unfunded

- ▶ 84th Ave Ped/Bike – Safe Routes to Schools Program*
 - ▶ 150th St - 155th St
 - ▶ 1,580 LF sidewalk
 - ▶ 2,600 LF bike lanes
 - ▶ 1 RRFB
 - ▶ 4 curb ramps upgrades
 - ▶ Curb bulbs/reduced curb radii
 - ▶ Intersection lighting



New Projects Unfunded

- ▶ 73rd Ave Ped/Bike – Pedestrian/Bicycle Program*
 - ▶ 192nd St – 201st St
 - ▶ 1,820 LF sidewalk
 - ▶ 5,028 LF bike lanes



- ▶ 1 RRFB
- ▶ Ped Crossing lighting
- ▶ Curb bulbs/reduced curb radii

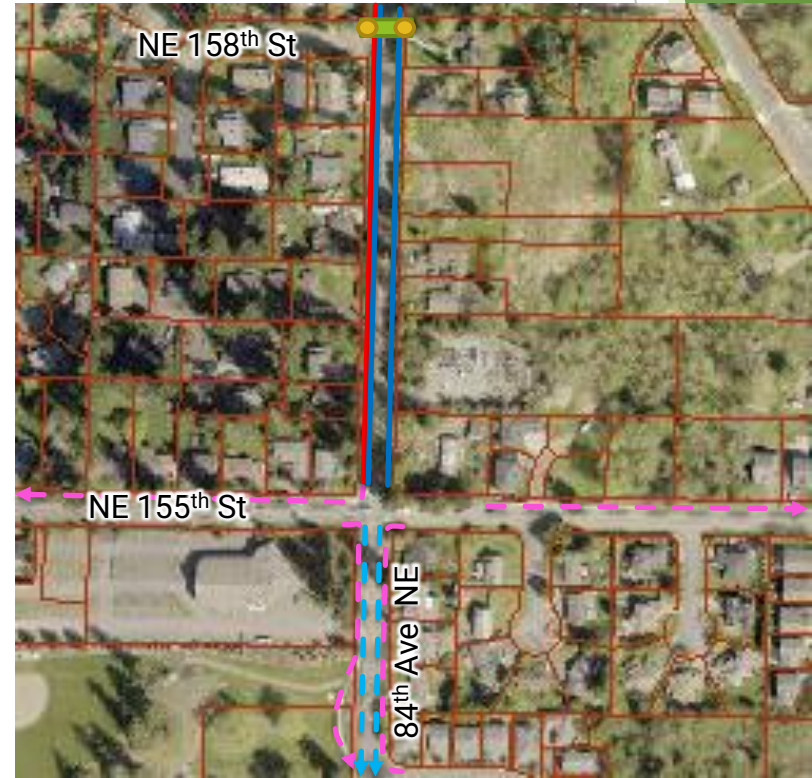
New Projects Unfunded

- ▶ NE 170th St Interim Sidewalk
 - ▶ 70th Ave – 72nd Ave
 - ▶ 590 LF sidewalk
 - ▶ 4-foot wide (no buffer)
 - ▶ No change to driveway approaches



New Projects Unfunded

- ▶ 84th Ave Ped/Bike
 - ▶ Simonds Rd - 155th St
 - ▶ 1,600 LF sidewalk
 - ▶ 3,200 LF bike lanes
- ▶ 1 RRFB
- ▶ Intersection lighting
- ▶ Curb bulbs/reduced curb radii



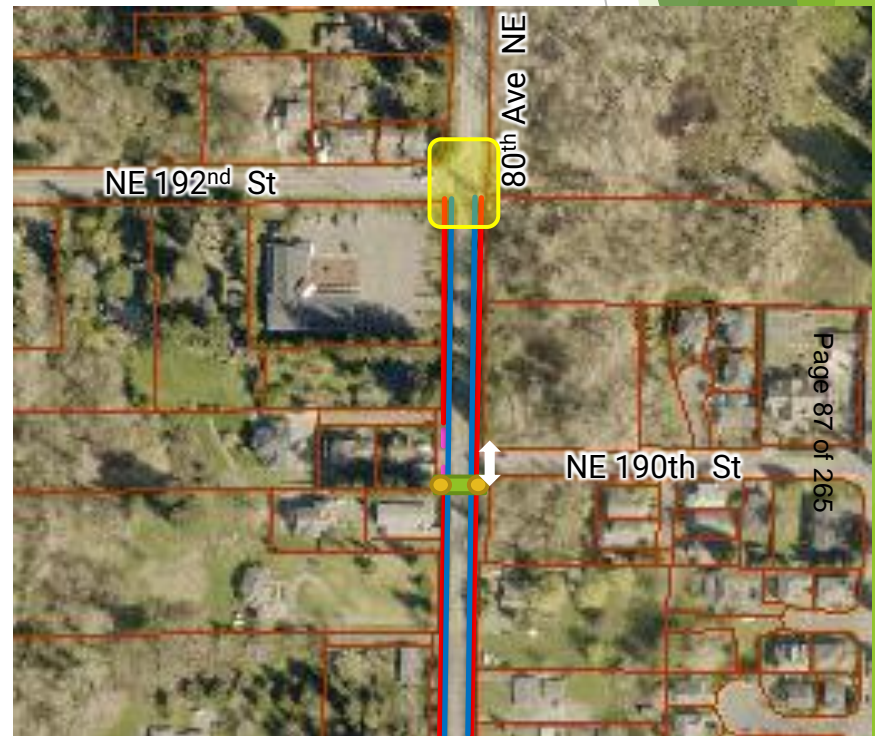
New Projects Unfunded

- ▶ NE 155th St Sidewalks
 - ▶ 84th Ave – 87th Ave
 - ▶ Possible bike lanes
- ▶ 785 LF sidewalk



New Projects Unfunded

- ▶ 80th Ave Ped/Bike
 - ▶ 185th St – 192nd St
 - ▶ 3,470 LF sidewalk
 - ▶ 3,580 LF bike lanes
- ▶ 2 RRFB
- ▶ Intersection lighting
- ▶ Curb bulbs/reduced curb radii
- ▶ Intersection Evaluation



New Projects Unfunded

- ▶ NE 192nd Ped/Bike
 - ▶ 73rd Ave – 80th Ave
 - ▶ 3,190 LF sidewalk
 - ▶ 4,452 LF bike lanes
 - ▶ Intersection Evaluation



SUMMARY OF IMPROVEMENTS

- ▶ 2022 advances towards complete streets policy
 - ▶ Total LF of Sidewalk Constructed: 18,942
 - ▶ Total LF of Bike Lanes Constructed: 31,560
 - ▶ Total LF of Rectangular Rapid Flashing Beacon: 1

Questions/Comments



PUBLIC HEARING

Final Comments

Recommendation
to Adopt Resolution 23-397
and approve the 2024-2029
Six-Year Transportation
Improvement Program



City Council Business Agenda Item City of Kenmore, WA

Subject/Topic: Public Hearing and Resolution Adopting the 2024-2029 Six-Year Transportation Improvement Program	For Council Meeting Agenda of: May 8, 2023 Department: Public Works/Engineering Prepared by: John Vicente, PE <div style="display: flex; justify-content: space-between;"> <div> Approved by Department Head: Approved by City Attorney: Approved by Finance Director: Approved by City Manager: </div> <div style="text-align: right;"> <u>Initial & Date</u> JV 4/25/23 DR 4/25/2023 RK 5/8/23 </div> </div>
Proposed Council Action/Motion: Public Hearing and Adoption of Resolution No. 23-397 for the 2024-2029 Six-Year Transportation Improvement Program	Exhibits/Attachments: A: Resolution No. 23-397

INFORMATION/BACKGROUND:

In accordance with RCW 35.77.010, the legislative body of each city in Washington State must prepare and adopt a six-year comprehensive transportation improvement program (TIP) annually. The TIP may also be modified at any time during the year as needed. The purpose of the TIP is to assure that each city “perpetually have available advanced plans looking to the future for not less than six years as a guide in carrying out a coordinated transportation program.” The 6-year TIP has been prepared and is attached to Resolution No 23-397 (Exhibit A).

A public hearing has been scheduled for May 8, 2023 to receive public comment and to consider adoption of the TIP.

The TIP provides a summary of potential transportation projects and funding for each project. The projects listed in the TIP are consistent with Transportation element of the City’s adopted Comprehensive Plan. The revenue sources are categorized into three groups: Local funds; reasonably secured Federal and State Funds; and funding not secured. The TIP is a planning document that is not fiscally constrained, meaning all funds identified do not need to be “in hand” to include a project in the TIP.

The recommended TIP continues the City’s emphasis on multimodal transportation safety such as maintaining our City infrastructure (including sidewalks and pavement), adding new sidewalks, and replacing/repairing existing infrastructure.

FISCAL CONSIDERATION:

Funding secured for projects are noted on the attached TIP. For projects with unsecured funding, additional local funds would be needed and/or Federal/State funding would be required to complete the projects. Staff will continue to actively pursue funding for those projects currently not fully funded. For those projects listed that do not get full funding during the Capital Improvement Program update, they will be pushed out to subsequent years with each TIP amendment.

COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:

Goal #3: Emphasize multimodal transportation implementation including pedestrian and bicycle Safety.

**CITY OF KENMORE
WASHINGTON
RESOLUTION NO. 23-397**

**A RESOLUTION OF THE CITY COUNCIL OF KENMORE,
WASHINGTON, ADOPTING THE 2024-2029 SIX-YEAR
TRANSPORTATION IMPROVEMENT PROGRAM.**

WHEREAS, RCW 35.77.010 requires the City to review and adopt annually a revised and extended six-year comprehensive transportation program; and

WHEREAS, on May 8, 2023, the City Council held a public hearing and took public comment on the proposed 2024-2029 Six-Year Transportation Improvement Program; and

WHEREAS, the City Council finds that the proposed 2024-2029 Six-Year Transportation Improvement Program is consistent with the Transportation Element of the City of Kenmore Comprehensive Plan, and includes the facilities, projects, programs and information required by RCW 35.77.010;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON, DOES RESOLVE AS FOLLOWS:

Section 1. Program Adopted. The 2024-2029 Six-Year Transportation Improvement Program for the City of Kenmore, attached as an Exhibit and incorporated by this reference, is approved and adopted.

Section 2. Filing of Program. As required by RCW 35.77.010, the City Manager or designee is authorized and directed to file a copy of this resolution, together with the attached Exhibit, with the Secretary of the Washington Department of Transportation within thirty (30) days of adoption of this resolution.

PASSED BY THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON, AT A REGULAR MEETING THEREOF THIS 8th DAY OF MAY 2023

CITY OF KENMORE

Nigel Herbig, Mayor

ATTEST/AUTHENTICATED:

Michelle Kang, Deputy City Clerk

APPROVED AS TO FORM:

Dawn Reitan, City Attorney



CITY OF KENMORE

**6-Year TRANSPORTATION IMPROVEMENT
PROGRAM (TIP)**

2024-2029

May 8, 2023



CITY OF KENMORE

2024-2029 Transportation Improvement Program

Project name	Ped. Priority Number	Funding	Year							2024-2029 Totals	Project Totals
			Prior Years	2024	2025	2026	2027	2028	2029		
SR 522 West B (West boundary to 61st Ave NE)	NA	Local	\$ -							\$ -	\$ -
		Federal/State	\$ 50,000	\$ 400,000	\$ 800,000	\$ 750,000				\$ 1,950,000	\$ 2,000,000
		Unsecured		\$ 250,000	\$ 1,250,000	\$ 1,500,000				\$ 3,000,000	\$ 3,000,000
		Subtotal	\$ 50,000	\$ 650,000	\$ 2,050,000	\$ 2,250,000	\$ -	\$ -	\$ -	\$ 4,950,000	\$ 5,000,000
ADA Transition Program	NA	Local (incl. Utilities)	\$ 500,000	\$ 15,000	\$ 250,000	\$ 825,000	\$ 250,000	\$ 1,000,000	\$ 250,000	\$ 2,590,000	\$ 3,090,000
		Federal/State								\$ -	\$ -
		Unsecured								\$ -	\$ -
		Subtotal	\$ 500,000	\$ 15,000	\$ 250,000	\$ 825,000	\$ 250,000	\$ 1,000,000	\$ 250,000	\$ 2,590,000	\$ 3,090,000
Pavement Preservation Program	NA	Local (incl. Utilities)	\$ 7,953,224		\$ 1,070,000	\$ 150,000	\$ 1,520,000	\$ 200,000	\$ 1,520,000	\$ 4,460,000	\$ 12,413,224
		Federal/State	\$ 1,275,351							\$ -	\$ 1,275,351
		Unsecured								\$ -	\$ -
		Subtotal	\$ 9,228,575	\$ -	\$ 1,070,000	\$ 150,000	\$ 1,520,000	\$ 200,000	\$ 1,520,000	\$ 4,460,000	\$ 13,688,575
61st Ave NE Sidewalk Replacement Project, Phase 1	NA	Local (incl. Utilities)	\$ 139,070	\$ 15,000	\$ 92,918					\$ 107,918	\$ 246,988
		Federal/State	\$ 230,000	\$ 137,500	\$ 996,765					\$ 1,134,265	\$ 1,364,265
		Unsecured								\$ -	\$ -
		Subtotal	\$ 369,070	\$ 152,500	\$ 1,089,683	\$ -	\$ -	\$ -	\$ -	\$ 1,242,183	\$ 1,611,253
NE 170th St Sidewalk (70th - 72nd)	36	Local								\$ -	\$ -
		Federal/State								\$ -	\$ -
		Unsecured	\$ 25,000	\$ 175,000						\$ 175,000	\$ 200,000
		Subtotal	\$ 25,000	\$ 175,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 175,000	\$ 200,000
NE 181st St Sidewalk Project (61st Ave NE - 63rd Ave NE) - South Side	10, 44	Local	\$ 1,000	\$ 25,000	\$ 132,145	\$ 50,000				\$ 207,145	\$ 208,145
		Federal/State	\$ 50,000	\$ 289,514	\$ 981,486					\$ 1,271,000	\$ 1,321,000
		Unsecured								\$ -	\$ -
		Subtotal	\$ 51,000	\$ 314,514	\$ 1,113,631	\$ 50,000	\$ -	\$ -	\$ -	\$ 1,478,145	\$ 1,529,145
Lower Swamp Creek Bridge Replacement	NA	Local	\$ 50,000							\$ -	\$ 50,000
		Federal/State								\$ -	\$ -
		Unsecured			\$ 225,000	\$ 300,000	\$ 3,930,000	\$ 75,000		\$ 4,530,000	\$ 4,530,000
		Subtotal	\$ 50,000	\$ -	\$ 225,000	\$ 300,000	\$ 3,930,000	\$ 75,000	\$ -	\$ 4,530,000	\$ 4,580,000
NE Arrowhead Drive (NE 151st St - 64th Ave NE) Sidewalk Project	74	Local	\$ 1,000	\$ 25,000	\$ 25,000	\$ 50,000	\$ 270,712	\$ 10,000		\$ 380,712	\$ 381,712
		Federal/State	\$ 50,000	\$ 236,832	\$ 190,000	\$ 1,320,623	\$ 200,000			\$ 1,947,455	\$ 1,997,455
		Unsecured								\$ -	\$ -
		Subtotal	\$ 51,000	\$ 261,832	\$ 215,000	\$ 1,370,623	\$ 470,712	\$ 10,000	\$ -	\$ 2,328,167	\$ 2,379,167
80th Ave NE (SR522-NE 185th) Pedestrian and Bicycle Project	38, 51, 53, 107, 108, 117	Local	\$ 1,000	\$ 25,000	\$ 25,000	\$ 146,016	\$ 135,000	\$ 15,000		\$ 346,016	\$ 347,016
		Federal/State	\$ 50,000	\$ 285,000	\$ 285,000	\$ 1,602,636				\$ 2,172,636	\$ 2,222,636
		Unsecured								\$ -	\$ -
		Subtotal	\$ 51,000	\$ 310,000	\$ 310,000	\$ 1,748,652	\$ 135,000	\$ 15,000	\$ -	\$ 2,518,652	\$ 2,569,652
Simonds Rd (NE 152nd - 88th Ave) Sidewalk Project	1	Local								\$ -	\$ -
		Federal/State								\$ -	\$ -
		Unsecured			\$ 51,000	\$ 280,000	\$ 690,000	\$ 10,000		\$ 1,031,000	\$ 1,031,000
		Subtotal	\$ -	\$ -	\$ 51,000	\$ 280,000	\$ 690,000	\$ 10,000	\$ -	\$ 1,031,000	\$ 1,031,000



CITY OF KENMORE

2024-2029 Transportation Improvement Program

Project name	Ped. Priority Number	Funding	Year							2024-2029 Totals	Project Totals
			Prior Years	2024	2025	2026	2027	2028	2029		
73rd Ave NE (NE 192nd St - NE 201st St) Pedestrian and Bicycle Project	7	Local					\$ 250,000	\$ 136,437		\$ 386,437	\$ 386,437
		Federal/State		\$ 25,000	\$ 225,000	\$ 200,000	\$ 2,192,319			\$ 2,642,319	\$ 2,642,319
		Unsecured								\$ -	\$ -
		Subtotal	\$ -	\$ 25,000	\$ 225,000	\$ 200,000	\$ 2,442,319	\$ 136,437	\$ -	\$ 3,028,756	\$ 3,028,756
84th Ave NE Pedestrian and Bicycle Project (NE 150th St - NE 155th St)	5, 12, 17, 37	Local	\$ 1,000	\$ 25,000		\$ 50,000	\$ 216,631	\$ 20,000		\$ 311,631	\$ 312,631
		Federal/State	\$ 50,000	\$ 184,561	\$ 235,021	\$ 1,664,435				\$ 2,084,017	\$ 2,134,017
		Unsecured								\$ -	\$ -
		Subtotal	\$ 51,000	\$ 209,561	\$ 235,021	\$ 1,714,435	\$ 216,631	\$ 20,000	\$ -	\$ 2,395,648	\$ 2,446,648
192nd St Sidewalk Project (73rd - 75th) - North side	40	Local	\$ 1,000	\$ 25,000	\$ 82,849	\$ 5,000				\$ 112,849	\$ 113,849
		Federal/State	\$ 50,000	\$ 150,000	\$ 560,900					\$ 710,900	\$ 760,900
		Unsecured								\$ -	\$ -
		Subtotal	\$ 51,000	\$ 175,000	\$ 643,749	\$ 5,000	\$ -	\$ -	\$ -	\$ 823,749	\$ 874,749
84th Ave NE Pedestrian and Bicycle Project (NE 155th St-Simonds Rd)	6	Local								\$ -	\$ -
		Federal/State								\$ -	\$ -
		Unsecured			\$ 6,000	\$ 340,000	\$ 340,000	\$ 3,000,000		\$ 3,686,000	\$ 3,686,000
		Subtotal	\$ -	\$ -	\$ 6,000	\$ 340,000	\$ 340,000	\$ 3,000,000	\$ -	\$ 3,686,000	\$ 3,686,000
NE 155th St (84th - 87th) Sidewalk Project	9, 19	Local								\$ -	\$ -
		Federal/State								\$ -	\$ -
		Unsecured			\$ 6,000	\$ 150,000	\$ 150,000	\$ 1,800,000		\$ 2,106,000	\$ 2,106,000
		Subtotal	\$ -	\$ -	\$ 6,000	\$ 150,000	\$ 150,000	\$ 1,800,000	\$ -	\$ 2,106,000	\$ 2,106,000
80th Ave NE Pedestrian and Bicycle Project (185th St - 192nd St)	72, 115, 116, 127	Local								\$ -	\$ -
		Federal/State								\$ -	\$ -
		Unsecured			\$ 6,000	\$ 340,000	\$ 340,000	\$ 5,100,000	\$ 1,000,000	\$ 6,786,000	\$ 6,786,000
		Subtotal	\$ -	\$ -	\$ 6,000	\$ 340,000	\$ 340,000	\$ 5,100,000	\$ 1,000,000	\$ 6,786,000	\$ 6,786,000
NE 192nd St (73rd - 80th) Pedestrian and Bicycle Project	31, 79	Local								\$ -	\$ -
		Federal/State								\$ -	\$ -
		Unsecured			\$ 6,000	\$ 340,000	\$ 340,000	\$ 6,000,000	\$ 1,000,000	\$ 7,686,000	\$ 7,686,000
		Subtotal	\$ -	\$ -	\$ 6,000	\$ 340,000	\$ 340,000	\$ 6,000,000	\$ 1,000,000	\$ 7,686,000	\$ 7,686,000



City of Kenmore Capital Improvement Program

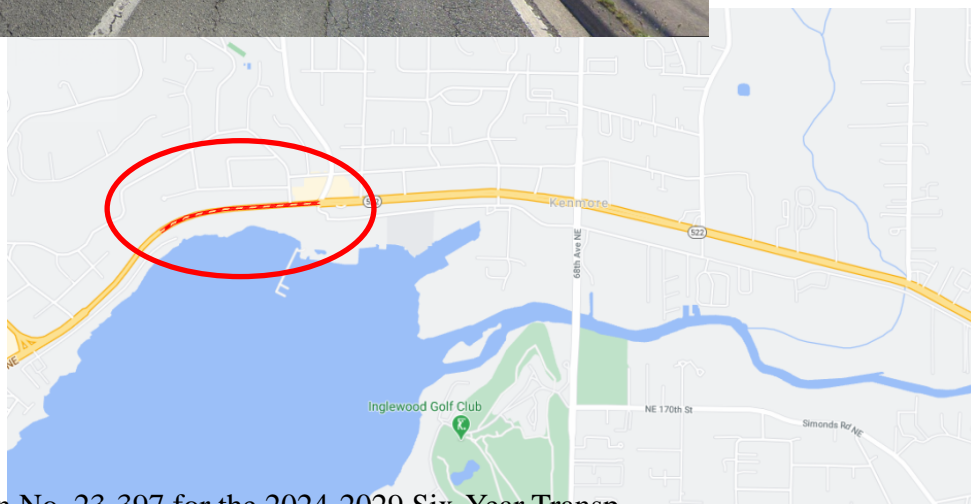
Project Name: SR 522 West B (57th Avenue NE to 61st Avenue NE)

Project No. T-8

Project Location: SR 522 from 57th Avenue NE to 61st Avenue NE

Project Description: This project will provide an American's with Disabilities Act (ADA) connection to the Burke Gilman Trail, ADA improvements to the sidewalk along SR 522, provide access management along this section of SR522 and a study of the south leg of 61st Avenue for conversion to one-way. Should additional funding become available, additional scope may consist of additional access points to the Burke Gilman Trail, undergrounding of utilities, new street lighting, and additional corridor landscaping.

Background: Since its incorporation, the City of Kenmore has completed improvements to SR 522 (Bothell Way) between 61st Avenue NE and the east city limits to increase safety, improve transit reliability, and ease congestion. Improvements included adding new traffic signals, street lighting and sidewalks, widening SR 522 for Business Access and Transit lanes, enhancing the corridor with new landscaping and medians to improve access management, replacing the Swamp Creek Bridge, undergrounding utilities, and more. The final segment, SR 522 West B (57th Avenue NE to 61st Avenue NE) will complete corridor improvements to the west City limits.





City of Kenmore Capital Improvement Program

Project Name: ADA Transition Program

Project No.: T-252

Project Location(s): Citywide

Project Description: This program is intended to replace curb ramps, sidewalks, crosswalks, pedestrian push buttons and marked on-street parking that are not compliant with ADA guidelines with ADA compliant facilities per the ADA Transition Plan.

Background: The City completed an inventory and assessment of its pedestrian facilities within the right of way. Several locations were identified as not being compliant with the American with Disabilities Act (ADA) standards. The ADA Transition Plan was adopted in June 2022 and contains a list of all facilities that are out of compliance and the approximate cost to replace those facilities. The ADA Transition Plan is a living document that will updated regularly





City of Kenmore Capital Improvement Program

Project Name: Pavement Preservation Program

Project No.: T-35

Project Location: Citywide.

Project Description: This program includes grind and overlay of selected streets within the City. Typically grind and overlay projects are completed on roadways with pavement ratings between 60 and 70 while pavement seal operations are completed on roadways with ratings above 70. As part of any pavement overlay, curb ramps within the project limits are upgraded to comply with the American's with Disabilities Act (ADA). In addition, pavement overlay may also include major pavement repairs, utility adjustments and pavement markings. The project also includes regular updates and analysis of existing pavement condition to assist in assessing future overlay locations.

Background: The City of Kenmore Comprehensive Plan promotes a fiscally constrained Transportation Element that prioritizes operation and maintenance of existing facilities within the City. The goals listed in the

1. Provide a complete transportation network serving local and regional circulation needs, safely accommodating all users;
2. Promote a transportation system that contributes to fiscal and environmental sustainability;
3. Facilitate freight mobility and economic prosperity.





City of Kenmore Capital Improvement Program

Project Name: 61st Avenue Sidewalk Replacement Project, Phase 1

Project No. T-44

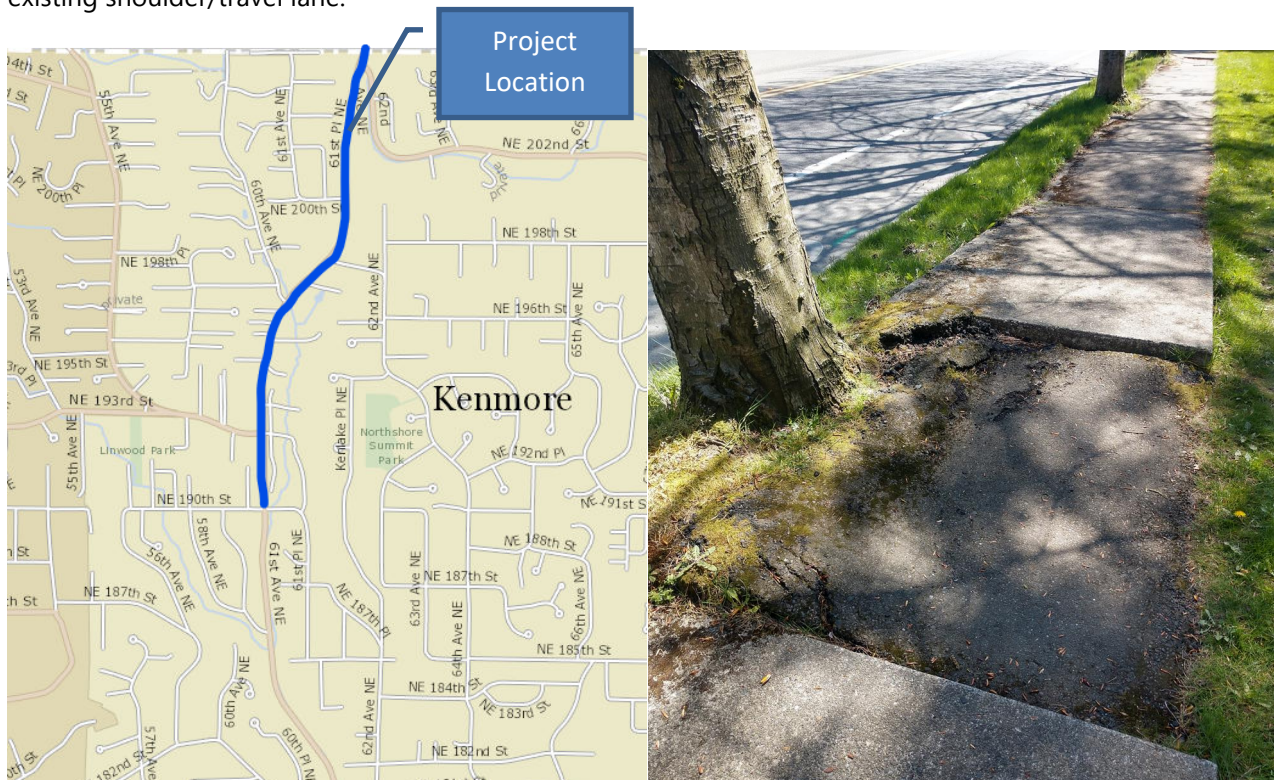
Project Location: 61st Ave/Pl NE (NE 190th Street north to 62nd Ave NE)

Project Description:

This project will update the alternatives analysis and include other possible scenarios for sidewalk replacement. Non-ADA Sidewalk panels will be replaced on the east side of 61st Avenue NE between NE 190th St and 60th Avenue NE and on 61st Place NE from 60th Avenue NE to the northern city limits. In addition to replacing sidewalk panels, the following will also be included in the project:

- A 2-inch grind and HMA overlay
- New bike lanes.
- On-street parking will be removed within this section
- Right turn pockets at NE 193rd St, 60th Ave NE, and 62nd Ave NE will be removed
- Rectangular Rapid Flashing Beacon (RRFB) at 193rd St and 60th Ave Intersections.

Background: 61st Avenue/Place NE is an arterial that runs north to south (north of SR 522). The intersection with NE 193rd Street is a major intersection that could utilize additional control. The sidewalks north of NE 190th Street do not meet American with Disability Act (ADA) compliance with many location having gaps or uplift issues. Over 70 locations along this corridor are experiencing sidewalk uplift due to nearby trees and several other panels have shifted and pedestrians with accessibility issues are sometimes forced into the existing shoulder/travel lane.





City of Kenmore Capital Improvement Program

Project Name: NE 170th St Interim Sidewalk

Project No. TBD

Project Location: North side of 73rd Ave NE between 70th Ave NE and 72nd Ave NE.

Project Description: This project will provide sidewalk along the north side of NE 170th St from 70th Ave NE to 72nd Ave NE. The proposed sidewalk would be the minimum width needed for ADA (Americans with Disabilities Act) compliance and would not meet the City's approved cross section. Driveway approaches would likely not be replaced at this time.

Background: This section of NE 170th St has a limited width dirt path that connects 72nd Ave NE St to sidewalks along Rhododendron Park. This interim project would close that sidewalk gap and provide better accessibility along this portion of NE 170th St.





City of Kenmore Transportation Improvement Program

Project Name: NE 181st St Sidewalks (61st Ave – 63rd Ave)

Project No.: T-253

Project Location: NE 181st Street between 61st Avenue NE and 63rd Avenue NE.

Project Description: This project builds approximately 615 LF of new sidewalks on south side of NE 181st Street from 61st Ave to 63rd Ave.

Background: There are limited sidewalks and pedestrian facilities along this section of NE 181st. Adding sidewalk would provide sidewalk connections along NE 181st to existing sidewalk on 62nd Ave NE and 61st Ave NE. This sidewalk is located in a community business zone.





City of Kenmore Capital Improvement Program

Project Name: Lower Swamp Creek Bridge Replacement

Project No.: T-38

Project Location: NE 175th Street/Swamp Creek Crossing

Project Description: An update of the alternatives analysis, cost estimates, funding alternatives will be conducted prior to design/construction of recommendations.

Background: The bridge over Swamp Creek at NE 175th Street is aging and is in need of rehabilitation/replacement. This structure is on NE 175th Street, adjacent to the Burke Gilman Trail and crosses Swamp Creek. This structure currently is wide enough for two way vehicle traffic. The existing structure is routinely evaluated by the King County Bridge Engineering group. Maintenance is provided to the structure as needed. King County recommended evaluation of the structure for rehabilitation vs. replacement. A study and alternatives analysis was performed in 2016 that recommended replacement of the bridge within the next 10 years.



Figure A: Existing Bridge

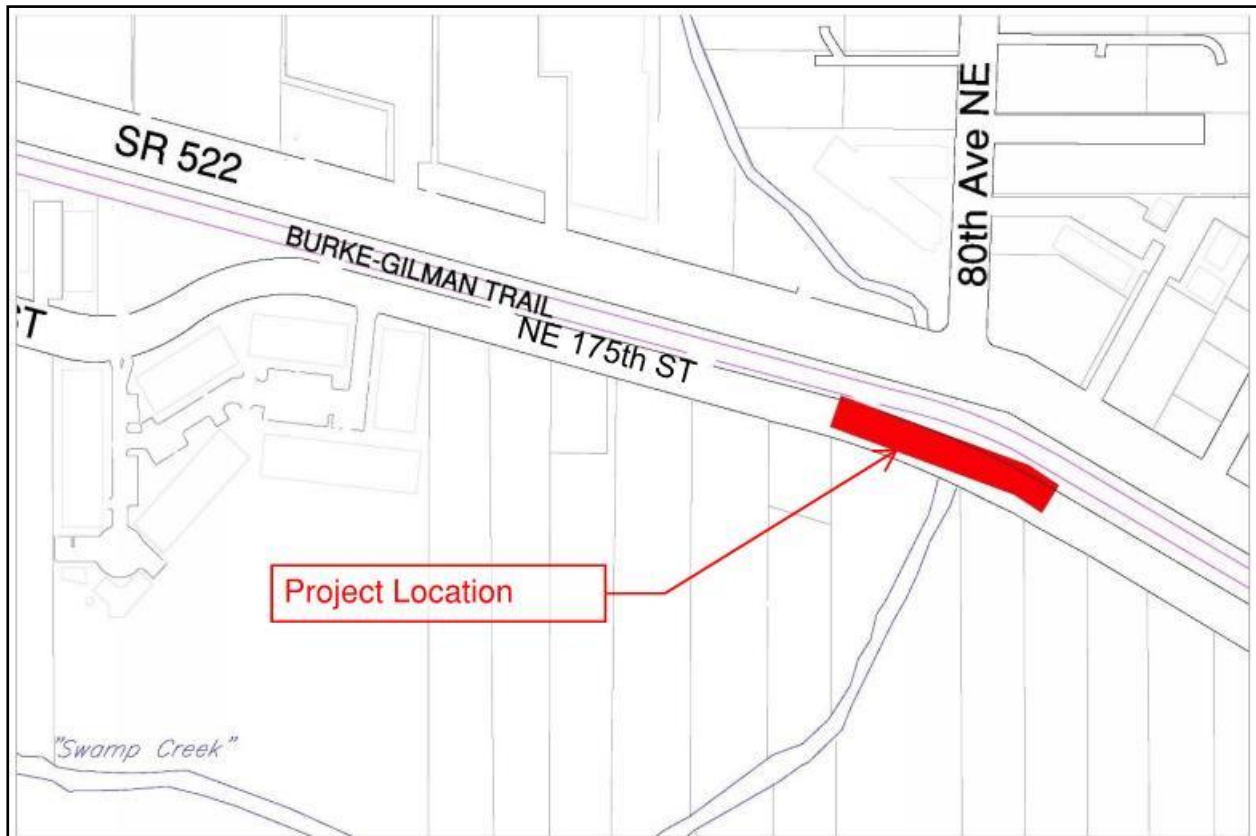


Figure B: Project Location



City of Kenmore Transportation Improvement Program

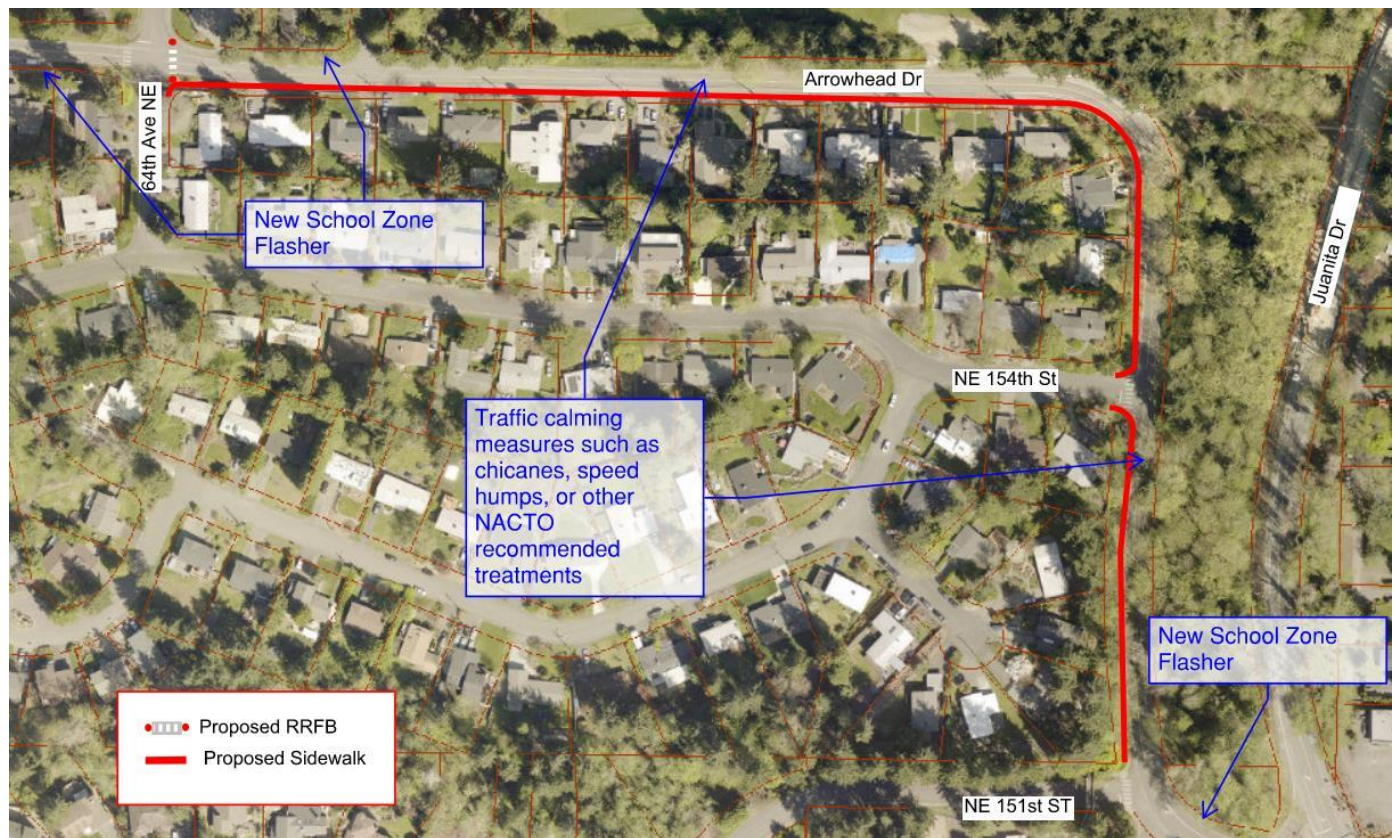
Project Name: NE Arrowhead Drive Sidewalks

Project No.: T-262

Project Location: NE Arrowhead Drive between NE 151st Street and 64th Avenue NE.

Project Description: This project builds approximately 2,050 LF of new sidewalks on west side/south side of NE Arrowhead drive from NE 151st St to 64th Ave NE. On-street parking adjacent to new sidewalk will be removed. Project will also include one rectangular rapid flashing beacon (RRFB), narrowing of street crossings, additional school zone signage, and several traffic calming features such as chicanes.

Background: NE Arrowhead Drive varies from 3-foot wide to 5-foot wide shoulder with two way traffic. NE Arrowhead Drive is a designated walking route for Arrowhead Elementary School students. Sidewalks along this road were identified as a high priority during the neighborhood meetings held for this area as part of the Neighborhood Transportation Program Plan and is listed as a high priority sidewalk in the Sidewalk Program.





City of Kenmore Transportation Improvement Program

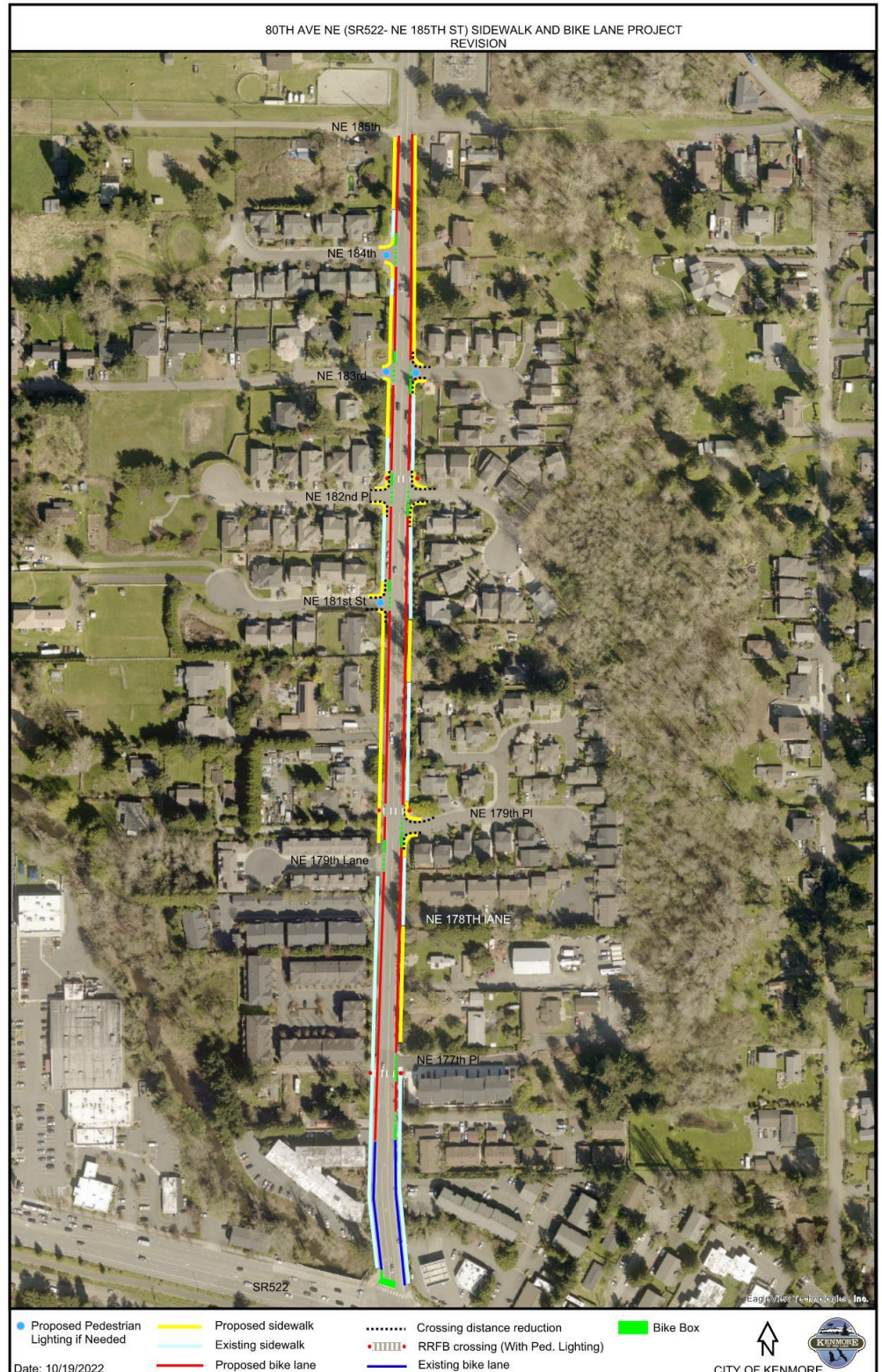
Project Name: 80th Ave NE Ped/Bike Project (SR522 – NE 185th St)

Project No.: T-260

Project Location: 80th Ave NE between NE 179th PI and NE 185th St (Tolt line).

Project Description: This project builds approximately 1,175 LF of new sidewalks on both sides of 80th Ave NE between NE 179th PI and NE 185th St (the Tolt water line corridor) with buffered bike lanes on both sides. This project also includes a flashing crosswalk near NE 182nd St. All on-street parking will be eliminated within the project limits.

Background: Sidewalk exists at sporadic location along 80th Ave NE within the project limits. This project will close gaps and create a continuous sidewalk on both sides of the street connecting to SR522.





City of Kenmore Capital Improvement Program

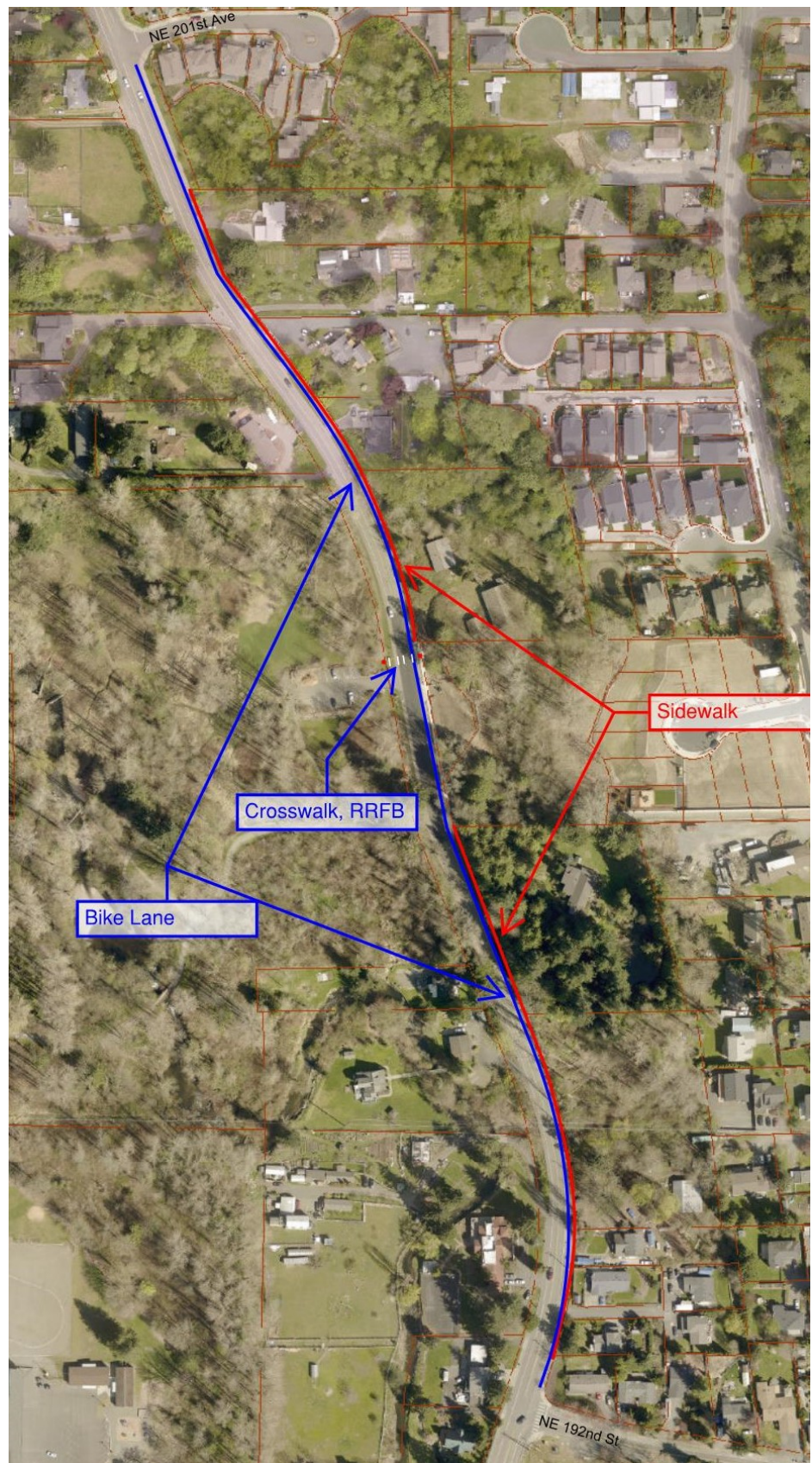
Project Name: 73rd Ave NE (NE 192nd St – NE 201st Pl) Sidewalk

Project No. T-0264

Project Location: East side of 73rd Ave NE between NE 192nd St and NE 201st Pl.

Project Description: This project will provide sidewalk along the east side of Simonds Rd from NE 192nd St to NE 201st Pl.

Background: This section of 73rd Ave NE is limited to pedestrian access via a 5-foot shoulder. This road provides the only pedestrian connection for residents along 73rd Ave NE. 73rd Ave NE is a main connection to the City's downtown, parks, transit, and other public amenities. This project would close gaps in the sidewalk network nearly completing sidewalk along the east side of 73rd Ave NE within the city limits.





City of Kenmore Transportation Improvement Program

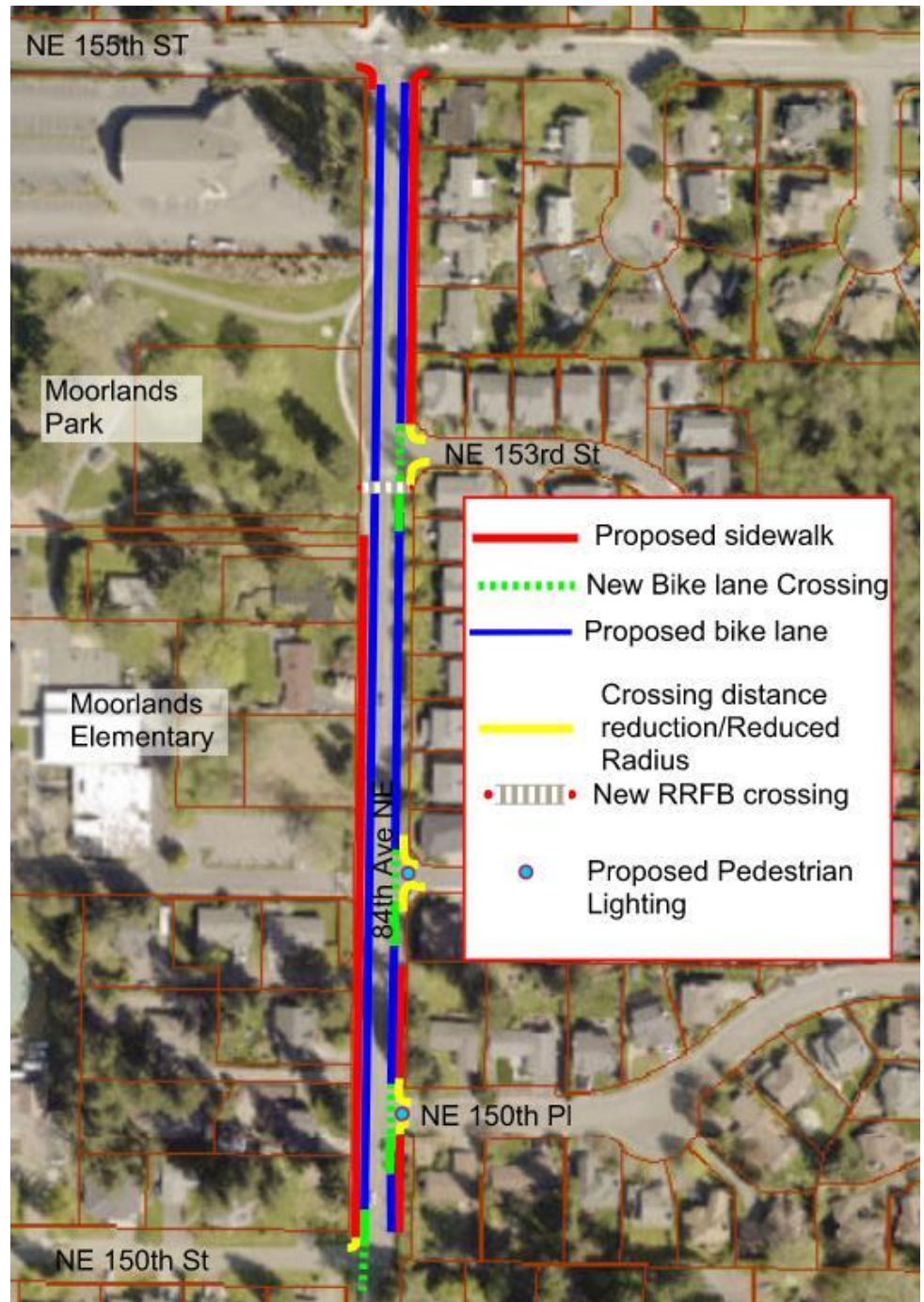
Project Name: 84th Ave NE Sidewalks (150th St – 155th St)

Project No.: T-263

Project Location: 84th Ave NE
between 150th St and 155th St.

Project Description: This project builds approximately 742 LF of new sidewalks on west side of 84th Ave NE and LF of new sidewalk on the east side of 84th Ave NE from NE 150th St – NE 155th St. Project will also include buffered bike lanes on both sides of the street as well as reduction in crossing distances on side streets, a new rectangular rapid flashing beacon (RRFB) and some added pedestrian lighting.

Background: Sidewalk exists on the west side of 84th Ave NE at NE 155th St. and terminates approximately 500 feet south of NE 155th St and on the east side of 84th Ave NE between NE 151st PI and NE 153rd St. This project will extend the sidewalk south and create a continuous sidewalk between NE 150th St and NE 155th St. 84th Ave NE is a designated walking route for Moorlands Elementary School students.





City of Kenmore Transportation Improvement Program

Project Name: NE 192nd St Sidewalks (73rd Ave – 75th Ave)

Project No.: T-261

Project Location: NE 192nd Street between 73rd Ave NE and 75th Avenue NE.

Project Description: This project builds approximately 275 LF of new sidewalks on north side of NE192nd Street from 73rd Ave – 75th Ave and approximately 75 LF of sidewalk on the east side of 75th Ave NE to close the sidewalk gap.

Background: Sidewalk exists on NE 192nd Street at 73rd Avenue NE and terminates approximately 240 feet from 75th Ave NE. Approximately 500 LF of sidewalks were installed east of 75th Ave NE as part of private developments. Sidewalk also exists up 75th Ave NE. This project will close gaps and create a continuous sidewalk to Kenmore Elementary in this area. NE 192nd St is a designated walking route for Kenmore Elementary School students. Sidewalks at this location were identified as a high priority sidewalk in the Sidewalk Program.





City of Kenmore Transportation Improvement Program

Project Name: 84th Ave NE Sidewalks (155th St – Simonds Rd)

Project No.: TBD

Project Location: 84th Ave NE between NE 155th St and Simonds Rd.

Project Description: This project builds approximately 1,500 LF of new sidewalks on one side of 84th Ave NE from NE 155th St to Simonds Rd. Project will also include buffered bike lanes on both sides of the street and reconfigure the southern intersection with Simonds Rd to reduce the crossing distance of 84th at this location.

Background: An extruded curb separated shoulder exists on the west side of 84th Ave NE separating pedestrians from the travel lane. A large “paved desert” exists at the northern end of this segment resulting in a long crossing and excess impervious surfacing. This project will reconfigure the southern intersection by removing the pavement and narrowing the crossing of 84th and extending sidewalk south to 155th St to connect to the existing sidewalk to Moorlands Elementary. 84th Ave NE is a designated walking route for Moorlands Elementary School students. Sidewalks at this location were identified as a top 10 priority project in the Pedestrian Facilities Plan left to be completed.

Funding Sources: This project is currently unfunded. Staff will leverage granting sources to fund this project.





City of Kenmore Capital Improvement Program

Project Name: NE 155th St (84th Ave NE – 87th Ave NE) Sidewalk

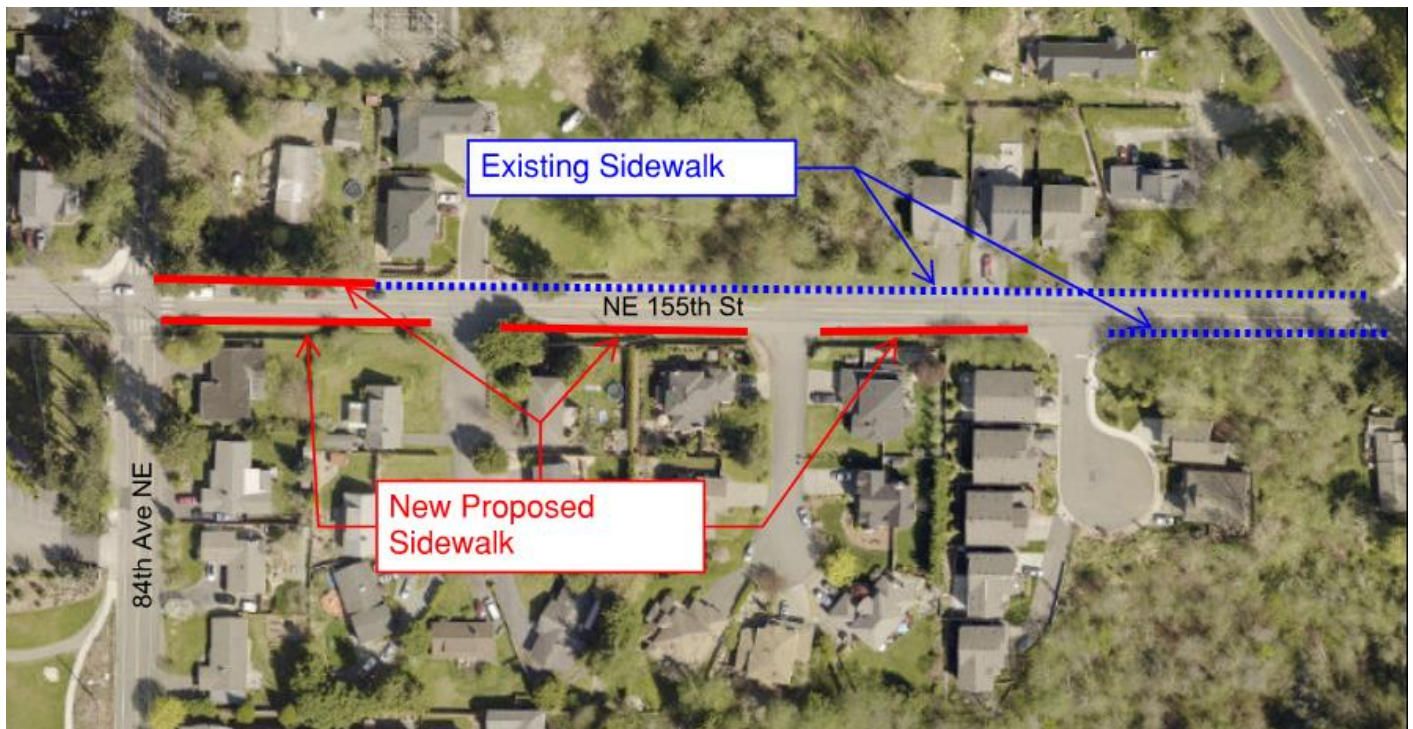
Project No. TBD

Project Location: NE 155th St from 84th Ave NE to 87th Ave NE

Project Description: This project will provide sidewalk along both sides of NE 155th St from 84th Ave NE to 87th Ave NE.

Background: This section of NE 155th is limited to pedestrian access via a 5-foot shoulder. This road provides connection for students to Inglemoor High School and access to Moorlands Elementary school students. Existing sidewalk exists east of this project filling a gap and providing continuous sidewalk between Simonds Rd to sidewalks on NE 155th St (and future sidewalks on 84th Ave NE).

Funding Sources: This project is currently unfunded. Staff will pursue available grant funds to support this project.



City of Kenmore Transportation Improvement Program

Project Name: 80th Ave NE Pedestrian and Bicycle Project (185th St – 192nd St)

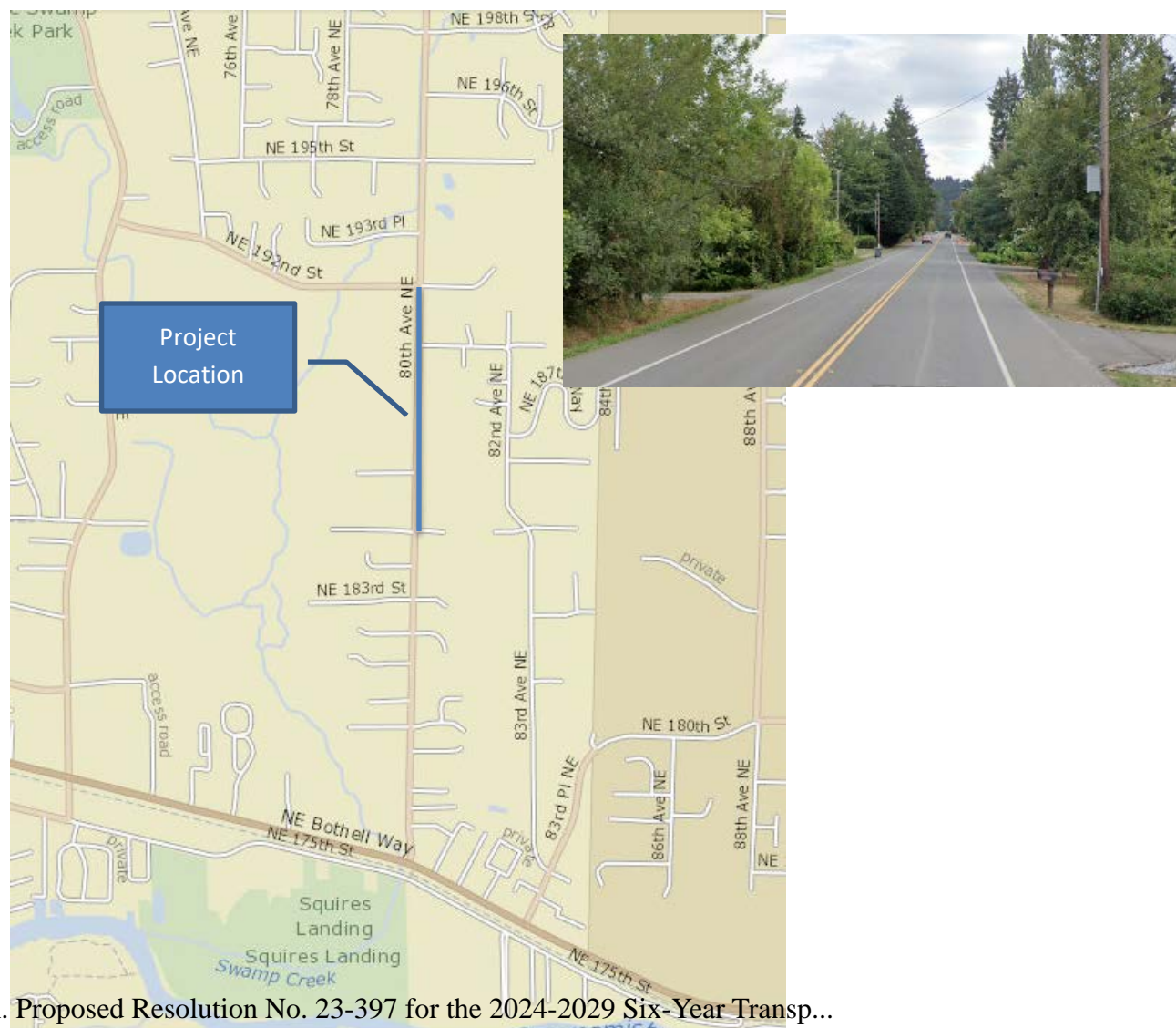
Project No.: TBD

Project Location: 80th Ave NE between NE 185th St and NE 192nd St.

Project Description: This project builds approximately 3,470 LF of new sidewalks on both sides of 80th Ave NE from NE 185th St to NE 192nd St. Project will also include buffered bike lanes on both sides of the street and other pedestrian/bicycle safety measures. This project will also look at the possibility of a roundabout at the 80th Ave NE/NE 192nd St intersection.

Background: A painted shoulder exists on both sides of 80th Ave NE separating pedestrians from the travel lane. Intermittent sidewalk exists at locations within this area of 80th Ave NE. NE 192nd and 80th Ave is currently an all-way stop. This project will add multimodal facilities, narrow intersection crossings where possible, add crossing treatments as needed, and the intersection of 80th/192nd will be evaluated for a possible roundabout, to either be constructed with this project or planned as a later project. 80th Ave NE is a designated school bus stop corridor for students. Sidewalks at this location are identified in the Pedestrian Facilities Plan and 80th Ave NE is a designated bike route.

Funding Sources: This project is currently unfunded. Staff will leverage granting sources to fund this project.





City of Kenmore Transportation Improvement Program

Project Name: NE 192nd St Pedestrian and Bicycle Project (73rd Ave – 80th Ave)

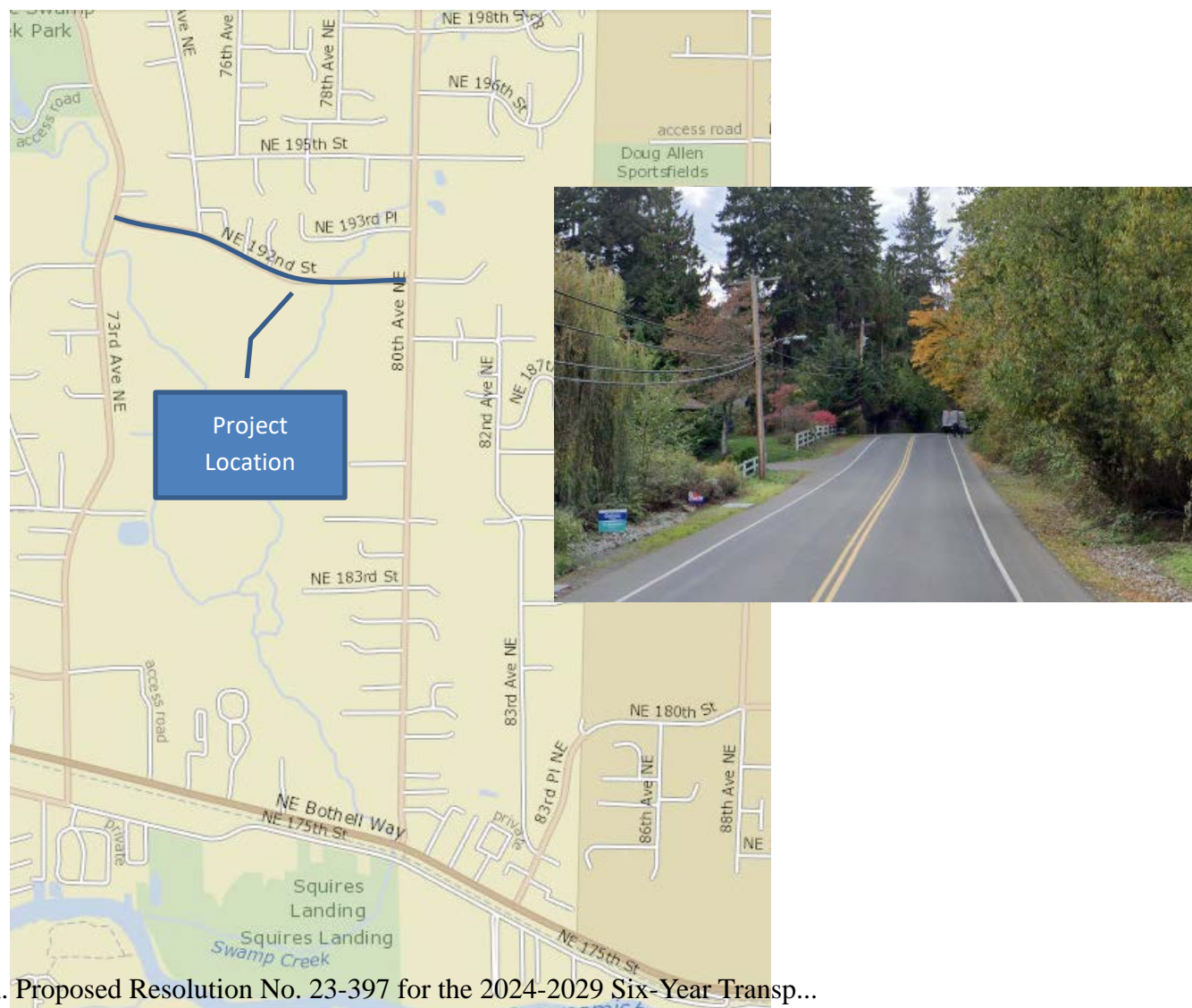
Project No.: TBD

Project Location: NE 192nd St between 73rd Ave NE and 80th Ave NE.

Project Description: This project builds approximately 3,190 LF of new sidewalks on both sides of NE 192nd St from 73rd Ave NE to 80th Ave NE. Project will also include buffered bike lanes on both sides of the street and other pedestrian/bicycle safety measures.

Background: A painted shoulder exists on both sides of NE 192nd St separating pedestrians from the travel lane. Sidewalk exists on the north side of NE 192nd St from 75th Ave NE to 76th PI NE. NE 192nd St and 80th Ave NE is currently an all-way stop. This project will add multimodal facilities, narrow intersection crossings where possible, add crossing treatments as needed, and the intersection of 80th/192nd will be evaluated for a possible roundabout, to either be constructed with this project or planned as a later project. NE 192nd St is the only direct east/west connection to bike lanes and sidewalk proposed along 80th Ave NE. NE 192nd St is designated as a Suggested Walk Route for Kenmore Elementary School students. Sidewalks at this location are identified in the Pedestrian Facilities Plan and NE 192nd St is a designated bike route and the alternative route to connect the future Tolt Trail on either side of Swamp Creek.

Funding Sources: This project is currently unfunded. Staff will leverage granting sources to fund this project.





City Council Agenda Bill City of Kenmore, WA

Subject/Topic: Personnel Policies Manual Comprehensive Update.	For Council Meeting Agenda of: May 8, 2023 Department: City Manager's Office Prepared by: Rob Karlinsey, City Manager <table><tr><td></td><td>Initial & Date</td></tr><tr><td>Approved by Department Head:</td><td><u>RGK</u></td></tr><tr><td>Approved by City Attorney:</td><td><u>DR via email</u></td></tr><tr><td>Approved by Finance Director:</td><td><u></u></td></tr><tr><td>Approved by City Manager:</td><td><u>RGK 4/26</u></td></tr></table>		Initial & Date	Approved by Department Head:	<u>RGK</u>	Approved by City Attorney:	<u>DR via email</u>	Approved by Finance Director:	<u></u>	Approved by City Manager:	<u>RGK 4/26</u>
	Initial & Date										
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Approved by City Attorney:	<u>DR via email</u>										
Approved by Finance Director:	<u></u>										
Approved by City Manager:	<u>RGK 4/26</u>										
Proposed Council Action/Motion: No formal action this evening. Review and discuss the proposed revisions to the Personnel Policies Manual and provide direction to the City Manager.	Exhibits/Attachments: 1. Resolution 23-398 Adopting the Personnel Policies Manual as Exhibit A to the Resolution 2. Comparison of Several Compensation Policies Among Neighboring Cities (this comparison was conducted by several City maintenance workers)										
Summary: The Personnel Policies Manual is a very important document for the internal workings of the City organization. It provides rules and policies on employment practices, employee pay and benefits, and employee responsibilities and conduct. While the Personnel Policies Manual has received periodic updates over the years to stay current with changes in the law, the Manual has not seen a comprehensive review in over 20 years (perhaps not since incorporation in 1998). It is important to periodically revise this document as our organization, laws, and the world around us change. Most of the Personnel Policies Manual is administrative in nature and falls under the authority of the City Manager. However, significant portions of the Personnel Policies Manual having to do with compensation and benefits need to be approved by the City Council. In particular, the City Manager seeks Council direction and consideration for the following proposed compensation-related amendments: <ul style="list-style-type: none">• 2.2.3 Calculation of Overtime: including leave in the calculation of 40 hours worked.• 2.3.1 Compensatory Time – Increasing the comp time accrual limit per employee from 40 to 80.											

- 2.6.2 Call Back – allow for minimum one hour if standby employee handles the call by phone or computer.
- 2.6.3 Standby Pay – Allow the City Manager to increase standby pay by up to the same percentage cost of living increase granted to employees.
- 2.6.3 Standby Vehicle Take Home – Give the City Manager authority to allow employees to take home a city vehicle while on standby duty.
- 2.6.4 Emergency standby pay - Allow City Manager to increase emergency standby pay by up to the same percentage cost of living increase granted to employees.
- 5.3.7 Dental Plan Premium: No longer require the employee to pay the \$2-\$4/mo. monthly premium difference between Dental Plan A and Dental Plan F.
- 5.5.2 Increase the dollar amounts for length of service awards
- 5.6.4 Business meeting allowance in lieu of submitting reimbursements
- 6.14.4 Holiday Overtime – Increasing compensation for hours worked on City holidays from holiday pay plus time-and-a-half to holiday pay plus double time.
- 8.11.5 Allowing the City Manager to increase the annual clothing and boot allowances by up to the same percentage as the cost of living allowance granted to City employees.
- 9.6 Severance Agreements. Authorizing the City Manager to enter into limited severance agreements.

The entire Personnel Policies Manual is being presented for City Council adoption as a whole because, while much of the content can be approved by the City Manager, City Council adoption sets the personnel policies more formally in place.

For this evening's discussion, Inslee Best Attorney Kathy Weber and City Manager Rob Karlinsey will present an overview of the proposed changes to the Personnel Policies Manual. The City Council will be asked to provide questions, discuss, and give direction.

Staff will incorporate changes as directed by the City Council and bring forward the resolution and accompanying Personnel Policies Manual for City Council approval on the consent agenda at the May 22, 2023 City Council meeting.

Information/Background:

The Personnel Policies Manual is a vital internal policy document that governs employment practices, employee responsibilities, and employee compensation and benefits. The Personnel Policies Manual applies only to City employees and does not apply to the City Council, City commissions and committees, or City volunteers.

A much-needed comprehensive review of the Personnel Policies Manual has been taking place over the last year. Inslee Best Attorney Kathy Weber has provided a substantial amount of new and revised

content that incorporates developments in case law and state and federal statutes. In addition, proposed changes in compensation-related policies are being proposed by the City Manager.

City employees have been given the opportunity to review the proposed revisions and provide input. The City Manager, with Attorney Kathy Weber, held three workshops in March for employees to ask questions, provide feedback, and propose additional changes. Many of the employees' suggested changes have been incorporated into this final draft.

Highlights of key proposed changes in the Personnel Policies Manual are described as follows—bolded amended sections need City Council direction:

1.1 Welcome Message – New section.

1.2 Public Service and Organizational Values – New section.

1.3 Form of Government – New section.

1.4 Purpose and Scope – Clarifying City Manager's role in interpreting and amending the policies.

1.6 Anti-Harassment – Revisions reflect the most current case law and best practices.

1.7 Disability Accommodation – New section.

1.8 Pregnancy and Breastfeeding Accommodations – New section.

1.9 Religious Accommodation – New section.

1.10 Definitions – New and revised definitions; removed one-size-fits-all definition of Immediate Family.

1.12 References – Broadening who can give references.

2.2.3 Calculation of Overtime: including leave in the calculation of 40 hours worked.

2.3.1 Compensatory Time – Increasing the accrual limit per employee from 40 to 80.

2.3.2 Compensatory Time – Removing the December 15 comp time expiration; thereby allowing unused comp time to be carried over. Also removing the 90-day time limit for comp time and replacing with "a reasonable time period."

2.4.3 Clarifying attendance expectations during inclement weather.

2.6 Call Back renamed to Emergencies. Revising/clarifying expectations in emergency and call back situations. Incorporating recent Council-approved revisions to Standby pay and expectations (2.6.3 and 2.6.4).

2.6.2 Call Back – Allow for minimum one hour if standby employee handles the call by phone or computer.

2.6.3 Standby Pay – Allow City Manager to increase standby pay by up to the same percentage cost of living increase granted to employees.

2.6.3 Standby Vehicle Take Home – Give the City Manager authority to allow employees to take home a city vehicle while on standby duty.

2.6.4 Emergency standby pay - Allow City Manager to increase emergency standby pay by up to the same percentage cost of living increase granted to employees.

Chapter 3 Recruiting—Various sections revised, including process, procedures, external and internal recruitments, and temporary hires.

3.6 Employment of Relatives (Nepotism) – Several updates. Included definition of “relatives” in 3.6.3.

Chapter 4 title changed from Compensation to Wages. New sections added, including Compensation Philosophy, Wage Ranges and Wage Plan (including how and when the wage plan gets updated), annual merit increases (and the criteria for determining the 0%-4% increase), Reclassifications, Promotions, Internal Equity Adjustments, Temporary Acting Supervisor Pay, Annual COLAs. Deleting Compensation Upon Death and replacing it with Compensation Upon Separation of Employment.

Chapter 5 – Benefits. No change in health and retirement benefits but editing for clarity. Incorporating the Wellness Program (5.4). Increasing the dollar amount for length of service awards (5.5). Adding Service Recognition Upon Separation and 5.6 Other Benefits (meals for special employee meetings and business meetings; incorporating the Coffee and Other Beverages Policy; and adding a business meeting allowance as well as a section on using City premises for recognition of birthdays or other personal milestones).

5.3.7 Dental Plan Premium: No longer require the employee to pay the \$2-\$4/mo. monthly premium difference between Dental Plan A and Dental Plan F.

5.5.2 Increase the dollar amounts for length of service awards.

5.6.4 Business meeting allowance in lieu of submitting reimbursements.

Chapter 6 Leaves of Absence and Time Off. Incorporating the Wellness Day Off. Clarifying (not changing) length of service requirement rates of vacation accruals (6.2.1).

6.3 Sick Leave: Updating with state-required Washington Paid Sick Leave and combining it with standard sick leave.

6.4 Incorporating the updated Leave Donation policy.

6.6 – 6.8 Adding, updating and coordinating FMLA, PFMLA, and Parental Leave (6.15). Adding 6.7 Pregnancy Disability Leave.

6.12 Revising and clarifying the Executive Leave policy.

6.13 Bereavement Leave. Included definition of “immediate family.”

6.14 Holidays – Incorporating Juneteenth and changing “Day After Thanksgiving” to “Native American Heritage Day.”

6.14.4 Holiday Overtime – Increasing from holiday pay plus time-and-a-half to holiday pay plus double time.

6.15 Revising Religious Holidays to be in compliance with state law.

6.17 New section for Leave for Domestic Violence Victims.

6.18 Incorporating the Wellness Day Off.

7.3.1 Increasing the tuition reimbursement annual limit amount from \$2,500 to \$5,000 and changing the voluntary separation tuition payback amount to 100% within year (was 80%) and 50% within two years (was 40%).

8.11 Safety – Incorporating the adopted uniform and footwear allowances.

8.12 Substance Abuse – Drug-Free Workplace replaced with 8.12 Substance Abuse.

8.11.5 Allowing the City Manager to increase the annual clothing and boot allowances by up to the same percentage as the cost of living allowance granted to City employees.

8.13 Commercial Driver’s Licenses – Updated to be in compliance with federal regulations.

8.14 Complaint Procedures – Several updates.

8.15 Reporting Improper Governmental Action and Protecting Employees Against Retaliation – Several updates.

8.16 Workplace Violence – New section.

8.17 Weapons Prohibited – New Section

Chapter 9 - Updates/revisions including Discipline, Termination, Pre-Termination Hearing, and Layoff.

9.6 Severance Agreements. Authorizing the City Manager to enter into limited severance agreements.

Appendices:

Acknowledgment and Disclaimer moved from the front to the back—now Appendix A.

Deleting Appendix A: Contact List

Deleting Appendix B: Travel Policies (not consistent with more recently adopted Travel Policies found in a separately adopted City Council resolution)

Deleting Appendix C: Request for Tuition Form (doesn’t belong in the Personnel Policies)

Appendix D now Appendix B: Drug and Alcohol Testing Policy for CDLs. Completely replaced with the federal manual.

Fiscal Consideration:

A number of the proposed changes in the Personnel Policy Manual have financial impacts. These impacts are summarized in the following table:

Policy Section	Proposed Change	Estimated Cost Increase Over 12 Months		Notes
		Likely	High End	
2.2.3	Including leave in the calculation of 40 hours worked for overtime	1,223	2,000	
2.6.2	One hour minimum if call out handled by phone or computer	400	2,080	
2.6.3	Increasing standby daily rate annually by cost of living	963	963	will increase by this amount yearly, compounding
2.6.4	Increasing emergency standby rate annually by cost of living	273	273	will increase by this amount yearly, compounding
2.6.3	Take home vehicle for standby employees	9,943	12,900	includes \$5k one-time cost
5.3.7	No longer have employees pay the \$2-4/mo. difference between Dental Plans A and F	1,800	1,800	
5.5.2	Increase in length of service award amounts	500	500	
5.6.4	Business meeting allowance	2,400	4,800	
6.14.4	Double time overtime rate for required work on holidays	2,560	2,560	
7.3.1	Increase in tuition reimbursement annual max allowance per employee	200	5,000	
8.11.5	Increasing uniform and boot allowance annually by cost of living	690	690	will increase by this amount yearly, compounding
Total		\$ 20,952	\$ 33,566	

Given the market support for a number of the proposed changes (see attachment 2) and their relative amount compared to the overall operating budget, the above financial impacts can be incorporated into the existing biennium budget. Cumulative impacts of these and other cost increases will need to be addressed in the next update to the Financial Sustainability Plan.

City Council Priority or Budget Objective Being Addressed:

The Personnel Policies Manual supports all City Council priorities as well as the Kenmore 20-Year Vision Statement as adopted in the Comprehensive Plan on November 7, 2022.

**CITY OF KENMORE
WASHINGTON
RESOLUTION NO. 23-398**

**A RESOLUTION OF THE CITY COUNCIL OF KENMORE, WASHINGTON,
REPEALING RESOLUTIONS 98-016, 16-288, 17-297, 18-313, 19-325, 19-
333, 22-377, AND 22-379, ADOPTING A REVISED PERSONNEL POLICIES
MANUAL, AND AUTHORIZING THE CITY MANAGER TO ADOPT AND
AMEND PERSONNEL POLICIES.**

WHEREAS, the City's Personnel Policies Manual is a vital internal policy document that governs employment practices, employee responsibilities, and employee compensation and benefits; and

WHEREAS, the City of Kenmore adopted its first personnel policies in Resolution 98-016 on August 31, 1998; and

WHEREAS, Resolution 98-016 authorized the City Manager to adopt and amend personnel policies within budget limitations; and

WHEREAS, over the last 25 years since the first adoption of the Personnel Policies, the City has amended the Personnel Policies from time to time in keeping with changes in case law and statutes as well as in response to changes in the needs of the City; and

WHEREAS, the Personnel Policies Manual applies only to City employees and does not apply to the City Council, City commissions and committees, or City volunteers; and

WHEREAS, it is necessary to periodically revise the Personnel Policies document as the City organization, laws, case law, and the world around us change; and

WHEREAS, a comprehensive review of the Personnel Policies Manual has been taking place over the last year, and as a result, many revisions and new sections are proposed; and

WHEREAS, the City Council desires to repeal Resolutions 98-016, 16-288, 17-297, 18-313, 19-325, 19-333, 22-377, and 22-379 and adopt an updated Personnel Policies Manual;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON, DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Prior Personnel Policies Resolutions Repealed. Resolutions 98-016, 16-288, 17-297, 18-313, 19-325, 19-333, 22-377, and 22-379 are hereby repealed.

Section 2. Personnel Policies Adopted. The City Council adopts the Personnel Policies Manual as set forth on Exhibit A, attached hereto and incorporated by reference.

Section 3. Authority to Adopt/Amend. The City Council hereby authorizes the City Manager to continue to adopt and amend personnel policies, provided that the financial impacts of the amendments are within budget limitations.

Section 4. Severability. If any section, sentence, clause, or phrase of this resolution should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this resolution.

PASSED BY THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON AT A REGULAR MEETING THEREOF THIS ____ DAY OF _____, 2023.

CITY OF KENMORE

Nigel Herbig, Mayor

ATTEST/AUTHENTICATED:

Michelle Kang, Acting City Clerk

APPROVED AS TO FORM:

Dawn Reitan, City Attorney



City of Kenmore

Personnel Policies Manual

Updated: May 2023

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1 GENERAL PROVISIONS

1.1 Welcome Message

Congratulations on your employment as a City of Kenmore (“City”) employee. Every City employee is selected for the breadth of their job skills and experience as well as their positive approach to customer service. Each of us must be good not only at our own jobs, but also be able to help others be good at theirs. We select each City employee for their ability to enhance our team and their can-do approach to City services. While many of our employees provide direct services to residents, the City is, in part, a “contract city,” meaning other government agencies or private companies contract with the City to provide services that would be cost prohibitive or less effective for the City to offer on its own. We pride ourselves on selecting, training, and supporting a high quality, multi-talented, flexible, and customer service-oriented City staff. Welcome to the Kenmore Team!

1.2 Public Service and Organizational Values

1.2.1 Our employees have a passion for public service, to provide quality customer service both internally and externally. This means helping all visitors to City Hall and other City facilities feel welcome, answering customers’ questions and concerns in an efficient, respectful, and timely manner. It also means that we do our best to help each customer feel seen, heard, and understood, and it means following through to ensure that each inquiry and concern is addressed to the best of our ability. These customer service principles reflect our commitment to the Kenmore community and our Diversity, Equity, Inclusion, and Accessibility (DEIA) values. Our Customer Service Handbook discusses customer service in more detail.

1.2.2 Public service is important to all of us in our organization. We are here to transform the City Council’s vision and priorities into reality, to ensure tax dollars are spent prudently, and to help all residents and businesses thrive and find solutions to their problems. The City of Kenmore is a city of innovation; we recognize that there is always room for improvement and that effectively solving problems and improving quality of life requires flexibility and ingenuity. We have a growth mindset—we are willing to grow and learn from past experiences and those around us. We also have an outward mindset, meaning that our focus is

on lifting others. We are also committed to improving diversity, equity, inclusion, and accessibility for all people who live in, work in, or visit Kenmore.

- 1.2.3 In short, we are committed to creating a thriving community where all people love where they live, work, and play. More detail and instruction about the City's service vision, values, and organizational culture can be found in the City's Customer Service Handbook.

1.3 Form of Government

Kenmore has a "Council-Manager" form of government. The residents elect the City Council at large. The City Council then elects from among its members a Mayor and Deputy Mayor to serve as Chair and Vice-Chair of the City Council. The City Council appoints the City Manager who acts as the City's Chief Executive Officer. All City employees work under the direction and supervision of the City Manager. An organizational chart summarizing City functions appears in the City's adopted budget.

1.4 Purpose and Scope

- 1.4.1 The primary mission of every City employee is to provide courteous, orderly, efficient, and effective delivery of services to the residents, businesses, workers, and visitors of the City. This manual is a general informational guide to the City's current employment policies and shall not be construed as a contract. The City reserves the right to amend, delete, supplement, or rescind any of the provisions of this manual, as the City deems necessary and appropriate, without advance notice. These policies shall not be construed to create contractual rights or any type of promise or guarantee of specific treatment upon which any employee may rely.
- 1.4.2 The City Manager shall have the authority to exercise reasonable judgment and discretion in the interpretation and amending of these policies. The City Manager also has the right to deviate from these policies in individual situations when the City Manager, in the City Manager's sole discretion, determines that it is in the best interest of the City to do so, such as in emergency or other unique circumstances. City Council Resolution 98-016 authorizes the City Manager to adopt personnel policies and, from time to time, amend the same, provided the financial impact of the personnel policies are within budget limitations.

- 1.4.3 These personnel policies apply to all City employees. They do not apply to elected officials, members of appointed boards and commissions, or independent contractors.
- 1.4.4 The provisions of this personnel manual, as an informational document, are subject to more specific or conflicting provisions of written contracts such as collective bargaining agreements, contracts with other agencies, or individual contracts of employment. In the event of any conflict with City ordinance, state or federal law, rule, or regulation, the ordinance, statute, rule, or regulation shall prevail. These policies shall be interpreted to conform with ordinance and statute.
- 1.4.5 Employment with the City is at-will, which means that the employee or the City may terminate the employment relationship at any time, with or without notice, with or without cause. These policies do not modify in any way, the at-will status of the employment relationship between the City and its employees.
- 1.4.6 The only person authorized to enter into a collective bargaining agreement, contracts with other agencies, or individual contracts of employment is the City Manager, subject to City Council approval, where applicable. In order to be binding, all such contracts must be in writing and signed by both parties. The City Manager may delegate hiring authority; such hiring authority shall be given in writing.

1.5 Equal Employment Opportunity

- 1.5.1 City is an equal employment opportunity employer. The City employs, retains, promotes, terminates, and otherwise treats all employees and job applicants on the basis of merit, qualifications, work ethic, and competence. City policies and practices shall be applied without regard to any individual's sex, race, color, religion, national origin, pregnancy, age, marital status, physical, mental, or sensory disability, sexual orientation, gender identity, or any other basis prohibited by local, state, or federal law.
- 1.5.2 The City will not discriminate against qualified applicants or employees with a sensory, physical, or mental impairment, unless the impairment cannot be reasonably accommodated and prevents proper performance of an essential function of the job.

- 1.5.3 The City complies with all applicable federal, state, and local laws that prohibit discrimination in employment. Any City employee who is found to have violated the City's policy against any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

1.6 Anti-Harassment

- 1.6.1 The City is committed to providing a workplace that is free of verbal, physical, and visual forms of harassment so that everyone can work in a productive, respectful, and professional environment.
- 1.6.2
- 1.6.3 In keeping with this commitment, the City will not tolerate harassment of employees by anyone. Harassment in employment that is based on race, color, national origin, sex, religion, creed, marital or veteran's status, age, the presence of a physical, mental, or sensory disability, sexual orientation, gender identity, or any other basis prohibited by local, state, or federal laws is prohibited. The City does not tolerate harassment by anyone in the workplace—whether by supervisors, co-workers, or third parties such as vendors, contractors, or customers—nor does it consider conduct that violates this policy to fall within the course and scope of City employment or to be the direct consequence of the discharge of one's employment duties and responsibilities. Employees who violate this policy are subject to discipline, up to and including termination.
- 1.6.4 "Harassment" includes offensive and unwelcomed remarks, gestures, or physical contact; display or circulation of written or electronic materials or pictures; and/or jokes or slurs based on race, color, national origin, sex, religion, creed, marital or veteran's status, age, the presence of a physical, mental, or sensory disability, sexual orientation, gender identity, or any other basis prohibited by local, state, or federal laws.
- 1.6.5 "Sexual harassment" is generally defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature which: (i) submission to such conduct is made either explicitly or implicitly a term or condition of employment and/or affects employment opportunities; or (ii) interferes with the employee's work or creates an offensive, intimidating, degrading, or hostile work environment.
- 1.6.6 Prohibited activity under this policy includes conduct carried out in person or by phone, computer systems, social media, email, and any other electronic means.

- 1.6.6 The City is committed to taking reasonable steps to prevent harassment from occurring and will take prompt and appropriate action when unlawful harassment is reported. To do this, however, the City needs the cooperation of all its employees, at all levels.
- 1.6.7 Employees should not tolerate inappropriate behavior. As an initial matter, they should consider making their feelings known to the offending employee. In many cases, if an employee makes their feelings known to the offending person(s), tells the offending person(s) that the conduct is not appropriate, and/or asks that the offending conduct be discontinued, this may resolve the situation. However, this is not a required step of the complaint resolution process with respect to reporting harassment, and if an employee is not comfortable doing this, the employee should proceed to the reporting process set forth in Section 1.6.8 below.
- 1.6.8 Any employee who experiences or witnesses conduct that the employee believes is harassing and/or has created a hostile or offensive place to work, should immediately notify their department director, the Human Resources Manager, the City Manager, or any other department director to whom the employee feels comfortable reporting. When possible, employees are required to report concerns about discrimination/harassment before behaviors become severe or pervasive, as the City prefers to stop discrimination/harassment before it rises to the level of a violation of the anti-discrimination and anti-harassment laws. Supervisors (of any level) who know about or receive reports of offending behavior shall promptly notify the Human Resources Manager. Complaints involving the Human Resources Manager should be referred to the City Manager; complaints involving the City Manager or City Council should be directed to the City Attorney.
- 1.6.9 The City will promptly and appropriately investigate all claims of harassment. Complaints will be handled with sensitivity, discretion, and confidentiality to the extent allowed by the circumstances and the law. Generally, this means that allegations of harassment are shared with those who have a need to know so that the City can conduct an effective investigation and take appropriate action to resolve the complaint. If, following the investigation, the City concludes that unlawful harassment or otherwise inappropriate conduct has occurred, prompt and effective remedial action will be taken. This may include discipline of the offending party and other actions to remedy the effects of the harassment and to prevent further harassment, as determined appropriate by the City.

- 1.6.10 The City will not retaliate against an employee who in good faith complains of harassment or otherwise assists in the investigation of such complaint, nor will it permit such retaliation. An employee who believes they have been retaliated against for having reported harassment or having participated in the investigation of a harassment complaint are urged to promptly notify the Human Resources Manager or the City Manager so that their concerns may be investigated (complaints about retaliation from the City Manager should be directed to the City Attorney). Claims of retaliatory activity will be treated as a separate violation of this policy and appropriate corrective measures will be taken if allegations of retaliation are substantiated. It is important to the City that an employee's concerns be thoroughly reviewed and investigated so that appropriate steps can be taken as necessary. It is the duty of each employee to assist in the maintenance of a discrimination-free workplace.

1.7 Disability Accommodation

- 1.7.1 The City is committed to ensuring equal employment opportunity for qualified persons with disabilities in accordance with the Americans with Disabilities Act and other applicable federal, state, and local laws.
- 1.7.2 As provided by those laws, there are two sets of circumstances under which the City will make reasonable accommodation unless doing so would create an undue hardship for the City:
- An individual has a disability that substantially limits their ability to perform the essential functions of their job.
 - Working without accommodation would aggravate a disability such that it would create a substantially limiting effect in the future.

What constitutes a reasonable accommodation is decided on a case-by-case basis, depending upon the particular circumstances.

- 1.7.3 If an employee has a disability that requires a reasonable accommodation, the employee should notify the Human Resources Manager of the need for a disability accommodation. The City will treat such information as confidential and will share only on a "need to know basis" for purposes of evaluating an accommodation request. Employees are not required to disclose a disability unless they are seeking an accommodation.

- 1.7.4 In order to evaluate potential accommodations, the City may request a medical certification from the employee to verify the nature of the disability and related limitations or restrictions, to identify potential reasonable accommodations, and/or to determine whether continued work would pose a direct threat to the health or safety of the employee or others that cannot be eliminated by reasonable accommodation.

1.8 Pregnancy and Breastfeeding Accommodations

- 1.8.1 The City will provide pregnant and nursing mothers reasonable accommodations for pregnancy and pregnancy-related health conditions, which include health conditions during pregnancy and after the birth of the baby, such as the need to express milk.

- 1.8.2 For pregnant employees, such accommodations may include the following:

- Providing frequent, longer, or flexible restroom breaks;
- Modifying any no food or drink policy;
- Providing seating or allowing the employee to sit more frequently; and
- Restrictions on lifting more than 17 pounds.

- 1.8.3 A pregnant employee, upon a medical certification from the employee's health care provider confirming the need for the same, may also be eligible for the following additional accommodation, provided that it does not represent a significant difficulty or expense to the City, which shall be determined by the City on a case-by-case basis, based upon the particular operational circumstances and position involved:

- Job restructuring, including modifying a work schedule, job reassignment, changing a work station, or providing equipment;
- Providing a temporary transfer to a less strenuous or hazardous position;
- Scheduling flexibility for prenatal visits; and
- Providing any further accommodations the employee may need.

- 1.8.4 The City will, for a period of two years following the birth of their child, provide a nursing employee with reasonable break time to express milk. These break times should, when possible, be taken concurrently with any other break time already provided. Employees should discuss the length and frequency of these breaks with their direct supervisor. The employee will also be provided a space to express breast milk, other than a restroom, that is shielded from view and free

from intrusion from co-workers and the public, provided such a location exists at the place of business or worksite. If the City does not have such a location, the City will work with the employee to identify a convenient location.

1.9 Religious Accommodation

The City recognizes the diversity of religious beliefs and will reasonably accommodate the same. An employee may request an accommodation when their bona fide religious belief requires a deviation from the City's dress code or the individual's work schedule, basic job duties, or other aspects of employment. The City will consider the request but reserves the right to offer an alternative accommodation or to deny accommodation when such accommodation would create an undue hardship for the City. Some, but not all, of the factors to be considered in determining whether a religious accommodation may be reasonably extended to an employee include cost, the effect that an accommodation will have on current-established policies, and the burden on City operations.

1.10 Definitions

- 1.10.1 **At-Will Employee.** An at-will employee is an employee who serves at the pleasure of the City Manager and who may be removed as provided in Section 9.2 of this manual. All regular and temporary employees are considered at-will.
- 1.10.2 **Contract Employee.** An employee who works under a written Employment Agreement which is authorized by the City and sets the terms and conditions of employment. Contract employees may have employment terms that differ from those policies set forth in this manual, as expressly set forth in the Employment Agreement.
- 1.10.3 **Exempt Employee.** An employee who is paid a fixed salary, which salary is not dependent upon the actual number of hours worked by that employee during the subject month, and who otherwise meets the criteria for exemption from federal and state overtime laws (typically, an executive, administrative, or professional employee).
- 1.10.4 **Non-Exempt Employee.** An employee who is subject to the federal and state overtime laws. Such employees are eligible for overtime as applicable by law or policy.

- 1.10.5 Department Director or Department Head. Includes employees whose positions have “Director” in the title; these positions typically report directly to the City Manager. The Deputy City Manager and Assistant City Manager positions are also included in this definition.
- 1.10.6 Regular Full-Time Employee. An employee, hired by the City for an indefinite duration, who has completed their Work Trial Period, and who is regularly scheduled to work a minimum of forty (40) hours a week on a continuing basis.
- 1.10.7 Regular Part-Time Employee. An employee, hired by the City for an indefinite duration, who works less than forty (40) but at least twenty (20) hours a week on a continuing basis, and is eligible for pro-rated City benefits. Employees working for the City less than twenty (20) hours per week on an ongoing basis are not eligible for health insurance or retirement benefits (unless otherwise required by law) but may receive other benefits (such as prorated paid leave) at the City Manager’s discretion.
- 1.10.8 Job-share Employee. An employee, hired by the City for an indefinite duration, who shares a position with another employee and where both individuals sharing the position work a combined total of forty (40) hours in a workweek on a continuing basis.
- 1.10.9 Temporary Employees. Temporary employees are defined as those employees who hold jobs of limited duration arising out of special projects, seasonal work, internships, abnormal or peak workloads, the need to fill a vacant position for a limited term, on an interim basis, or for emergency staffing needs. Temporary employees are eligible for Washington paid sick leave benefits and in limited circumstances may receive certain City benefits, consistent with applicable plans and City Manager approval.
- 1.10.10 Working Trial Period. A period of not less than six (6) months duration, which shall be established at the time employment is offered, during which time the performance of the employee will be monitored and evaluated in order to determine the employee's suitability for employment beyond the working trial period.

1.11 Employee Personnel Records

- 1.11.1 The primary personnel file for each employee is kept in a secure location and access to such file is limited. This is the only official personnel record kept by

the City. An employee's personnel file contains the employee's name, title and/or position held, job description, offer of employment, department to which the employee is assigned, salary, original employment application, changes in employment status and compensation, training record, performance evaluations, personnel actions affecting the employee, including discipline, resumes, certifications, letters of commendation, and other pertinent information.

- 1.11.2 An employee's medical records shall be kept in a confidential, separate medical file. Access to this file is limited to those managers with a strict need-to-know basis, typically limited to the City Manager, Human Resources Manager, department director (as may be applicable under the particular circumstances), and the employee.
- 1.11.3 An employee has the right to review their file at least annually, during regular business hours. Employees wishing to view their file should contact the Human Resources Manager to schedule an appointment to do so. An employee may submit a request to the City Manager to remove irrelevant or erroneous information in their personnel file. If the City Manager denies the employee's request to remove the information, the employee may file a written rebuttal statement to be placed in the file.
- 1.11.4 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 voluntarily released to the public, including the press, without a written request for specific information with appropriate justification and notification of the request to the employee. However, the City's release of such documents is also controlled by Washington state law, including the Public Records Act, Chapter 42.56 RCW (the "PRA"). Subject to certain limited exceptions, that law is required to be broadly interpreted in order to effectuate the release of public documents. The City retains final authority with respect to the disclosure of documents in response to a request submitted under the PRA.

1.12 References

- 1.12.1 The City may give references for existing and former employees, provided the information given is limited to the employee's dates of employment, position(s) held, duties, skill level, and work-related performance.

- 1.12.2 If a City employee is asked to give a reference for a current or former employee, the employee should consult with the Human Resources Manager before providing the reference.

2 HOURS AND ATTENDANCE

2.1 Work Scheduling

- 2.1.1 The City's standard work week is Monday through Friday from 8:30 a.m. to 5:00 p.m. with a one-half hour unpaid lunch period, and such breaks as required by law. However, with department director approval, individual work schedules may vary from this standard work week, based on operational and/or staffing considerations or needs.
- 2.1.2 A normal work schedule for regular, full-time employees consists of forty (40) hours each work week. Different work schedules may be established by the City to meet job assignments and provide necessary City services, or to comply with State or Federal laws. Each employee's department director will provide direction to the employee regarding the employee's specific working hours.
- 2.1.3 Part-time, contract, and temporary employees will work hours as specified by their department directors.
- 2.1.4 Flexible work schedules and teleworking may be permitted by the department director, provided that such alternative work scheduling and/or teleworking is done in a manner that fully meets the needs and requirements of the City and is approved by the City Manager. The standard work week may be adjusted to accommodate adjusted work schedules. Prior to allowing flexible work schedules or teleworking arrangements, the City Manager will develop and approve corresponding administrative policies and procedures to enable the implementation thereof.
- 2.1.5 Exempt employees are expected to manage their workload and schedules to maintain a regular work routine. However, exempt employees may reasonably adjust their hours in a week or other period of time when workload demands irregular or excessive hours. Nevertheless, it is not uncommon or unexpected that exempt employees work more than forty hours in any given work week; therefore, exempt employees should not expect hour-for-hour flex time for longer work hours, especially given that they are eligible for Executive Leave in return for the expectation of working longer hours.
- 2.1.6 With prior supervisor approval, non-exempt full-time employees may "flex" their time, hour-for-hour within the same workweek, when work hours during the week

are irregular or exceed eight on a given day (or days) in that week, provided that combined total regular time and leave time (if any) equal forty hours. For example, if an employee is scheduled to work at a City event in the evening which would cause them to work a twelve-hour day, they can, with supervisor approval and subject to the customer service coverage needs of the City, start their workday four hours later that day (or shorten other workday(s) in that same week).

2.2 Hours of Work and Overtime

- 2.2.1 All City positions are designated as either "exempt" or "non-exempt" according to the Fair Labor Standards Act ("FLSA") regulations and state law for purposes of overtime compensation.
- 2.2.2 The regular work week is forty (40) hours within a consecutive seven (7) day period, commencing Sunday at 12:00 a.m. and ending at 11:59 p.m. the following Saturday, unless the employee's work week has been otherwise specifically adjusted, with the City Manager's approval.
- 2.2.3 Non-exempt employees are entitled to overtime compensation at the rate of one-and-one-half (1.5) times the employee's regular rate of pay for all time worked by them which exceeds forty (40) hours in a work week. For the purpose of calculating overtime, "time worked" shall include paid leave.
- 2.2.4 All overtime must be authorized in advance by the employee's Department Director; failure to obtain overtime approval prior to working the overtime (except in cases of a bona fide emergency in which pre-approval is not possible) is grounds for disciplinary action, up to and including termination of employment.
- 2.2.5 Exempt employees are ineligible for overtime pay or compensatory time. However, in the event of a declared emergency, exempt personnel may be entitled to additional compensation (e.g., straight time as cash or compensatory time) when they work more than forty (40) hours during a regular workweek, but only when explicitly set forth and authorized in the City Manager's declaration of emergency or subsequent documents related to the declared emergency and approved in writing in advance by the City Manager.

2.3 Compensatory Time

- 2.3.1 Regular non-exempt employees entitled to overtime pay may request to receive compensatory time off instead of cash payment for such overtime. This request

to receive compensatory time instead of cash payment is approved on a case-by-case basis by the employee's department director. If compensatory time is requested by the employee and approved by the department director, the employee is credited with one-and-one-half (1.5) times the hours worked as overtime. Maximum accruals of compensatory time shall be limited to eighty (80) hours for full-time employees (prorated for regular part-time employees). After the maximum compensatory time accrual is reached, overtime compensation shall be paid.

- 2.3.2 Employees may use compensatory time within a reasonable time after making a request to their department director, unless doing so would unduly disrupt City operations. Compensatory time should be used for short-term absences from work during times mutually agreed to by the employee and his/her department director. Accumulation of compensatory time to be used as a substitute for extended vacation time off is not normally permitted.
- 2.3.3 If an employee is unable to use accrued compensatory time within a reasonable time period, the employee will be paid their original overtime wage.
- 2.3.4 Exempt employees are not covered by the FLSA compensatory time provisions and are not eligible for compensatory time, except as allowed in Section 2.2.6. Temporary and seasonal employees shall not be eligible for compensatory time.

2.4 Attendance

- 2.4.1 Punctual and consistent attendance is a condition of employment. Each supervisor is responsible for maintaining an accurate attendance record of their employees.
- 2.4.2 Employees unable to work or unable to report to work on time should notify their supervisor or department director as soon as possible, but no later than thirty (30) minutes before the employee's usual starting time, unless a bona fide emergency situation prevents the employee from providing such notification, in which case the notification should be provided as soon as reasonably possible. If an absence continues beyond one day, the employee is responsible for notifying the supervisor or department director each day (unless the employee has otherwise provided a medical certification in connection with such absence). If the supervisor is unavailable, the employee may leave a message for their supervisor, stating the reason for being late or unable to report for work.

- 2.4.3 Employees are expected to be at work during inclement weather, provided they can safely do so. Department directors may allow employees to be late or leave early during inclement weather conditions; department directors may also direct or allow employees who are already approved and set up for a teleworking arrangement to work from home during inclement weather. In particularly hazardous or severe weather conditions, the City Manager may, at their sole discretion, close City Hall, City offices, and non-emergency facilities and services and direct employees who are not responding to the inclement weather conditions not to come to work. In those situations, employees will be expected to work from home if they are set up and approved for a teleworking arrangement. All other employees may claim the day as an inclement weather day and be paid for a full day of work. If there is no direction from the City to stay home, arrive late, or leave early, non-attendance will be counted as absence from work and will be charged to accrued vacation time or compensatory time, or will otherwise be unpaid for non-exempt employees.
- 2.4.4 An employee who is absent without authorization or notification is subject to disciplinary action, including possible termination.

2.5 Breaks and Meal Periods

Employees may take one (1) fifteen-minute paid break for every four hours worked. All breaks shall be arranged so that they do not interfere with City business or service to the public. Breaks cannot be used at the start or end of the day (or to shorten the workday). Meal periods shall be scheduled by the employee's supervisor or department director. The scheduling of meal periods may vary depending on department workload and coverage needed to serve the public. Meal periods are unpaid and are usually one-half hour to one hour in length. Longer meal periods may be approved by the supervisor on long workdays (such as City Council meeting days), provided that work and coverage is not disrupted, and the work of others is not negatively impacted.

2.6 Emergencies

- 2.6.1 In the event of an emergency, the City must continue to provide essential public services. Therefore, employees must make every reasonable effort to report to work if they can do so without endangering their personal safety or the safety and/or health of co-workers and the public. During an emergency, the City Manager may modify work schedules, direct that staff work from alternate locations, telecommute, change methods of work, or take other appropriate

action to meet the needs of the organization, the City and to ensure that City-provided services are maintained.

During periods of emergency, employees may be given emergency services assignments and work schedules other than their normal work assignments, direct reports, and schedules. The City Manager may waive or modify City policy in light of the nature of the emergency.

In preparation for emergencies, employees are expected to complete the National Incident Management System training that is appropriate for their position. Employees are also expected to participate in emergency preparedness exercises and planning.

- 2.6.2 **Callback.** All employees are subject to callback in emergencies or as otherwise needed by the City to provide necessary services to the public. A refusal to respond to a callback is grounds for disciplinary action, up to and including possible termination. Non-exempt employees who are physically called back to duty will be paid the appropriate rate of pay for hours worked (including the overtime rate, if applicable), with a minimum three (3) hours callback pay. The callback shall begin at the time the employee is called back to work and shall end when the employee returns directly home from the work site. If the callback exceeds the three-hour minimum, the employee shall be paid the applicable rate of pay for the time actually worked by the employee. If an employee is called to work early or required to stay late, at the beginning or end of a shift, the employee shall not be entitled to the three (3) hour minimum, as long as such hours are contiguous with the employee's shift. For callback work that may be performed remotely via computer, phone, or other electronic means, employees shall be paid for the time actually spent on the remote work, with a minimum of one hour, provided, that multiple calls that may be handled remotely shall not each be subject to a one-hour minimum but shall be cumulative. To the extent that multiple remote calls exceed the one-hour minimum, the employee shall be paid only for the time actually worked on all such calls. Employees are responsible for accurately recording the duration of their callback computer usage, telephone calls, and/or other electronic usage for compensation purposes. All callback hours shall be paid the appropriate overtime rate, if applicable. Providing support to planned City events is not eligible for call-back pay.

- 2.6.3 **Stand-by Pay.** Stand-by time is not compensable time. However, an employee who is required to be on stand-by time and subject to callback shall receive a

stand-by allowance of fifty-five dollars (\$55) per day, while on stand-by. The City Manager may, at the City Manager's discretion, annually increase this stand-by pay daily rate by up to the same percentage as the annual cost-of-living wage increase granted to employees (see Section 4.3.8). Such increase, if given, shall be prospective and not retroactive. Only one employee at a time shall be designated as being on stand-by to receive this allowance, unless otherwise determined by the department head or City Manager. The department head or the City Manager will designate the stand-by employees. Employees on vacation, out on sick leave, or any other paid leave may receive the stand-by allowance if they can be available after working hours and comply with the conditions that follow in this section. While on stand-by, employees are required to carry a City cell phone at all times and be ready and able to promptly respond to calls. While on stand-by duty, employees are required to be within a one-hour driving distance of the City and must refrain from using alcohol and/or drugs, consistent with the City's Substance Abuse Policy 8.12. The City Manager, at the City Manager's discretion, may allow an employee on stand-by duty to take a City vehicle home to more quickly respond to calls while on stand-by duty. Such decision shall be based on the business needs of the City and the safety needs of the community. Such decision shall rely on relevant data such as callout frequency, distance, liability to the City, and improvements in response times. If the City Manager allows a take home vehicle for stand-by duty, the City Manager or designee will first develop and approve corresponding administrative policies and procedures to enable the implementation thereof.

- 2.6.4 **Emergency Stand-by Pay.** An employee who is required to be on emergency stand-by for inclement weather or other large-scale emergencies, as declared by the City Manager or the City Manager's designee, shall receive an emergency stand-by allowance of sixty-five dollars (\$65) per day while on emergency stand-by duty. The City Manager may, at the City Manager's discretion, annually increase this emergency stand-by pay daily rate by up to the same percentage as the annual cost-of-living wage increase granted to employees (see Section 4.3.8). Such increase, if given, shall be prospective and not retroactive. Multiple employees may be placed on emergency stand-by at one time. The department head or City Manager will designate emergency stand-by employees. If an employee is called back while on emergency stand-by, the call-back provisions of Section 2.6.1 (along with the general overtime policy set forth in Section 2.2.5 above) shall apply.

2.7 Payroll Records

- 2.7.1 The official records are kept by the Finance and Administration Director, or designee.
- 2.7.2 Each employee is required to submit a biweekly work record (i.e., time sheet) which records the hours worked, overtime worked (if eligible), and any leave taken. Department directors or supervisors as designated by the department director will sign these work records. The City Manager will approve work records for exempt and non-exempt employees that directly report to the City Manager. Supervisors will delegate work record approval when they are not available.
- 2.7.3 By signing or electronically submitting the work record, the employee certifies that the information is true and correct. "Signing" a work record includes electronically submitting and also electronically approving the work record.

3 RECRUITING AND HIRING

3.1 Recruiting

- 3.1.1 Recruiting is based entirely on ability, merit, qualifications, and competence, without regard to race, color, religion, national origin, sex, sexual orientation, gender identity or expression, marital status, pregnancy, physical handicap, disability, age, or any other basis protected by local, state, or federal law.
- 3.1.2 Each applicant shall complete and sign (or electronically submit) an application form prior to being considered for any position (except in circumstances such as an internal recruitment). Resumes may supplement, but typically do not replace, the City's official application. The application shall become a part of each employee's permanent personnel record. In some cases, such as an emergency hire or internal recruitment, the City may accept a resume in lieu of a completed application.
- 3.1.3 Any applicant supplying false or misleading information is subject to disqualification or immediate termination, if hired.
- 3.1.4 The City is committed to providing service to its residents through highly qualified personnel. The City typically conducts a competitive, open recruiting and selection process which encourages the participation of both current qualified City employees and applicants who are not currently employed by the City. In unique or exigent circumstances, the City Manager, at the City Manager's discretion, may forego a competitive recruitment process and directly hire a qualified candidate.

3.2 Hiring

- 3.2.1 When a position becomes vacant and prior to any posting or advertisement of the vacancy, the department director shall review the position, its job description, and the need for such a position. The department director will prepare and submit to the City Manager a written request to fill the position. The City Manager may choose to open a position recruitment to internal candidates (current City employees) only. When a position announcement is posted externally, it will also be announced internally to current City employees.
- 3.2.2 Residency within the City shall not be a condition of initial appointment or employment (the City Council may, however, require that the City Manager reside

in the City); provided, however, that an employee's selection of residence shall not interfere with the daily performance of the employee's duties and responsibilities.

- 3.2.3 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 City, may be disqualified for employment with the City in positions requiring driving.
- 3.2.4 The City may administer pre-employment examinations to test the qualifications and ability of applicants, as determined necessary by the City. The City may contract with any competent agency or individual to prepare and/or administer examinations.
- 3.2.5 The City may, when it determines that there is a business necessity to do so based on the particular duties and responsibilities of the position, conduct a background check (including criminal and/or credit checks) on prospective applicants. Such checks will be performed in the later stages of the hiring process, typically when the final candidate(s) for the position has/have been selected. In certain cases, the City may retain a third party (such as a consumer reporting agency) to perform such background checks, in which case the agency shall provide the applicants with the notices and disclosures applicable to such checks.
- 3.2.6 After an offer of employment has been made and prior to commencement of employment, the City may require persons selected for safety-sensitive positions or positions with required physical requirements to successfully pass a functional assessment test and/or medical examination, which may include testing for alcohol and controlled substances. The purpose of the functional assessment test and/or 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 and/or functional assessment test.
- 3.2.7 A candidate may be disqualified from consideration if: (1) found physically and/or mentally disabled and unable to perform the essential duties of the

position, with or without reasonable accommodation; (2) when required pursuant to a bona fide occupational qualification the candidate refuses to submit to a post-offer medical examination or to complete medical history forms; or (3) if the employee's drug and alcohol test detects the presence of controlled substances and/or alcohol in the employee's system; (4) a reference check fails to confirm an individual's stated qualifications or a background check reveals information which indicates that an individual's prior performance, criminal record, or activities are incompatible with public employment. If an applicant is determined to be disqualified from further consideration based on a negative criminal history, the applicant will be given an opportunity to present any additional information or explanation that the applicant believes mitigates against such disqualification.

3.3 Temporary Employees

- 3.3.1 With approval of the department director, temporary employees may be hired for internships, seasonal work, special projects, emergencies or other peak workload periods. Temporary employees may also be hired to temporarily replace regular employees absent due to disability, illness, vacation, or other approved leave, or to temporarily fill a vacancy until a regular employee is hired.
- 3.3.2 Temporary employees may be hired without competitive recruitment or examination. For example, returning seasonal employees may forego competitive recruitment.
- 3.3.3 Temporary employees are eligible for overtime pay and paid sick leave, as required by law. Temporary employees whose employment is expected to last less than one year are typically not eligible for City benefits unless otherwise required by law. The City Manager may but is not obligated to allow benefits (such as leave accruals, health insurance, retirement, etc.) for temporary employees who are expected to work for the City for more than one year and up to two years (provided they work the minimum number of hours to qualify for benefits and provided the rules of the benefit plans permit it).

3.4 Job-Share Employees

- 3.4.1 Job sharing shall be implemented, and thereafter continued, only upon the approval of the supervisor and the department director of the relevant position(s), as well as the City Manager.

3.4.2 Schedule. Employees will share a full-time position on a half-time basis using a work schedule that is agreed upon by both the department director and the employees. Examples of schedules that may be used are:

- Each employee works four (4) hours per day.
- Each employee works forty (40) hours in alternating weeks.
- Each employee works twenty-four (24) hours one week and sixteen (16) hours the alternate week.
- Each employee works two and one-half (2 ½) days per week.
- The two employees' work schedule equals a combined forty (40) hours per week.

A regular work schedule shall be agreed upon by the employees and approved by the supervisor. Any alterations to the regular work schedule, both permanent and temporary, will be made in writing by both employees and must be approved by the supervisor prior to changes being implemented.

3.4.3 Coordination. The employees will be expected to coordinate with each other so that the responsibilities of the position, customer service, and the level of required productivity are not adversely affected.

3.4.4 Compensation. Each employee will be paid based on that individual's experience and qualifications and within the salary range (prorated) established for the position.

3.4.5 Benefits. Provided each job share employee works the minimum number of hours to qualify for benefits, and provided they are eligible under the applicable benefit plans, each job-share employee will be entitled to the following benefits:

- Vacation, sick leave, and holidays will be accumulated on a pro-rated basis (e.g., 50%);
- Medical, dental, vision insurance, and orthodontia coverage on a pro-rated basis (e.g., 50%);
- Life insurance and long-term disability paid for in full by the City.
- Participation in the State retirement program (PERS) and the City's Social Security Replacement Plan 401(a); and
- Participation in other employee programs, including but not limited to the Employee Wellness Program and Employee Assistance Program.

- 3.4.6 Within a reasonable margin as determined by the City Manager, benefit totals will not exceed the amount of the normal premiums paid by the City on behalf of a regular full-time employee.
- 3.4.7 Vacancy. In the case of a permanent vacancy of one of the job-share employees, the continuation of the job-share position will need to be re-evaluated by the supervisor and department director at that time. The other employee may have the option to work full-time or agree to another part-time work schedule that is approved by the supervisor and department director. The City may evaluate, at any time, the effectiveness of the job-share arrangement and convert the position back to a regular full-time position.

3.5 Work Trial Period

- 3.5.1 All newly hired employees, former employees who have been rehired, and existing employees who have been promoted to a new classification enter a “work trial period” which is considered an integral part of the selection and evaluation process. During the work trial period an employee is required to demonstrate suitability for the position through actual work performance.
- 3.5.2 The normal work trial period is six (6) months from the employee’s date of hire, rehire, or promotion; however, longer periods may be established for positions requiring technical, professional, specialized, unusual, or unique skills or qualifications.
- 3.5.3 An employee’s work trial period may be extended for up to an additional six (6) months (when needed due to circumstances such as extended illness, a need to continue to evaluate marginal performance, or for any other purpose as deemed necessary by the employee’s supervisor) to properly evaluate the employee’s performance. A performance evaluation shall be conducted at the end of the first six months and another at the successful completion of any extended work trial period. The work trial period will not be shortened for any reason.
- 3.5.4 When a department director determines an employee has satisfactorily completed the work trial period, the department director should prepare a written performance evaluation, which will be reviewed by the City Manager. Satisfactory completion of the working test period is a positive sign that the employee’s performance is acceptable and that employment with the City beyond the working test period is probably appropriate; however, satisfactory performance during the working test period does not guarantee future performance, and

suitability for the job can be evaluated at any time. The employee should normally receive an annual evaluation one year after the hire date, which becomes the employee's anniversary date, and annually thereafter to determine the employee's suitability for appointment beyond the working trial period.

3.6 Employment of Relatives (Nepotism)

- 3.6.1 Relatives of existing City Councilmembers will not be employed by the City.
- 3.6.2 Relatives of existing City employees, will not be employed by the City under any of the following circumstances:
- Where one of the parties would have authority (or practical power) or influence to supervise, appoint, remove, promote, increase or decrease compensation, or discipline the other;
 - Where one party would be responsible for auditing the work of the other;
 - Where both parties would report to the same immediate supervisor;
 - Where other circumstances might lead to potential conflict among the parties or conflict between the interest of one or both parties and the best interests of the City; or
 - Where, in order to avoid the reality or appearance of improper influence or favor, or to protect its confidentiality, the employer must limit the employment of close relatives of policy level officers of customers, competitors, regulatory agencies, or others with whom the employer deals.
- 3.6.3 For purposes of this Nepotism Policy, the term "relatives" includes persons who are related to a Councilmember or employee by blood or law, or whose relationship with the Councilmember or employee is similar to that of persons who are related by blood or law, including spouses, domestic partners (including persons cohabitating in a romantic relationship), parents, children, siblings, grandparents, grandchildren, aunts, uncles, nieces, nephews, and first cousins, and corresponding "in-law" and "step" relations.
- 3.6.4 If two employees marry, become related, or begin sharing living quarters with one another, and in the City's judgment, the potential conflicts noted above exist or reasonably could exist, only one of the employees will be permitted to continue employment with the City, unless reasonable accommodations, as determined by the City Manager or the City Manager's designee, can be made to eliminate the potential conflict(s). The decision as to which employee will remain with the City must be made by the two employees within thirty (30) calendar days of the

date they marry, become related, or begin sharing living quarters with each other. If no decision has been made during this time, the City Manager reserves the right to terminate either employee, based on the business needs of the City.

3.7 Promotions and Transfers

- 3.7.1 The City encourages current City employees to apply for vacant City positions for which they are qualified. Promotions and transfers are based on the department director's recommendation, work force requirements, performance evaluations, job descriptions, and related City requirements.
- 3.7.2 Regular employees are eligible for promotion, transfer, or voluntary demotion. To be considered for another position, an employee should possess the qualifications for the vacant position, unless such requirements are waived by the City Manager in the best interests of the City.

4 WAGES

4.1 Compensation Philosophy

- 4.1.1 The City values its employees as vital in meeting its organizational mission and serving the community. Within available budgetary resources and in compliance with all applicable rules and laws, the City seeks to attract and retain well-qualified, productive employees through a total compensation philosophy which is driven by the following principles and processes:
- 4.1.2 Establish wage levels for positions on the basis of internal equity (considering comparable positions and/or duties within the organization) and external competitiveness (comparing City positions with comparable outside labor markets).
- 4.1.3 Maintain a system that provides for uniformity in initial wage determinations and subsequent wage increases and administer the wage plan equitably and consistently.
- 4.1.4 Recognize that total compensation includes base pay, benefits, paid time off, and other economic components when determining market competitiveness.
- 4.1.5 Maintain high expectations of performance and reward employees who meet these with annual pay increases that recognize an employee's knowledge, skills, longevity, and performance.
- 4.1.6 Subject to revenue limitations, market conditions, and City Council approval, provide employees annual Consumer Price Index ("CPI")-based cost-of-living adjustments.
- 4.1.7 Establish a periodic review of the City's compensation system to assess market competitiveness and the effectiveness of the City's system in attracting and retaining employees.
- 4.1.8 Assist employees in understanding their wages and benefits through clear communications.

4.2 Wage Ranges and Wage Plan

- 4.2.1 Wage Plan. Each position within the City is assigned a general pay range for wage purposes, based on internal comparable equity, comparable pay of similar positions in comparable cities (see Section 4.2.2), job qualifications, level of responsibility, level of difficulty, working conditions, skill, and amount of supervision and discretion required by the specific job title. Each position's pay range will be shown on the City's wage plan, which is approved annually as a part of budget adoption by the City Council.
- 4.2.2 Wage Study and Pay Range Adjustments. In furtherance of economic competitiveness, the City conducts a market study of wage ranges from time to time, usually every other year and coinciding with the year the biennial budget is prepared. Such study reviews the duties and wage ranges of some or all of the City's positions and compares them to the City's list of comparables. Based on the results of the market study, internal equity, and other operational and business-related considerations, the City Manager may recommend, and the City Council may approve or deny, adjustments to the wage plan.

In evaluating the relevant labor markets, the City (usually with the assistance of a compensation consultant, as it deems necessary and/or appropriate), shall maintain a list of comparable cities in the Puget Sound region that are determined to be substantially similar to the City using criteria such as geographic competition (e.g., cities that compete for the same labor pool), service level (i.e., full service v. contract city), number of employees employed, existing departments and positions, resident population/area served, and economic measures (such as assessed valuation, retail sales, and annual budgets). The City's list of "comparables" may be adjusted from time to time, in the City Manager's discretion, based on fluctuations in the labor markets and comparable jurisdictions.

For each position's wage range, the City uses the median top step of the wage ranges of comparable positions from the City's list of comparable cities to compare to the existing wage range. If the top step of a City wage range is within 10% of the median, the range typically will not receive a market adjustment and the range will increase by the amount of the Council-approved cost of living adjustment (if any) in the following year. If the top step of a range is more than 10% below median, the top step will typically be increased to the median top step, plus any Council-approved cost of living increase effective the following year. If the top step of a salary/wage range is more than 10% above the median, the top

step will be adjusted down to 10% above the median and the range will receive the Council-approved cost of living adjustment effective the following year. All range adjustments, including cost of living adjustments, are subject to City Council approval and will go into effect the year following the study (unless otherwise approved by the City Council). The Council retains the discretion to deviate from these standards when it determines it appropriate to do so under the particular circumstances.

The bottom end of wage ranges for all regular City positions will typically be set at 27% below the top step and shall be calculated as follows: $(\text{Top Step}) \times (1/1.27) = \text{bottom step}$.

- 4.2.3 If a range adjustment causes an employee's pay to be below the bottom step of the pay range, the employee's pay shall be brought to the bottom step of the adjusted range. If the effective date of the annual cost of living increase and a pay range adjustment are the same, the employee will receive the greater of the cost-of-living increase or the bottom step of the new range (not both).
- 4.2.4 If a range adjustment causes an employee's pay to be above the top step of the new pay range, the employee's pay will be frozen, meaning the employee's pay will remain higher than the top step of the pay range but the employee shall not receive annual merit increases while the employee's pay is higher than the top step. However, the employee will continue to receive annual cost of living increases granted to other employees and approved by the City Council.
- 4.2.5 Due to the relatively small size of the organization and unique nature of our organization and the services we provide, not all positions will have comparable positions in all comparable cities. If there are at least four comparable cities on the established list with comparable positions for a City position, the City will use those comparable positions to determine a median top step. If there are less than four, the City will rely primarily on internal equity considerations, including level of responsibility and skill set required for the position.
- 4.2.6 Before presenting a proposed new wage plan for the following year to the City Council, the City Manager or designee will provide the market study results and the draft proposed plan for employees to review. Employees will be given at least a week to review the study and the proposed wage plan and propose position-specific adjustments based on current year data from the list of market comparable cities.

- 4.2.7 Note that the biennial market study is not a precise evaluation of wage ranges and their position in the market. The study is intended to produce wage ranges in the “ballpark” of the market comparable cities, and there will often be some degree of subjectivity in determining final salary and wage ranges. The overall intent of the market study is to pay employees fairly and competitively in comparison to the market.

4.3 Employee Pay Rates

- 4.3.1 **Wage Limits within Pay Range.** Employees shall be paid within the parameters of the wage range to which their positions are assigned, unless the City Manager, in the City Manager’s discretion, determines that based on internal equity, external competitiveness, labor market conditions, or other operational considerations, it is appropriate to place an employee outside of the normal wage range for the position.
- 4.3.2 **Starting Pay Rate.** In consideration of the City’s budget, new employees will typically be paid at the lower end of the range for their position. However, the City Manager may approve hiring a new employee within a higher step or range when the City Manager determines that the employee’s experience, training, skills, or proven capability warrant, or when prevailing market conditions justify a starting wage greater than the lowest step.
- 4.3.3 **Annual Merit Increases.** Annual merit-based pay increases are typically awarded on the employee’s anniversary date. Annual merit pay increases are based on individual performance and range from 0% to 4% of the employee’s current rate of pay, as determined appropriate by the City, and subject to the upper limit of the employee’s wage range. Annual merit pay increases are awarded as part of the annual performance evaluation process. Merit increases are contingent upon satisfactory performance. If an employee’s performance is consistently unsatisfactory, the department director, in consultation with the City Manager, may choose to not grant a pay increase or may choose to defer a scheduled merit pay increase for a stipulated period of time or until the employee’s job performance is satisfactory. The City Manager may approve other annual increases in certain circumstances to remain competitive (e.g., annual increases for temporary employees).

The general parameters in awarding the 0% to 4% merit increase for the evaluation period is as follows:

- 0%: Overall performance was not satisfactory during the evaluation period and the employee was/is subject to discipline, a performance plan, or other method to improve performance.
- 1% to 2%: Performance in most essential functions was generally satisfactory during the evaluation period, but one or more notable areas of the employee's responsibilities needed (or still need) improvement.
- 3%: Overall performance was satisfactory; employee generally met the expectations of the position and generally followed the policies, values, and service vision of the City.
- 4%: Overall performance was excellent; employee exceeded expectations in one or more areas of responsibility, had a consistent positive attitude, took initiative by bringing forward new ideas to improve processes and service delivery, worked well with others, and modeled the City's policies, values, and service vision.

4.3.4 Reclassifications. Out of class wage adjustments may be considered when an employee and/or their supervisor believe(s) that the majority of duties and responsibilities being consistently performed by the employee are at a level that exceeds the duties/responsibilities set forth in the employee's job description and justifies the employee being placed at a higher wage range. The process for requesting an out of class wage adjustment is as follows: The employee and/or their supervisor shall prepare a memo that outlines their current duties and describes how the majority of those duties, on a consistent and ongoing basis, are being performed at the higher compensation range. The memo shall include a discussion of the job description of the employee's current position and the job description of the higher-level position, and how the job description compares to the employee's actual duties and responsibilities. The department director, Human Resources Manager, and City Manager will review and consider the proposal as described in the memo. Within approximately thirty days after the memo is submitted, the City Manager will determine whether the out of class wage adjustment request should be granted. If approved, the employee may be placed in a position with the appropriate wage range, where applicable, and an out of class wage adjustment will typically result in a four percent (4%) compensation increase or an increase to the lowest step of the new wage range, whichever is greater. Out of class wage adjustment requests shall not be granted retroactively. The out of class wage adjustment will not change the employee's anniversary date for merit increase purposes.

- 4.3.5 Promotions. When an employee is promoted to a position with a higher salary range, the employee's pay rate will increase by four percent (4%) or to the lowest step of the new wage range, whichever is greater. The employee's new anniversary date for merit increase purposes will be the effective date of the promotion.
- 4.3.6 Internal Equity Adjustments. In rare cases and when justified, the City Manager may, in the City Manager's discretion, prospectively adjust salaries for reasons of internal equity and fairness. Prior to final approval and implementation, such increases and the reasons for the internal equity adjustment shall be documented and be reviewed by the Human Resources Manager and the City Attorney (or designee who is also an attorney). An internal equity adjustment will not change the anniversary date for merit increase purposes.
- 4.3.7 Temporary Acting Supervisor Pay. When supervisors and those in management take time off or there is a vacancy in a supervisory or management position, an employee within the applicable department may be designated as acting supervisor or department head (or acting City Manager). When employees serve as an acting supervisor or department head (or acting City Manager) for three or more consecutive work weeks, the employee will receive a four percent (4%) pay increase for the duration of the time served as acting supervisor/department head (or acting City Manager). The four percent increase shall be subject to the upper limit of the applicable supervisor's/department head's pay range (or in the case of acting City Manager, the acting City Manager will receive a four percent (4%) pay increase regardless of salary range limitations). Non-exempt employees stepping into a temporary acting supervisor role will generally retain their non-exempt status.
- 4.3.8 Annual Cost of Living Adjustments. Subject to market conditions and revenue limitations, the City Manager may propose, and the City Council may grant an across-the-board pay adjustment (cost-of-living increase) annually, raising the wages of all positions by a specified amount, or within a defined group of positions. The annual wage adjustment is at the City's discretion, will typically go into effect on January 1 of the following calendar year, and will be based on, but not necessarily identical to, the Seattle-Tacoma-Bremerton Consumer Price Index (CPI-W) average (June to June).

4.4 Paydays and Method of Payment

- 4.4.1 The City has twenty-six (26) pay periods each year. Paydays are on Fridays, occurring on a bi-weekly basis.
- 4.4.2 Pay periods encompass two work periods as defined in Section 2.2.2.
- 4.4.3 An exception to the City's normal payroll schedule occurs when the scheduled payday falls on a holiday. For a payday that falls on a holiday, the payday will be on the regular workday preceding the holiday. However, payday during the week of Thanksgiving will be on the Friday after Thanksgiving Day.
- 4.4.4 The City requires direct deposit to a bank for all employees.

4.5 Deductions

Some regular deductions from the employee's earnings are required by law; other deductions are specifically authorized by the employee. The City will withhold from the employee's paycheck those deductions required by law and any voluntary deductions authorized in writing by the employee, or statute, and authorized by the City Manager or Finance Director.

4.6 Travel Away from the City

All travel activity shall conform to the Travel Policies adopted by the City Council.

4.7 Compensation upon Separation of Employment

When an employee separates employment with the City, the employee will receive the following compensation:

- Regular wages for all hours worked up to the time of termination which have not already been paid.
- Any overtime or holiday pay due through the termination date.
- A lump sum payment of any accrued but unused vacation and compensatory time.
- Unused sick leave shall be paid per Section 6.3; provided that in the case of an involuntary termination by the City (not including a termination due to a reduction in force or lack of work), the employee will not be paid any accrued sick leave.

5 BENEFITS

5.1 Retirement Benefits

- 5.1.1 The City makes contributions on behalf of all eligible employees to the 401(a) Defined Contribution Social Security Retirement Replacement Program in lieu of Social Security System, in addition to those contributions made by the employee through payroll deductions. 401(a) plan eligibility, contribution rates, and other details are found in the 401(a) plan document. Employees not eligible for the 401(a) plan will contribute to Social Security.
- 5.1.2 All regular full-time and eligible part-time non-uniformed employees are covered under the Public Employees Retirement System (PERS). Participation requirements, benefit levels, and contribution rates are set by the State of Washington.
- 5.1.3 The City participates in a 457 deferred compensation program. Employees are permitted to make voluntary contributions into 457 retirement programs, subject to plan document rules. The City Manager may recommend, and the City Council may approve qualified 457 plan providers.
- 5.1.4 A retirement plan committee made up of City employees meets regularly, with the help and advice of a retirement plan consultant, to review the defined contribution retirement plans and meet the fiduciary responsibility of the City.
- 5.1.5 Employees intending to retire should notify their department director of their intent to retire as early as possible to provide for an orderly transition.
- 5.1.6 The City reserves the right to modify or withdraw all benefits, including retirement benefits, at any time.

5.2 Disability Benefits

- 5.2.1 All employees are covered by the State Industrial Insurance program, and the City may choose to participate in a multi-employer pool or consortium to manage workers' compensation claims. This type of 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 for any disability resulting from job-related injuries or illnesses, subject to applicable law. All job-related accidents should be reported immediately to the appropriate supervisor.

- 5.2.2 When an employee is absent for one or more days due to an on-the-job accident or illness, the employee is required to file a claim for Workers' Compensation. If the employee files a claim, the City will continue to pay (by use of the employee's unused sick leave) the employee's regular salary pending receipt of Workers' Compensation benefits.
- 5.2.3 When the employee receives Workers' Compensation benefits, the employee is required to repay to the City the sick leave amount covered by Workers' Compensation and previously advanced by the City. Upon such payment, the employee's correlating sick leave will be credited back to the employee's sick leave account. This policy is to ensure that employees will receive prompt and regular payment during periods of injury, illness, or disability so long as accrued sick leave is available, while ensuring that no employee receives more than the employee would have received had the injury or illness not occurred. Employees should understand that repaid sick leave is not PERS-reportable hours or wages; it is therefore important that the employee contact the Washington State Department of Retirement Systems directly to ensure that the repaid sick leave is not incorrectly reported/recorded.
- 5.2.4 The City may require an independent medical examination, at its expense and to be performed by a care provider of its choice, to determine if/when the employee may be cleared to return to work and if the employee will be capable of performing the essential functions of the position, with or without reasonable accommodation.
- 5.2.5 An employee receiving Workers' Compensation time loss benefits shall continue to accrue vacation leave and sick leave for a period not to exceed six (6) months and the City will continue to pay for the usual health, dental, and life insurance coverage for a one-year period; provided, the employee remains employed with the City.
- 5.3 Insurance Benefits**
- 5.3.1 Regular full-time employees, some temporary employees (subject to Section 3.3.3), and some part-time and job-share employees are eligible to participate in the City's insurance programs (temporary employees and part-time or job share employees should contact Human Resources with questions relating to their eligibility). These include medical, dental, and vision insurance, health reimbursement account (HRA), health savings account (HSA), flexible spending

accounts, life insurance, and long-term disability insurance. The City may choose to contribute to the employees' HRA and I accounts, at the City's discretion. The City's annual contribution amounts to the I and HRA accounts are usually set forth in the City's adopted budget. If the I and HRA amounts are not stated in the adopted budget, the annual contribution amount from the prior year will apply. The City also provides a flexible spending account (FSA) program (i.e., Section 125 Cafeteria Plan), but any contributions to FSAs are made by the employee and not the City.

- 5.3.2 Life insurance benefits are equal to one times (1x) the employee's annual salary, capped at \$150,000. Through December 31, 2014, \$100,000 additional life insurance was offered at employer expense. This program was discontinued for all employees hired after January 1, 2015. Details regarding the City's medical, dental, and vision coverage may be found in the applicable plan summaries.
- 5.3.3 The programs and criteria for eligibility will be explained at the time the employee becomes eligible to join. The City reserves the right to make changes in the carriers and provisions of these programs or to eliminate them, when deemed necessary or advisable.
- 5.3.4 Upon mutual agreement between the employee and the City, and in accordance with the terms and conditions of the insurance policy, the City may continue health insurance coverage, at the employee's expense, during an approved unpaid leave of absence. Continued insurance coverage provided for by Federal Law (COBRA) may apply in the event coverage is not extended through the City.
- 5.3.5 While an employee is receiving Workers' Compensation benefits, the City will continue to pay the employee's health insurance premiums for up to one (1) year (provided, the employee remains employed by the City), after which the employee may choose to use his/her COBRA rights and self-pay insurance premiums.
- 5.3.6 Upon an employee's termination from City employment, at the employee's option and expense, the employee may elect to continue City health insurance benefits to the extent provided under COBRA. Continuation rights are not available if an employee is terminated for "gross misconduct." An administrative handling fee over and above the cost of the insurance premium may be charged to the employee or his/her dependents who elect to exercise their COBRA continuation rights.

- 5.3.7 Regular full-time employees hired prior to January 1, 2005, will receive medical insurance coverage for the employee and eligible dependents, fully paid by the City. Regular full-time employees hired on or after January 1, 2005, are subject to paying 10% of spouse and/or dependent medical premiums (deduction from the employee paycheck); the balance to be paid by the City. Dental and orthodontia insurance premiums for regular full-time and part-time employees are fully paid by the City, regardless of hire date. Part-time employees who are eligible for benefits will receive medical, dental, and orthodontia insurance benefits on a pro-rata basis.
- 5.3.8 In lieu of the City's medical insurance program, a regular full-time employee hired prior to August 1, 2003 will receive up to the same contribution of \$724.45 per month (defined as the 2003 medical insurance premium for employee, spouse, and one dependent) from the City toward a Section 457 (Deferred Compensation) plan or Section 125 benefit plan. These plans must be pre-approved by the City. The employee may also choose to purchase vacation hours with the unused portion of the medical insurance contribution, up to \$724.45 per month. The purchase of vacation hours will be based on the employee's regular hourly rate and any hours purchased will be added to the employee's vacation hour bank. The amount of purchased vacation hours, when added to an employee's normal accrual, shall not exceed an accrual of 30 days per year. For example, if an employee is accruing 15 vacation days per year based on 5 years of service, that employee can accrue up to an additional 15 days of vacation. The total vacation accrual rate cannot exceed 30 days at any time during the year.
- 5.3.9 Job-share employees will receive insurance benefits as prescribed in Section 3.4.5.

5.4 Wellness Program

- 5.4.1 Employee Wellness Program. To reduce absenteeism and to promote employee health and productivity, the City encourages employee wellness through various City-sponsored, voluntary activities and programs. City funds are allowed to be used for providing a wellness program and activities, including but not limited to food, awards and incentives for participation, and materials and equipment for City employees. These benefits shall be a fringe benefit accruing to the employee by virtue of employment with the City and shall not be considered part of the employee's regular rate of pay.
- 5.4.2 Wellness Program Overview.

- 5.4.2.1 The City established an Employee Wellness Program in 2003 and confirmed its commitment to the program by adoption of Resolution 03-078. This program provides incentive awards designed to encourage and reward employee participation in the program. Participation awards and incentives for employees may include gift cards, gifts, prizes, and other items of value to recognize employee participation in wellness activities.
- 5.4.2.2 Participation in the City's Employee Wellness Program is voluntary and shall be limited to employees insured on the City's medical plans.
- 5.4.2.3 Whenever possible, the City's Wellness Program will be provided at low or no-cost to qualified employees.
- 5.4.2.4 The program will be composed of health education and fitness-related activities that meet the needs and interest of the employees, as well as activities and programming that supports the current AWC WellCity standards. Such activities may be on- or off-site and may be partially or fully funded by the City.
- 5.4.2.5 The wellness budget will include a minimum of \$10 per employee per year.
- 5.4.3 Wellness Coordinator, Wellness Committee, & Wellness Committee Meetings.
 - 5.4.3.1 The City Manager will designate a department or division to assign a Wellness Coordinator and oversee the Employee Wellness Program and assign the task of coordinating the program to an employee.
 - 5.4.3.2 Membership and terms of service, and other relevant information and procedures will be determined in the Wellness Committee Charter, as approved by the City Manager.
 - 5.4.3.3 Committee members are permitted to attend meetings and facilitate the program as needed; provided that these meetings do not disrupt City operational and staffing needs.
 - 5.4.3.4 The Wellness Committee will develop programs around AWC award requirements including awareness, motivational, behavioral change, and cultural support.

5.4.4 Staff Participation.

5.4.4.1 City employees will be provided time to participate in wellness activities during regular work hours for activities organized by the Wellness Committee which may include: health screenings, health education seminars, or group wellness activities approved case-by-case by the City Manager.

5.4.4.2 City employees are encouraged to provide program ideas to the Wellness Committee.

5.4.4.3 City employees are encouraged to attend Wellness Committee meetings.

5.4.4.4 Additional wellness activities will also be available for employees to participate in on their own time.

5.5 Length of Service and Performance Awards

5.5.1 All regular employees are eligible for a length of service award. Seasonal and other temporary employees are not included in this program. The value of each length of service award can be given in various forms, such as gift baskets and gift cards. In addition, the City may fund an annual service recognition event for all City employees that includes but is not limited to food, entertainment, and decorations.

5.5.2 Schedule and Amounts for One-Time Length of Service Awards:

- After two years of service, \$35 or less per employee.
- After five years of service, \$75 or less per employee.
- After ten years of service, \$100 or less per employee.
- After fifteen years of service, \$150 or less per employee.
- After twenty years of service, \$250 or less per employee.
- After the completion of each additional five years of service beyond twenty, \$250 or less per employee.

Length of Service Award payments are subject to applicable payroll taxes and withholdings.

- 5.5.3 **Performance Awards.** In addition to length of service recognition, the City Manager is authorized to honor noteworthy performance and/or work ethic with outstanding service awards. Such awards are non-monetary and may be given in the form of a wall plaque, certificate, or similar token.
- 5.5.4 **Service Recognition Upon Separation.** Employees with at least five years of service with the City who voluntarily leave employment with the City or are laid off may receive a plaque for their service, provided they are leaving the City in good standing. Employees who retire from the City via a PERS or 401(a) defined contribution plan may receive a plaque or other token of appreciation for their service, and the plaque or token received may be based on their years of service. The City may host a celebratory retirement event in a City-owned building or park. The City may provide light refreshments, nominal decorations, and other nominal and incidental items associated with the retirement event. The City may also send out electronic invitations for the retirement event. The City may choose to host the retirement event virtually and use one of its online video platforms to do so. Retirement events may typically be held outside of normal work hours, but may also be included as part of, or immediately before or after, all-staff meetings or at other times designated by the City Manager.

5.6 Other Benefits

- 5.6.1 **Employee Meetings.** In recognition of its employees and the services they provide for the community and for the purposes of promoting organizational health and conviviality in the organization, the City Manager and department heads may occasionally organize special employee meetings and gatherings that are in addition to routine operational meetings (e.g., weekly or monthly team meetings). City funds may be used for food, nominal decorations, and other incidental items for these occasional gatherings.
- 5.6.2 **Business Meetings.** Some employees, by the nature and custom of their jobs, participate in city-business-related lunch meetings with representatives of other agencies or community members. As a general guideline, employees should typically not allow people and organizations they potentially regulate or firms and consultants they conduct city business with to purchase meals for them. When the lunch hour is on occasion (because of busy schedules and timelines) consumed by a meeting to discuss City business or travel to or from a business meeting, employees may, subject to department head approval, charge the City (or be reimbursed by the City) for meals for City business purposes. In addition, the City may host a business meeting of other agency representatives. If this

meeting is during a meal hour, the City may pay for the meals of the attendees (and employees may allow other public agencies to reciprocate when these other agencies host). Further, if City meetings (such as City Council meetings) go into the dinner hour (typically 6 p.m.), the City may pay for dinner for those employees in attendance.

- 5.6.3 On-Site Coffee and Other Beverages. As a support to employee productivity and satisfaction, City expenditures may be used to provide coffee and other beverages for use on work premises by City employees during the workday and evening hours. Employees may not take these items to use at home or other non-work location. Additionally, City employees, at City expense, may provide coffee, other beverages, and snacks to guests at City work premises for City-related business meetings.
- 5.6.4 Business Meeting Meal & Travel Allowance. For some executive-level positions, the nature and custom of their jobs (such as economic development and intergovernmental relations) may require more frequent lunch meetings and travel around the Puget Sound area. In these cases, tracking mileage and odometer readings and tracking and submitting meal receipts can be time consuming and inefficient. In these limited and unique cases, the City Manager may allow a monthly allowance up to four hundred dollars (\$400) per person for business meetings and related meals and travel. The City Manager is not eligible for this allowance unless specifically and separately approved by the City Council for the City Manager.
- 5.6.5 Birthdays and Other Personal Milestones. City employees may use City premises to recognize and celebrate birthdays and other noteworthy personal milestones (e.g., baby shower) of their coworkers. If during the workday, these gatherings will be brief. The City Manager may designate a certain time (or times) during each month when these gatherings may take place (e.g., immediately before or after all-staff meetings). Preparation and cleanup will be nominal. The City will not pay for food, gifts, or decorations associated with these gatherings.

6 LEAVES OF ABSENCE AND TIME OFF

6.1 Leaves

6.1.1 The City has the following different types of leave:

- 1) Vacation Leave
- 2) Sick Leave
- 3) Vacation and Sick Donation (Shared Leave)
- 4) Family and Medical Leave
- 5) Paid Family and Medical Leave
- 6) Pregnancy Disability Leave
- 7) Leave without Pay
- 8) Jury Leave
- 9) Administrative Leave
- 10) Military Leave
- 11) Executive Leave
- 12) Bereavement Leave
- 13) Holidays
- 14) Religious Holidays
- 15) Parental Leave
- 16) Leave for Domestic Violence Victims and Their Family Members
- 17) Wellness Day Off

6.2 Vacation

6.2.1 The City encourages employees to annually take sufficient vacation time to maintain a healthy work-life balance. Each regular full-time employee is entitled to vacation leave as follows, based on the employee's anniversary date:

<u>Vacation Accrual</u> <u>Schedule</u>	<u>Vacation Days per</u> <u>Month</u>	<u>Vacation Days per Year</u>
Start of the first year through year five	0.83	10
Start of the sixth year through year eight	1.25	15
Start of the ninth year through year twelve	1.67	20
Start of the thirteenth year and beyond	2.08	25

As an example, a regular employee who has been continuously employed by the City for four years (i.e., *completed* four years) is in their fifth year of employment and is entitled to accrue 0.83 vacation days per month. As another example, a regular employee who has *completed* five years of continuous employment with the City is in their sixth year and is entitled to accrue 1.25 vacation days per month.

To provide a more specific example with actual dates, let's assume a regular full-time employee began employment with the City on February 1, 2020. Starting on their first day of employment, their vacation accrual rate would be 0.83 days per month. Their vacation accrual rates would start on the anniversary dates as listed here:

<u>Anniversary Date</u>	<u>Vacation Accrual Rate (days/month)</u>
February 1, 2021	0.83
February 1, 2022	0.83
February 1, 2023	0.83
February 1, 2024	0.83
February 1, 2025	1.25
February 1, 2026	1.25
February 1, 2027	1.25
February 1, 2028	1.67
February 1, 2029	1.67
February 1, 2030	1.67
February 1, 2031	1.67
February 1, 2032	2.08
February 1, 2033	2.08

- 6.2.2 Regular part-time and job-share employees will receive vacation leave on a pro-rata basis. For temporary employees, see Section 3.3.
- 6.2.3 Vacation days will be earned bi-weekly, so that the annual total equals the "vacation days per year" based on the number of years of employment.
- 6.2.4 Prior Service Credit for Vacation Accrual. In determining the vacation accrual rate, experience in another jurisdiction directly related to the new position may be credited as years of employment within Kenmore, in the City Manager's discretion. In such case, the employee will receive the accrual rate based on their

years of service up to five years. In addition, the City Manager may provide accrued vacation time at the time of hire.

- 6.2.5 Each department is responsible for scheduling its employees' vacations without undue disruption of department operations and customer service. Preferably, leave requests should be submitted at least two weeks prior to taking vacation leave. Vacation leave requests may be denied if, in the City's discretion, the leave would adversely impact or interfere with the City's operational or business needs.
- 6.2.6 Employees accrue and may use vacation leave during their work trial period. Employees do not accrue vacation leave during a leave without pay.
- 6.2.7 The maximum number of vacation hours which may be generally carried over from December 31 of one year to January 1 of the next year is 240 hours. In cases where City operations have made it impractical for an employee to use vacation time, or where the employee has made suitable arrangements with the department director approved by the City Manager, additional accruals may be authorized, at the City Manager's sole discretion. Employees will be paid for unused vacation time upon termination of employment, up to a maximum of 320 hours.

6.3 Sick Leave

- 6.3.1 The City offers sick leave benefits consistent with the Washington Paid Sick Leave Laws, RCW 49.46.210 and Chapter 296-128 WAC (WPSL), and for most regular employees, additional sick leave benefits not required by law (ASL), as follows.
 - 6.3.1.1 Regular full-time employees shall accrue sick leave at the rate of eight (8) hours for each calendar month of completed employment.
 - 6.3.1.2 Regular part-time employees shall accrue sick leave at a prorated rate, based on the number of hours actually worked by them in relation to a full-time schedule (but not to exceed the accrual rate of eight sick leave hours per month).
 - 6.3.1.3 Job-share employees shall accrue sick leave benefits as prescribed in Policy 3.4.5.

- 6.3.1.4 Temporary employees and regular employees who do not otherwise qualify for City benefits and who are hired after the effective date of this Sick Leave Policy, shall accrue only WPSL benefits, at an accrual rate of one (1) hour for every 40 hours worked by them. Temporary and regular employees who do not otherwise qualify for City benefits and who were hired prior to the enactment of this Sick Leave Policy shall continue to accrue sick leave benefits at their existing accrual rates; provided, that once such employees' current employment with the City ends, they shall be subject to this section if they are subsequently rehired by the City.
- 6.3.1.5 In no event will any employee earn more than eight (8) hours of sick leave in any calendar month, unless otherwise required by law.
- 6.3.1.6 In any event employees shall accrue at least one (1) hour of sick leave for every 40 hours worked by them.
- 6.3.2 Sick leave benefits shall begin accruing as of the employee's hire date. New employees may use earned sick leave during their trial period.
- 6.3.3 Employees may take their sick leave in 15-minute increments.
- 6.3.4 Sick leave benefits shall be prorated for any partial months at the commencement or termination of the employee's employment.
- 6.3.5 Sick leave benefits shall accrue only when an employee is in paid status (which includes paid leave but does not include unpaid leave or worker's compensation).
- 6.3.6 Employees may carry over their accrued sick leave from one calendar year to the next.
- 6.3.7 Sick leave benefits shall be paid at the employee's regular base rate of pay.
- 6.3.8 Employees may use their accrued sick leave benefits for any absence due to the following reasons:

- The employee's own illness, injury, or health condition; to accommodate the need for medical diagnosis, care, or treatment of a health condition; or preventative medical care.
- The employee's care for a family member with an illness, injury, or health condition; to care for a family member who needs medical diagnosis, care, or treatment; or to care for a family member who needs preventative medical care.
- The City is closed by order of public official for any health-related reason, or the employee's child's school or daycare is closed for such a reason.
- Absences covered by the City's Domestic Violence Leave Policy.
- Other circumstances which may be authorized by the City Manager or designee, in the City Manager's or designee's discretion.

6.3.9 For purposes of this Sick Leave policy, "family member" means the employee's:

- child (biological, adoptive, foster, stepchild or child for whom the employee stands in loco parentis, is a legal guardian for, or is a de facto parent);
- parent (including the same relationships as set forth for "child" above);
- spouse or registered domestic partner;
- spouse's or domestic partner's parent;
- grandparent;
- grandchild or sibling.

"Domestic partner" shall have the same meaning as set forth in RCW 26.60.020.

6.3.10 Employees should request to use their sick leave benefits as far in advance as possible. This generally means that an employee should provide notice at least ten (10) days in advance of any planned or otherwise foreseeable absence (such as a planned medical appointment or procedure) and at least one (1) hour prior to the employee's shift for any unforeseeable or emergent absence (unless such notice is not practicable under the circumstances, in which case the employee should provide notice as soon as practicable).

6.3.11 The City may require an employee to provide proof of illness, injury, or health condition from a qualified health care provider or other health care source as determined by the City Manager (or designee).

6.3.12 For the first 92 hours of sick leave used in any calendar year, such medical certification shall be limited to absences of more than three (3) consecutive

days. If an employee believes that such required verification will result in an unreasonable burden or expense, the employee should notify the City, preferably in writing, of this and provide an explanation that (i) the employee's use of the sick leave is for one of the reasons listed above and (ii) how the verification requirement will result in an undue burden or expense. Upon receipt of such notice from the employee, the City will consider the employee's explanation and proceed in accordance with the process set forth in WAC 296-128-660. Otherwise, failure to provide the required verification may result in a loss of leave benefits for that work period and/or may result in further disciplinary action.

- 6.3.13 If an employee feels that they are being discriminated or retaliated against because of their lawful use of the first 92 hours of their sick leave benefits in a calendar year, the employee should contact Human Resources. If the employee is not satisfied with the City's response, the employee may contact the Washington State Department of Labor & Industries:

Online: www.lni.wa.gov/WorkplaceRights

Call: 1-866-219-7321

Visit: www.lni.wa.gov/Offices

Email: ESgeneral@lni.wa.gov

- 6.3.14 After an employee's use of 92 hours of sick leave in any calendar year, the City may require medical certification in connection with any additional sick leave usage, and this medical verification requirement is not subject to the process outlined in Section 6.3.9.1 above. Failure to provide such required verification may result in loss of sick benefits for that work period and may result in further disciplinary action. Employees who misuse their sick benefits will be subject to disciplinary action, up to and including termination.
- 6.3.15 Upon termination of a regular employee's employment due to death or PERS- or 401(a) plan-eligible retirement, the employee's accrued but unused sick leave benefits shall be cashed out to the employee in an amount equal to fifty percent (50%) of such employee's accrued but unused benefits, up to a maximum of 720 paid hours. Upon termination of a regular employee's employment due to layoff or resignation in good status (see Policy 9.5.1), the employee's accrued but unused sick leave benefits shall be cashed out to the employee in an amount equal to twenty percent (20%) of the employee's accrued but unused sick leave benefits, up to a maximum of 720 paid hours. Sick leave benefits shall not be cashed out to an employee in cases of an involuntary termination. Temporary or

seasonal employees shall not be eligible to receive a cash-out of their sick benefits.

- 6.3.16 If an employee is rehired by the City within twelve (12) months of the employee's termination date, up to forty (40) hours of sick leave benefits previously accrued to the employee and not otherwise cashed out by the City shall be reinstated to the employee's sick leave bank upon rehire.

6.4 Vacation and Sick Leave Donation (Shared Leave)

- 6.4.1 Intent. The purpose of shared leave is to permit City employees to come to the aid of a fellow City employee who is on FMLA leave or is suffering from or has an immediate family member suffering from an extraordinary or severe illness, injury, impairment, or physical or mental condition which has caused or is likely to cause the employee to take leave without pay or to terminate his or her employment.

- 6.4.2 A department director, with the City Manager's approval, may permit an employee to receive shared leave if:

- The employee suffers, or has an immediate family member suffering from, an illness, injury, impairment, or physical or mental condition which is of an extraordinary or severe nature, and which has caused, or is likely to cause, the employee to go on leave without pay status or to terminate his or her employment with the City.
- The employee has depleted or will shortly deplete all but forty (40) hours of their total of accrued vacation, sick leave, compensatory time, floating holiday time, and/or other paid leave. An employee may receive donated leave and still retain up to forty (40) hours of accrued leave.
- Prior to the use of shared leave, the employee has complied with the City's sick leave policy.
- The employee is not eligible for state industrial insurance benefits.

- 6.4.3 For purposes of this Shared Leave Policy, an employee's "immediate family member" shall include the employee's: child (biological, adoptive, foster, stepchild or child for whom the employee stands in loco parentis, is a legal guardian for, or is a de facto parent); parent (including the same relationships as set forth for "child" above); spouse or registered domestic partner; sibling; or grandparent. "Immediate family member" may also include cases in which an employee is able to demonstrate, to the satisfaction of the City Manager or

designee, that the employee is the sole relative and caregiver for a family member who does not otherwise meet the definition herein. "Registered domestic partner" shall have the same meaning as set forth in RCW 26.60.020.

- 6.4.4 The department director, with the concurrence of the City Manager, shall determine the amount of shared leave, if any, which an employee may receive under this policy. The employee may be required to provide appropriate medical justification and documentation both of the necessity for the leave and the time which the employee can reasonably be expected to be absent due to the condition. To the extent possible, shared leave should be used on a consecutive basis.
- 6.4.5 Employees may request their department director to approve the transfer of a specified amount of accrued vacation or sick leave to an employee who is authorized to receive shared leave as provided herein. In order to be eligible to donate vacation or sick leave, an employee must have a total of more than 10 days of accrued vacation or sick leave. Transfers shall be in increments of one day of leave. In no event shall a transfer of leave be approved which would result in an employee reducing his or her total vacation or sick leave in a calendar year to less than 10 days. The department director shall not transfer vacation leave in excess of the amount specified in the request. All donations of leave shall be voluntary.
- 6.4.6 Leave may be transferred from employee(s) from one department to an employee of the same department, or, with the concurrence of both department directors, to an employee of another department.
- 6.4.7 Subject to benefit plan rules, while an employee is on shared leave, they will continue to be classified as a City employee and shall receive the same treatment, in respect to salary and benefits, as the employee would otherwise receive if using vacation leave. Donated hours and pay associated with those hours are not reportable under Washington State Department of Retirement Systems Public Employee Retirement System rules; employees should contact DRS directly to ensure that any shared leave used by them is not incorrectly reported/recorded.
- 6.4.8 All salary and benefit payments made to the employee on a shared leave shall be made by the department employing the person using the shared leave.

- 6.4.9 The employee's salary rate shall not change as a result of being on shared leave nor, under any circumstances, shall the total of the employee's salary and other benefits, including but not limited to state industrial insurance or any other benefit received as a result of payments by the City to an insurer, health care provider, or pension system, exceed the total of salary and benefits which the employee would have received had he or she been in a regular pay status.
- 6.4.10 Donated sick leave shall be transferred on an hour-for-hour basis. Donated vacation leave shall be transferred on a dollar-for-dollar basis and shall be converted into sick leave for the receiving employee. The value of the donated vacation leave shall be determined at the current hourly wage of the transferor and the value of the donated sick leave shall be calculated at the recipient's wage.
- 6.4.11 Payroll shall be responsible for computing the values of donated leave and shared leave and shall also be responsible for adjusting the accrued leave balances to show the transferred leave. The Finance and Administration Director shall determine the appropriate fund transfers and budget amendments if needed. Records of all leave time transferred shall be maintained in the event any unused time is returned at a later date.
- 6.4.12 The value of any leave transferred which remains unused shall be returned at its original value to the employee or employees who donated the leave. The department director shall determine when shared leave is no longer needed. To the extent administratively feasible, the unused leave shall be returned on a pro rata basis.

6.5 Family and Medical Leave

- 6.5.1 Eligible employees are granted up to 12 weeks of protected leave without pay in a 12-month rolling calendar period for qualifying family and medical reasons. To be eligible for such leave, an employee must have worked for the City for at least 12 months and at least 1,250 hours in the preceding 12 months. Employees who expect to take more than three consecutive days of sick or regular leave or more than two intermittent leaves for any of the reasons defined below, need to contact Human Resources to determine if FMLA applies, and if a Certification of Healthcare Provider form needs to be completed.
- 6.5.2 If an employee requests or makes known to their supervisor that they may make or are making an FMLA-related leave request, the supervisor must inform Human

Resources and have the employee contact Human Resources to determine if FMLA applies. The Human Resources Manager will review and determine if the request falls under FMLA with its rights and requirements and will notify the employee of Human Resources' determination in this regard.

6.5.3 Family & Medical Leave ("FML") will be granted for any of the following reasons:

- 6.5.3.1 To care for and bond with the employee's child after birth or placement for adoption or foster care; (if both parents are employed by the City, combined FML shall not exceed 12 weeks);
- 6.5.3.2 To care for the employee's child (if such child is under the age of 18 or incapable of self-care), spouse, registered domestic partner, or parent who has a serious health condition;
- 6.5.3.3 For a serious health condition that renders the employee unable to perform the essential duties of the employee's job;
- 6.5.3.4 A "qualifying exigency," as defined by the applicable regulations adopted by the Department of Labor from time to time, arising out of a covered family member's active duty or call to active duty in the Armed Forces in support of a contingency plan. For purpose of this policy, a "covered family member" means the spouse, child, or parent of an eligible employee; or
- 6.5.3.5 To care for a covered family member who qualifies as a "covered service member." For purposes of this policy, the term "covered servicemember" means a member of the Armed Forces who is undergoing medical treatment, recuperation, or therapy, or who is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for an injury or illness incurred by the covered servicemember in the line of duty on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating. Eligible employees may take up to 26 weeks of leave during a single 12-month period to care for a covered family member who is a covered service member. Leave to care for an injured or ill service member, when combined with other FMLA-qualifying leave, may not exceed 26 weeks in a single 12-month

period. Servicemember FMLA leave runs concurrent with other leave entitlements provided under federal and state law.

- 6.5.4 An employee is required to notify the City if the employee uses paid leave for a reason covered by the FMLA, so that the leave will be counted against the employee's FML allowance. If the City has reason to believe that an employee's absence is due to FMLA-qualifying reasons, the City may initiate the FMLA process for the employee. FML will be monitored and tracked on a rolling calendar year basis, which is measured from the first day of an employee's use of FML. Employees are responsible for notifying Human Resources of any changes in status, especially when a qualifying event or condition no longer exists.
- 6.5.5 Employees must provide the City with at least 30 days written notice when the employee's FML is foreseeable. If leave is not foreseeable, an employee must provide notice as soon as practicable. Otherwise, leave may be delayed until 30 days after notice is given. An FMLA Leave Request form is available from Human Resources. When leave is taken for a serious health condition (either the employee's own or the employee's family member) that is expected to extend beyond five consecutive working days, the request must be supported by a medical certification (FMLA Certification of Healthcare Provider Form for Self or Family Member). The City may require a second or third opinion at the City's option and expense. The Certification of Healthcare Provider form is available from Human Resources.
- 6.5.6 Accrued paid leave (sick leave and vacation leave) must be used to the extent available during FML, to the extent consistent with applicable law. Paid leave may not be used as an extension of a FML. Sick leave and vacation leave will not accrue during periods of unpaid leave. FML leave runs concurrently with PFML and the City's voluntary Parental Leave.
- 6.5.7 Intermittent or reduced schedule leave may be taken when medically necessary for either the employee's own serious health condition or for that of a qualifying family member.
- 6.5.8 If an employee's leave extends past two weeks, the City requires the employee to report at least every two weeks on their status and intent to return to work, unless the employee's medical certification is for a longer duration, in which case the employee should advise the City of any changes to their estimated return to

work, as certified. During FML leave, the City will continue to provide health insurance on the same basis as during regular employment. If an employee takes unpaid leave, the employee must pay the premiums for other insurance plans such as disability and life insurance and other supplemental benefits the employee may have elected to enroll in.

- 6.5.9 The City retains the option of requiring an employee to provide a medical certification of their fitness for duty to Return to Work (RTW) after a medical leave for the employee's own serious health condition. In most cases, an employee will be reinstated to their same job position or substantially equivalent job position upon the completion of FML; however, reinstatement may not occur if the employee's position was eliminated by a bona fide restructuring or reduction in force, the employee fails to return to work immediately following the conclusion of the FML, or the employee qualifies as a "key employee," as defined by the FMLA.

6.6 Paid Family and Medical Leave

- 6.6.1 PFMLA Program. The Washington State Employment Security Department (ESD) administers an insurance program under the Paid Family Medical Leave Act (PFMLA), pursuant to which eligible employees will qualify for partial wage replacement and leave benefits for covered family and medical reasons. This policy provides a summary of the PFML program, but employees may obtain additional information at www.paidleave.wa.gov. To the extent an issue is not addressed in this policy, the City will administer this benefit program consistent with applicable statutes and regulations.

6.6.2 Employee / City Premiums.

- 6.6.2.1 In administering the PFMLA program, the Washington State Employment Security Department (ESD) assesses a premium rate for each City employee, which rate is established by law. The employee is responsible for 73% of the total premium rate (the "Employee's Share"). The City deducts the Employee's Share from the employee's paycheck (up to the Social Security cap, as defined by law), in accordance with its standard payroll practices.
- 6.6.2.2 The remaining 27% of the PFMLA premium rate is paid by the City (the "City's Share").
- 6.6.2.3 The City reports and remits the applicable PFMLA premiums to the ESD. Should the State in the future modify the PFML premium rate or

the percentage of premiums subject to collection through payroll deduction, the City will modify payroll practices to reflect those statutory changes.

6.6.3 Eligibility.

- 6.6.3.1 To be eligible for monetary leave benefits under the PFMLA, an employee must have worked 820 hours in Washington State (for any employer or combination of employers) in the year leading up to the date of leave. To be eligible for job protection under the PFMLA, an employee must (i) have been employed by the City for at least 12 months and (ii) have been in paid status for at least 1,250 hours in the 12 months preceding the start of PFML.
- 6.6.3.2 An employee is ineligible for PFML benefits during any period of suspension from employment or during which the employee works for remuneration or profit (e.g., outside employment or contracting).
- 6.6.3.3 Paid Family and Medical Leave (PFML) benefits, as applicable, may be granted for any of the following reasons:
 - Medical Leave.
 - The employee's own serious health condition, as defined under the federal Family & Medical Leave Act (FMLA) and RCW 50A.05.101, which causes the employee to be unable to work; provided, that an employee is ineligible for PFML if also receiving workers' compensation time loss benefits due to a workplace injury.
 - Family Leave.
 - To care for the employee's family member with a serious health condition.
 - To care for the employee's child after birth or placement (by adoption or foster care) within 12 months of such birth/placement (in cases of adoption or foster care, the child must be under the age of 18 years).
 - For a family member's qualifying military exigency as defined under FMLA.

For purposes of this policy, "family member" means the employee's: child (biological, adoptive, foster, step-child, or child for whom the employee stands in loco parentis, is a legal guardian for, or is a de facto parent); parent (including the same relationships as set forth for "child" above); spouse or registered domestic partner; spouse's or

domestic partner's parent; grandparent; or sibling. "Registered domestic partner" shall have the same meaning as set forth in RCW 26.60.020.

FML runs concurrently with PFML where an absence is covered by both laws.

6.6.4 Application for Benefits. Applications for PFML benefits are made directly to the ESD. Employees should contact the ESD to commence the application process. The ESD will require the employee to complete its certification form, relating to the employee's eligibility and qualification for PMFL benefits.

6.6.5 Notice.

6.6.5.1 Employee Notice.

6.6.5.1.1 When the need for PFML is foreseeable (such as for planned medical procedures or the birth of a child), an employee must notify the City of the need for such leave at least 30 days in advance of such leave. If the need for PFML is not foreseeable, the employee must provide notice as soon as practicable.

6.6.5.1.2 The employee's notice must be in writing, must identify the family or medical nature of the leave, and must contain the anticipated timing and duration of such leave. If an employee fails to provide this required notice, the ESD may deny benefits for the period of time during which the notice was insufficient.

6.6.5.1.3 Employees apply directly to the ESD for PFML monetary benefits. An employee must, within five (5) business days of employee's receipt of the same, notify the City of the ESD's determination with respect to such application for benefits, including the amount of any awarded monetary benefits. This is to assist the City's recordkeeping and administrative functions as well as any related paid leave calculations.

6.6.5.1.4 If leave is being taken for the employee's or employee's family member's planned medical treatment, the employee must make a reasonable effort to schedule the treatment so as not to unduly disrupt City operations.

6.6.5.1.5 If taking leave intermittently, an employee must notify the City each time PFML leave is taken so the City may properly track leave use.

6.6.5.2 Employer Notice.

6.6.5.2.1 A workplace poster prepared by the ESD, outlining an employee's rights under the PFMLA, has been posted in the break rooms at City Hall and the Public Works facility office.

6.6.5.2.2 Additionally, when an employee is absent for more than seven (7) consecutive days for a reason known to be covered under the PFMLA, the City will provide the employee with a notice of rights, on such form prepared by the ESD. Such notice shall be provided the later of: (i) five (5) business days after the seventh day of absence; or (ii) five (5) business days after the City receives notice that the employee is absent for a covered reason.

6.6.6 Length of Leave.

6.6.6.1 Employees who qualify for PFML may take up to 12 weeks of family or medical leave per claim year, or a total of 16 weeks of combined family and medical leave. Additionally, female employees whose medical leave involves incapacity due to pregnancy are entitled to two (2) additional weeks of medical leave, for a combined total of 18 weeks of PFML.

6.6.6.2 PMFL may be taken intermittently, subject to the minimum claim requirement of eight (8) consecutive hours.

6.6.6.3 PMFL is tracked during the claim year, which is the 52-week period commencing on the Sunday of the week in which the employee meets

the minimum claim requirement or in which the employee first takes leave due to the birth or placement of the employee's child (as applicable).

- 6.6.7 **Waiting Period.** Monetary PFML benefits, with the exception of leave taken for the birth or placement of a child, are subject to a seven-day waiting period. This means that for the first seven (7) consecutive days of a PFML claim, the employee may take PFML but shall not receive any PFML monetary benefits. The waiting period for PFML monetary benefits commences on the Sunday of the week in which an employee claims a minimum of 8 consecutive hours of PFML. While no monetary PMFL benefits are paid during the waiting period, the waiting period is credited against the duration of the employee's PFML.
- 6.6.8 **Leave Benefits.**
 - 6.6.8.1 While on PMFL, employees are entitled to monetary benefits through the state program. PFML monetary benefits are calculated based upon a percentage of the employee's average weekly wage. The benefit is generally up to 90% of an employee's average weekly wage, with minimum and maximum weekly benefits established by law. Employees may refer to the ESD's website at www.esd.wa.gov for a benefits calculator, which may provide an approximate estimate of benefits. The ESD is responsible for calculating and paying the PFML monetary benefits.
 - 6.6.8.2 City paid time off, including but not limited to sick leave, vacation leave, parental leave, shared leave, etc., is non-supplemental to PFML. This means that if an employee uses City paid leave in connection with PFML, the employee must report such leave use to the ESD, and such use will reduce the Employee's PMFL monetary benefits.
 - 6.6.8.3 When an employee is on PFML and is not using City paid time off, the employee is considered to be in an "unpaid" status with the City. Insurance coverage will be handled in the same manner as other unpaid leaves of absence, pursuant to City policy and subject to any FMLA requirements requiring continuation of coverage.
- 6.6.9 **Reinstatement/Return to Work Recertification.** An employee who is eligible for job-protected leave will be restored to the same or equivalent position at the

conclusion of PFML, unless unusual circumstances have arisen (e.g., the employee's position or shift was eliminated for reasons unrelated to the leave). The City may require a return-to-work certification from a health care provider before restoring the employee to work following PFML where the employee has taken leave for the employee's serious health condition and has taken more than three (3) days of consecutive leave. Under certain conditions, the City may deny job restoration to a salaried employee who is among the highest paid ten percent (10%) of City employees. If an employee taking PFML chooses not to return to work for any reason, the employee should notify the City as soon as possible.

- 6.6.10 Questions. Questions regarding this PFMLA policy should be directed to Human Resources.

6.7 Pregnancy Disability Leave

Employees are entitled to use sick leave or vacation leave, or to take an unpaid pregnancy disability leave of absence for the period of their actual disability due to pregnancy, childbirth or related medical conditions. The employee must provide the City with appropriate documentation from a health care professional establishing the period/length of actual disability. Employees seeking leave under this policy should provide written notice of the intended leave dates at least 30 days in advance of the leave or as soon as possible in the case of an emergency.

6.8 Leave without Pay

- 6.8.1 The City Manager 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, pursuing an education, or fulfilling a military obligation in excess of fifteen (15) calendar days per year. Another example is a new employee who has planned time off but doesn't have enough accrued leave to cover the time off.

- 6.8.2 The following requirements for leave without pay apply:

- Leave may be granted to an employee for a period of up to ninety (90) calendar days upon the approval of the City Manager. Further extensions are at the discretion of the City Manager if such leave does not interfere with the orderly and efficient provision of services to the residents of the City.

- Accrued compensatory time, if any, and vacation leave must be exhausted prior to taking any leave without pay.
- An employee's benefits are suspended or prorated (depending on the length of leave without pay) during the period of unpaid leave until the employee returns to work. An employee on leave without pay for more than five working days in a calendar month will be required to pay a prorated amount of their health insurance premiums for that month. Vacation, sick leave, and/or any other benefits do not accrue while an employee is on leave without pay (subject to benefit plan documents).
- In certain circumstances, self-payment of benefits may apply. (See Section 5.3.3 on Insurance Benefits)

6.8.3 An employee who fails to report promptly at the end of the unpaid leave is presumed to have resigned. An employee returning from a temporary disability may, at the City's option, return to the same position or similar position at a comparable rate of pay.

6.8.4 If the leave without pay is due to an illness, the City may require a doctor's certificate stating that the employee is capable of returning to work and performing the work, duties and responsibilities of the employee's position.

6.9 Jury Leave

Regular employees may be granted time off with pay for up to three weeks to serve on a jury. After the three-week period with pay, the employee will be required to use accrued vacation leave, comp time, or leave without pay for extended jury duty. If an employee is summoned during a critical work period, the City may ask the employee to request a waiver from duty. An employee receiving jury duty leave shall be required to remit to the City the stipend/pay received by the employee from the court for such service during any period for which jury duty leave is paid by the City.

6.10 Administrative Leave

On a case-by-case basis, the City may place an employee on administrative leave, with or without pay, for an indefinite period of time, as determined by the City Manager to be in the best interests of the City during the pendency of an investigation or other administrative proceeding.

6.11 Military Leave

Employees who are members of the National Guard or federal reserve military units may be absent from their duties, with pay, for a period of up to twenty-one (21) calendar days per year (measured from October 1 to the following September 30) when they are performing ordered military duty and while going to and from that duty.

6.12 Executive Leave

- 6.12.1 In recognition of exemplary service and the many hours worked by exempt employees beyond the standard workweek, the City desires to grant up to 10 days (80 hours) of executive leave each calendar year. Executive leave will be prorated for exempt part time employees and for eligible new employees with accruals beginning the first day of the month following date of hire. The City Manager and department directors will be granted eighty (80) hours of executive leave per year at the beginning of the calendar year. Other exempt employees will be granted forty (40) hours of executive leave per year at the beginning of the calendar year. The City Manager may identify exempt positions which, in the City Manager's discretion, warrant the award of additional executive leave because of the nature of the work, such as frequent night meetings, weekend work, or other ongoing unusual circumstances that cause the position to work significant hours above and beyond forty per work week (excluding normal callback duties). In such cases, the City Manager may prospectively award up to forty (40) additional hours of executive leave per year (not to exceed a total of eighty (80) hours).
- 6.12.2 Executive Leave is granted in recognition of exemplary and extraordinary service and is intended to provide for occasional paid days off for recuperation without reducing an employee's accrued vacation. It must be taken in increments of no less than four (4) consecutive hours.
- 6.12.3 Similar to vacation leave, the employee should submit a leave request to their supervisor and receive approval, prior to taking executive leave. Requests may be denied due to City or department operational needs.
- 6.12.4 Executive Leave may not be used to substitute for sick leave unless all sick leave has been exhausted.
- 6.12.5 Executive Leave will not carry forward from one calendar year to the next and will not be cashed out to the employee upon termination of employment or any other

circumstance. The full annual amount of executive leave will be granted at the beginning of each calendar year (or a prorated amount granted to new employees that start after the first of the year).

- 6.12.6 Employees are not entitled to use Executive Leave or receive payment in lieu thereof upon separation from service.

6.13 Bereavement Leave

Bereavement leave with pay may be taken for the death of an immediate family member, not to exceed three (3) days. For purposes of this Bereavement Leave Policy, "immediate family" shall mean spouse, registered domestic partner, child (biological, adoptive, foster, step-child or child for whom the employee stands in loco parentis, is a legal guardian for, or is a de facto parent), parent (including the same relationships as set forth for "child" above), sibling, aunt, uncle, niece, nephew, grandparent and grandchildren (including all step or in-law relations for the above). No more than six (6) days of bereavement leave may be taken in a calendar year.

6.14 Holidays

- 6.14.1 Employees will receive paid time off, at their regular rate of pay, for the following days, recognized as holidays by the City:

New Year's Day	January 1
Martin Luther King's Birthday	3rd Monday in January
President's Day	3rd Monday in February
Memorial Day	Last Monday in May
Juneteenth	June 19
Independence Day	July 4
Labor Day	1st Monday in September
Veteran's Day	November 11
Thanksgiving Day	4th Thursday in November
Native American Heritage Day	Friday after Thanksgiving
Christmas Day	December 25
Floating Holiday	(must be taken within the calendar year)

- 6.14.2 Any holiday falling on Saturday will be observed on the preceding Friday. Any holiday falling on Sunday will be observed on the following Monday. The City Manager may, at their discretion, close City Hall up to two hours early and allow employees to finish their shifts up to two hours early on the last working day prior

to the following holiday time off: Thanksgiving, Christmas, and New Year's Day. Employees working on those days may claim eight hours worked on their timecards. Those that work a full eight hours are not entitled to flex time or additional compensation. Those that have the day off will be required to use eight (8) hours of leave.

- 6.14.3 In order to be paid for a holiday time off, the employee must be in paid status the working day immediately before the holiday and the working day immediately after the holiday. For example, if an employee is on leave without pay the day before or the day after a holiday, they will not be paid for time off for the holiday. As another example, a new employee's first day of employment cannot be a paid holiday.
- 6.14.4 Except as otherwise provided herein, regular non-exempt employees who are required to work on the day a holiday is observed by the City (i.e., the day on which the City Hall offices are closed for the holiday), will receive the holiday pay and be paid premium pay equal to two (2.0) times the employee's regular rate of pay for time worked on the observed holiday. Notwithstanding the foregoing, if an employee is normally scheduled to work either Saturday and/or Sunday, and a holiday falls on that weekend day (and is therefore observed by the City on a Friday or Monday), the employee shall receive the actual holiday off in lieu of the observed holiday. In such case, if the employee is required to work the actual holiday, the employee will receive the holiday pay and be paid premium pay equal to two (2.0) times the employee's regular rate of pay for working on the actual holiday but shall not receive additional holiday premium pay for working the day observed by the City as the holiday. (For example, if an employee is scheduled to work on a Christmas Day falling on a Sunday, the employee shall receive Christmas Day as a holiday and shall be paid holiday premium pay if required to work on Christmas Day. The employee shall not have the observed holiday on the proceeding Monday off nor shall the employee be paid the premium holiday pay for working that Monday). Employees who do not normally work on Saturday or Sunday and are called in to work on a holiday that falls on a Saturday or Sunday will be paid double time for working on that holiday. They will receive the paid holiday off on the preceding Friday or the proceeding Monday.
- 6.14.5 Temporary employees will be paid at their regular straight-time rate for hours worked on a holiday. For eligibility of Temporary employees for holiday pay, see Section 3.3.

- 6.14.6 New employees hired prior to July 1st will be entitled to a full floating holiday for that year. New employees hired after that date do not receive a floating holiday in the year hired. Regular part-time and job-share employees hired prior to July 1st will be entitled to a prorated number of floating holiday hours for that year, based on their normal work schedule in relation to a full-time schedule. Floating holidays must be used in the calendar year in which they are credited; floating holidays do not carry over from calendar year to calendar year and are not cashed out to the employee upon termination of employment for any reason.

6.15 Religious Holidays

- 6.15.1 Each employee shall be entitled to up 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 organization. An employee, in consultation with the employee's department director, may select the days on which the employee desires to take the two unpaid holidays; provided that such holidays are taken in a manner consistent with the purposes of this leave. Employees may use their accrued vacation leave, floating holiday, compensatory time, or leave without pay in connection with these otherwise unpaid holidays. Requests for a religious holiday should be submitted in writing to the employee's department director as far in advance as possible, and in any event not less than four (4) weeks prior to the proposed holiday. Requests for such holidays shall be considered on a case-by-case basis, based on the specific objective facts and circumstances presented at the time of the request. The department director may deny an employee's religious holiday request if, in the department director's discretion, it would unduly disrupt operations or otherwise impose an undue hardship for the City. For purposes of this policy, "undue hardship" shall have the same meaning as established by rule of the Office of Finance Management, as codified in WAC 82-56-020. The religious holidays provided herein shall not carry over from one year to the next.

6.16 Parental Leave

- 6.16.1 Purpose. The purpose of paid parental leave is to provide new parents with the opportunity to bond with their newborn or newly adopted children, which has a positive, lifelong impact on a child's development. The City encourages employees to take sufficient family time to maintain a healthy productive workforce.

- 6.16.2 Eligibility. Paid parental leave is available to all regular employees who have been employed with the City for at least six months of continuous services at the time of experiencing one of the following qualifying events:
- Birth of an employee's child; or
 - Adoption of a child who is 17 years old or younger. This provision does not apply to the adoption of a stepchild by a stepparent.
- 6.16.3 To the extent that an employee is eligible for and has not otherwise exhausted their leave under the Family and Medical Leave Act, FML shall run concurrently with parental leave under this policy.
- 6.16.4 All eligible employees will receive six weeks of paid parental leave regardless of their leave balances. An employee may then choose to take up to six more additional weeks of leave, either by using their other accrued paid leave reserves, or by taking leave without pay.
- 6.16.5 For the purpose of Parental Leave, employees are not required to exhaust their accrued paid leave before taking leave without pay; provided, that the City may, in its discretion, disallow the use of paid leave to extend parental leave beyond a total of 12 weeks if it determines that such extension will disrupt, interfere with, or compromise City operations. Additionally, an employee may choose to take less than six weeks of paid parental leave.
- 6.16.6 Regular part-time and job-share employees will receive parental leave on a pro-rata basis, based upon the percentage that their normal weekly schedule bears to a full-time, 40-hour work week. For temporary employee eligibility, see Section 3.3.
- 6.16.7 An employee who does not return to work for at least six months of continuous service following the last date that parental leave is used will be required to reimburse the City an amount equal to the paid parental leave benefits received by the employee. By accepting paid parental leave, the employee acknowledges this condition and authorizes the City to deduct from their final paycheck any reimbursement amount owed by the employee pursuant to this policy. To the extent that the employee's final paycheck is insufficient to repay the parental leave benefits in full, the employee shall promptly remit the remaining balance owed to the City. The City Manager shall have the discretion to approve a reasonable installment payment plan for this purpose.

- 6.16.8 Paid parental leave will not be cashed out under any circumstance.
- 6.16.9 Paid parental leave must be used within 12 months of the qualifying event. After 12 months, any remaining unused paid parental leave time will be forfeited and no longer available.
- 6.16.10 An employee may use paid parental leave on an intermittent or part-time basis, as long as it is consistent with the department's operational needs, and it is approved in writing by the employee's department head prior to the leave. The department head shall have final discretion as to whether intermittent or part-time parental leave is consistent with the department's operational needs. In cases where intermittent or part-time parental leave is not approved, the employee must use paid parental leave in one consecutive increment.
- 6.16.11 An eligible employee will receive the full allotment of paid parental leave for each qualifying event. However, the birth or contemporaneous adoption of multiple children (e.g., twins) only qualifies as one event.
- 6.16.12 Paid parental leave is considered protected leave. An employee returning from parental leave shall be entitled to an equivalent position with the same pay benefits and working conditions as the position held by the employee prior to leave, unless the City's circumstances have so changed that the employee's position would have been eliminated even if the employee had not been on parental leave and no other equivalent positions are available (examples of this might include layoffs, budget cuts, department reorganizations, etc.).
- 6.16.13 During paid parental leave, the employee will continue to receive all health benefits and shall continue to accrue vacation and sick leave. If the parental leave is unpaid, the employee will not continue to accrue paid time off and shall not receive paid health benefits unless otherwise required by law.
- 6.16.14 Paid parental leave is non-supplemental to Washington Paid Family and Medical Leave Act monetary benefits.
- 6.16.15 Procedure for Requesting Paid Parental Leave.
 - Provide Notice. In all but a small minority of cases, employees will have advance notice of the need for paid parental leave. Except in the rare

circumstance when the need for leave is unexpected, at least 30 days' notice must be given to the respective department head. In the rare case when the need for leave is not foreseeable, you must provide notice as soon as possible.

- Discuss your anticipated leave duration and schedule with your immediate supervisor. If you plan to take intermittent or part-time leave, this must be approved by your department head in writing prior to the leave.
- Provide the City with appropriate documentation to certify your eligibility for the paid parental leave benefit.

6.16.16 The Finance and Administration Department will track data related to the use and costs of paid parental leave.

6.17 Leave for Domestic Violence Victims and Their Family Members

6.17.1 Employees who are victims of domestic violence, sexual assault, or stalking may take reasonable unpaid leave from work to take care of legal or law enforcement needs or to get medical treatment, social services assistance, or mental health counseling, or to participate in safety/relocation planning.

6.17.2 Employees who are qualifying family members of a domestic violence victim are also eligible for leave under this policy. For purposes of this policy, the term "qualifying family member" means child, spouse/domestic partner, parent, parent-in-law, domestic partner parent, grandparent, or person the employee is dating.

6.17.3 Employees may elect to use accrued paid personal leave (vacation, sick leave, comp time) for this leave.

6.17.4 Employees wishing to take leave under this policy must give as much advance notice of the need for the leave as possible. Leave requests must be supported with one or more of the following:

- A police report indicating that the employee or the employee's qualifying family member was a victim;
- A court order providing protection to the victim;
- Documentation from a healthcare provider, advocate, clergy, or attorney; or
- The employee's written statement that the employee or employee's qualifying family member is a victim and needs assistance.

- 6.17.5 Upon return from this leave, employees will be reinstated to their same position or another position with substantially equivalent benefits and terms and conditions of employment.

6.18 Wellness Day Off

- 6.18.1 Purpose. Employees who are eligible to receive a floating holiday and participate in the City's Annual Wellness Program during a calendar year will have an additional eight (8) hours added to their floating holiday leave balance for the following calendar year. The purpose of the Wellness Day Off is to offer employees an incentive that promotes a health-conscious work culture and incentivizes and recognizes employee participation in the City's Annual Wellness Program. The purpose of the Annual Wellness Program is to encourage healthy lifestyle choices, with the objective of increasing employee health and wellness and reducing the overall need for taking sick days.

- 6.18.2 Eligibility for Wellness Day Off. Only employees who are eligible to receive a floating holiday are eligible to earn a Wellness Day Off. Eligible employees must demonstrate their participation in the City's Annual Wellness Program throughout the calendar year. Such participation in the program shall be tracked by the employee on a form to be provided by either Human Resources or Payroll. The requirements listed on the form will be updated based on the AWC WellCity requirements for the coming year, but will include at least the following:

- Earn and Redeem AWC Wellness Reward (via Health Central).
 - For those eligible employees who are not covered under AWC Trust medical plan, the AWC wellness reward is not available and therefore will not be required as a condition to earning the Wellness Day Holiday; provided, however, that an alternative requirement (as approved by the Wellness Committee in conjunction with Human Resources and the Leadership Team) will be substituted and stated on the requirements form.
- Participation in Four (4) Wellness-Sponsored Activities.
 - Healthy Habits (two (2) required) events that take place over multiple days/weeks (examples include but are not limited to "Wondr" Program, Fall & Spring AWC Campaigns, or program run by EAP, AWC, or other program or activity as approved by Human Resources Manager (*the employee must request approval before beginning program*)).
 - Wellness Events (two (2) required) single day activities (examples include but are not limited to flu shots, blood pressure checks, benefit fair

participation, participating at a City of Kenmore Wellness event, or participating in a program run by EAP or AWC or other program as approved by Human Resources Manager (*employee must request approval before beginning program*).

- Any such other requirements that the Wellness Committee, in conjunction with Human Resources and the Leadership Team may determine necessary or appropriate.

Employees must submit their completed participation form to Human Resources no later than December 31 of each calendar year to be considered for the Wellness Day Holiday for the following year. Human Resources may request additional or clarifying information, at the City's discretion.

- 6.18.3 Use of Wellness Day Holiday. If earned, the Wellness Day Holiday must be used in the year issued and may not be cashed out or carried over into the following calendar year.

7 PERFORMANCE EVALUATIONS AND TRAINING

7.1 Performance Evaluations

- 7.1.1 To achieve the City's goals of training, developing, growing, and retaining the best qualified employee for every job, the City conducts annual performance evaluations for all positions. The City Manager is responsible for developing and implementing the City's performance evaluation program and delegates the conducting of performance evaluations to department directors and supervisors. The City Manager delegates responsibility for tracking, processing, and filing performance evaluations.
- 7.1.2 Each employee will generally receive a performance evaluation by the supervisor or department director annually on forms provided by the City. The performance evaluation process is intended to be collaborative, and the employee's input is encouraged. The annual evaluation will typically take place on the anniversary of the hire date, assuming successful completion of a work-trial period (usually six months after the date of hire). (See Section 3.5). The evaluation will objectively assess the employee's performance during the preceding twelve (12) month period. Results of the evaluation will be reviewed and discussed with the employee. The completed and signed evaluation will be filed in the employee's personnel record.
- 7.1.3 The completed evaluation form shall be reviewed by the City Manager prior to it being signed by the department director and the employee. The employee's signature indicates only that the department director discussed the evaluation with the employee but does not signify concurrence in the evaluation by the employee.
- 7.1.4 Only employees who have received an evaluation of satisfactory or above shall be considered for a merit increase or promotion in the applicable review year.
- 7.1.5 The evaluation becomes part of an employee's permanent personnel record and may be a factor in determining the employee's conversion to ongoing status beyond the working test period, whether the employee receives a wage increase, or is to be promoted, transferred, demoted, laid off, or terminated.

7.2 Training Policy

- 7.2.1 The City seeks, within the limits of available resources, to offer training to augment or increase an employee's skills, knowledge and abilities directly related to City employment, to obtain or maintain required licenses and certifications, and to develop and grow its employees. Opportunities may include, but are not limited to: on-the-job training, in-house workshops, conferences, seminars sponsored by other agencies or organizations, and formal educational programs.

7.3 Higher Education Degree / Certificate Program

- 7.3.1 Participation Guidelines. Regular full-time employees, and on a prorated basis, regular part-time employees and job-share employees (that work a minimum of 20 hours per week), who have completed their work trial period are eligible to participate in higher education classes contributing towards a degree program of benefit to the City. The following are guidelines for participation:

- The classes and degree and/or certification program shall be agreed upon by the employee and approved by the employee's department director and City Manager or designee. Reimbursement shall only be allowed when approved in advance of taking a course.
- The subject of the class, degree and/or certificate program must relate to the employee's present or future career path with the City.
- The City will pay a maximum of \$5,000 annually for employee's class tuition costs for a degree and/or certification program.
- The employee will receive full reimbursement of the cost (up to specified programs limits) of class tuition, books, and fees for classes directly related to the employee's present job position and/or current or prospective job duties, upon earning at least a 2.5 grade point equivalent or better. If a pass/fail system is used, a pass is required; if a grade system is used, a "C" or better is required. For grades of 2.0-2.4, the reimbursement amount will be reduced by 50%.
- The City will pay 50% of the tuition, books, and fees (up to \$5,000 annually) for the cost of classes that may not be directly related to the employee's present job position and/or current or prospective job duties but are required for completion of the degree and/or certification program and will be a general benefit to the City. A grade point of 2.5 or better (or "Pass" for pass/fail grade systems) is required. For grades of 2.0-2.4, the reimbursement amount will be reduced by 50%.

- The employee will be required to pay back any tuition, fees, or book costs if that employee voluntarily terminates employment with the City within two years of completion of any class according to the following scale: within 1-year 100%; after 1-year but prior to 2-years 50%.
- Course work will be taken during non-work hours. If this is not possible, the department director may approve flex-time work hours for the purpose of attending approved educational courses, providing that adequate department coverage is available. Travel time for classes not required by the City will not be considered work hours.
- A copy of the employee's grade and proof of payment is required for reimbursement upon course completion.

8 EMPLOYEE RESPONSIBILITIES AND CONDUCT

8.1 General Policy

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

8.2 Outside Employment and Conflicts of Interest

- 8.2.1 Employees shall not, directly or indirectly, engage in any outside employment or financial interest which may conflict, in the City's opinion, with the best interests of the City or interfere with the employee's ability to perform their assigned City job. Examples include, but are not limited to, outside employment which:
- 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;
 - is conducted during the employee's work hours;
 - utilizes City telephones, computers, supplies, or any other resources, facilities, or equipment;
 - is employment with a firm which has contracts with or does business with the City; or
 - may reasonably be perceived by members of the public as a conflict of interest or otherwise discredits public service.
- 8.2.2 An employee who chooses to have an additional job, contractual commitment, or self-employment, may do so provided he/she notifies his/her immediate supervisor, and does not conflict with Section 8.2.

8.3 Political Activities

- 8.3.1 City employees may participate in political or partisan activities of their choosing provided that City resources, time, 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 City time or in a City uniform or while representing the City in any way. Employees may not allow others to use City facilities or funds for political activities.
- 8.3.2 Any City employee who meets with or may be observed by the public or otherwise represents the City 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 City property or City time, for a contribution for a political cause.
- 8.3.3 Except as noted in this policy, City employees are otherwise free to fully exercise their constitutional First Amendments Rights.

8.4 No Smoking Policy

- 8.4.1 For health and safety considerations, the City prohibits smoking by employees in all City facilities, including City-owned buildings, vehicles, and offices or other facilities rented or leased by the City, including individual employee offices.
- 8.4.2 Smoking, if done outdoors, cannot be done during work time and must be at least 25 feet from any entrances, and also at least that far away from coworkers and all entrances and air intakes to buildings so that smoke stays outside of the buildings.

8.5 City Facilities and Equipment

- 8.5.1 All City facilities, equipment, computers, tools, assets, and services shall be for official use only. All employees should understand and be aware that they have no right to or expectation of privacy with respect to the employee's use of the City's facilities or City-provided equipment, supplies, and programs, including but not limited to computer, voice mail, email, and the Internet. All information contained on City provided equipment, supplies, and programs remain at all times the exclusive property of the City, and the City may monitor and review such information at any time, in its sole discretion.
- 8.5.2 For the safety of the employees and/or the welfare of the City, the City may search and inspect both City property and personal items brought onto City

property, which includes owned and leased facilities, surrounding grounds, and parking areas (but excludes employee personal vehicles, except as set forth in Policy 8.17.6). Refusal to cooperate in a search, inspection, or investigation may result in disciplinary action, up to and including termination. City property eligible for search shall include, but is not limited to: individual lockers, desks, filing cabinets, and computers.

8.6 Electronic Usage

- 8.6.1 As a public employee, employees should assume that anything they generate, or any electronic communications they have via any City owned and/or provided equipment, supplies, and programs is/are subject to public disclosure and therefore tailor their usage of the City's equipment, supplies, and programs accordingly.
- 8.6.2 All information stored on and/or transmitted by City-provided equipment, supplies, and programs always remain the exclusive property of the City, and the City may monitor and review such information at any time.
- 8.6.3 The City's computer, voice mail, text mail, cell phone, and Internet systems are the exclusive property of the City, and the use thereof should be limited to City business and purposes. Occasional, incidental, and brief personal use of the City computers and phone system will be allowed so long as such use occurs during non-work time, is not excessive, does not interfere with the employee's or others' work duties, is not for personal profit or for the profit or benefit of a third party, and otherwise does not violate any City policy or work rule.
- 8.6.4 Unacceptable and/or inappropriate non-work-related activities, including the downloading, viewing, or sending of insulting, disruptive, offensive, derogatory, profane, or discriminatory messages are strictly prohibited. Examples of forbidden transmissions include, but are not limited to: sexually explicit messages, cartoons or jokes, sexual propositions or love letters, ethnic or racial slurs, or any other message that can be construed to be harmful to morale, harassment, or disparagement of others based on their sex, race, age, national origin, religion, creed, sexual orientation, gender identity or expression, marital status, disability, or any other class protected by law.
- 8.6.5 All system passwords and encryption keys must be made available to the City. Employees are prohibited from generating unauthorized passwords or encryption keys on their computers. The creation of unauthorized password-

protected files will be grounds for disciplinary action, and any files protected by unauthorized password or encryption keys will be subject to review by the City. Employees are further prohibited from using others' authorized passwords or keys encryption to gain access to files to which the employee has not been given access.

- 8.6.6 Using City owned and/or provided equipment, supplies, and programs to solicit outside business ventures for personal, political, or religious uses is strictly prohibited.
- 8.6.7 No software or files including but not limited to shareware, freeware, patches, or demos are to be downloaded to City equipment without prior written permission from the Finance & Administration Director or their designee.
- 8.6.8 Any abuse of the privilege to access and use the City electronic systems may result in immediate loss of such privilege and may result in disciplinary action.

8.7 Vehicle Usage

- 8.7.1 The City provides vehicles for certain business use to allow employees to drive on City business and to reimburse employees for business use of personal vehicles according to the guidelines below.
- 8.7.2 Employees operating a City vehicle or their own vehicle for City business must always hold a valid Washington State Driver's License. For employees who drive on City business, the City reserves the right to periodically verify such employee holds a valid driver's license and to request from the employee and/or appropriate governing agency a copy of the employee's current driving abstract (Motor Vehicle Report). Employees who drive on City business are required to promptly inform their supervisor of any changes that may affect either their legal ability to drive or their continued insurability.
- 8.7.3 Employees operating their own vehicle for City business must carry automobile liability insurance for bodily injury and property damage per Washington State minimum requirements as currently set forth in Chapters 46.29 and 46.30 RCW as may be amended from time to time. Employees should consult with their personal insurance agent to determine whether a special endorsement for Business Use is appropriate or necessary in connection with their use of their personal vehicle for City business. The City may require the employee to provide

proof of such insurance upon initial employment and/or assumption of driving duties and periodically thereafter as requested by the City.

- 8.7.4 Employees may not drive any vehicles for City business without prior approval of their supervisor.
- 8.7.5 Employees must not drive and must promptly notify their immediate supervisor and/or request an accommodation when any physical or mental impairment causes the employee to be unable to drive safely. This prohibition includes but is not limited to circumstances in which the employee is temporarily unable to operate a vehicle safely or legally because of injury, illness, or medication. In the case of medication, an employee should consult with the employee's medical treatment provider or pharmacist to determine whether the medication may impact or impair the employee's ability to safely operate a vehicle and must promptly notify their immediate supervisor if the medication impairs the employee's ability to safely drive.
- 8.7.6 Employees who drive a vehicle on City business must exercise due diligence, drive safely, and maintain the security of the vehicle and its contents. As required by Washington State law, seat belts must always be worn while driving or riding in a City vehicle or on City business.
- 8.7.7 Employees are strictly prohibited from using cellular phones while operating a motor vehicle (this includes talking, texting, emailing, and/or browsing the internet). Employees should safely pull over prior to using a cell phone for any purpose. Employees are also responsible for any driving infractions or fines as a result of their driving.

8.8 **City Credit Cards**

Use of City credit cards or credit accounts for personal purchases is prohibited. If this occurs, disciplinary action up to and including termination of employment will be implemented as recommended by the department head or supervisor and determined by the City Manager or his/her designee.

8.9 **Bulletin Boards**

Information of special interest to all employees is posted regularly on the City bulletin boards. Employees may not post any information on these bulletin boards without the authorization of the City Manager or Human Resources Manager.

8.10 Contact with News Media

The City Manager, communications specialist, or designated department directors shall be responsible for all official contacts with the news media during working hours, including answering questions from the media. The City Manager or department director may designate specific employees to give out procedural, factual, or historical information on particular subjects.

8.11 Safety

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

8.11.2 In case of an accident involving a personal injury, regardless of how serious, employees shall immediately notify their supervisor, department director, or the City Manager.

8.11.3 Safety Committee. The City requires a Safety Committee made up of City employees. The Committee is constituted and operates according to Washington Administrative Code 296-800-130, 13020, and 13025.

8.11.4 Safety Apparel. The City will provide safety apparel and Personal Protective Equipment (PPE) in accordance with applicable state and federal requirements. This may include but is not limited to, safety glasses, protective gloves, ear protection, masks, and hard hats. PPE will be provided to employees on an as-needed basis, subject to inspection and replacement at the discretion of a supervisor. Safety apparel and PPE is property of the City and shall be returned upon separation.

8.11.5 Field Employee Uniform Policy. Employees working in the field are representatives of the City. So that our staff who are working in the field will be recognizable as City employees and look professional, the City will provide full-time regular field employees with certain uniform items on an annual basis. Personnel who spend the majority of their day working outdoors and/or performing physical labor will wear the designated uniform as determined by the Department Head. Field employee uniforms will include above the waist items, below the waist items, and safety footwear. Uniformed employees may use the annual allowance to purchase uniform items authorized by the City. These items

may be purchased in quantity by the City and issued to employees at cost against the annual uniform allowance per policy. If an employee spends their maximum allowance and requests additional items, these may be purchased at the employee's expense.

8.11.5.1 Defined Uniform and Annual Allowances:

Above the waist uniform (shirts, sweatshirts, etc.)	\$250.00
Below the waist uniform (pants)	\$250.00

If an employee spends less than the above-the-waist allowance, they may use the remaining amount toward the below-the-waist allowance; and vice versa.

8.11.5.2 Safety Footwear: Designated field employees are required to wear sturdy-soled work boots made of leather or equally firm material, with sturdy impact resistant toe. Employees are required to obtain approval from their supervisor before purchasing below the waist uniform and footwear items. The annual safety footwear allowance is available only to those employees designated by the department director.

Annual Safety Footwear Allowance	\$350.00
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8.11.5.3 The City Manager may, at the City Manager's discretion, annually increase the uniform and footwear allowances in this policy by up to the same percentage as the annual cost-of-living wage increase granted to employees (see Section 4.3.8). Such increase, if given, shall be prospective and not retroactive.

8.11.3.4 Newly hired field employees will be provided four uniform shirts upon hire; the final complement of uniform will be available after 90 days.

8.11.3.5 Employees are expected to wear clean, presentable uniforms while at work. Employees must launder uniforms on their own time; however, the City's washer and dryer may be used for uniform items. The City does not pay for or reimburse dry cleaning or other laundering service costs.

- 8.11.3.6 Seasonal Employees: The City will provide full time seasonal field employees with all necessary PPE items as well as five (5) logo T-shirts, two pairs of pants, and footwear as needed for the position.

8.12 Substance Abuse

- 8.12.1 The City is committed to protecting the safety, health, and well-being of its employees, the public it serves, and all people who come into contact with the City and the services it provides. Drug and alcohol abuse pose a direct and significant threat to this goal and to the goal of providing a productive and efficient work environment in which all employees have an opportunity to reach their full potential. Accordingly, the City is committed to assuring a drug-free work environment for all its employees.
- 8.12.2 The City strictly prohibits the use, purchase, possession, sale, conveyance, distribution, and manufacture of illegal (whether under federal and/or state law) drugs, intoxicants, controlled substances, and/or drug paraphernalia associated with illegal drug use while on the job, while on City property, while operating City vehicles, or while otherwise representing the City. The City further prohibits employees from being under the influence of alcohol (defined as having an alcohol concentration level of 0.04 or greater) or controlled substances (any detectable trace in the body system) while on duty. This policy applies to all City employees.
- 8.12.3 Prescription medications or nonprescription medications are not prohibited when taken in accordance with a lawful prescription, as applicable, and consistent with standard dosage recommendations. Prescription medication means a drug or medication lawfully prescribed under both federal and state law by a physician or other health care provider licensed to prescribe medication for an individual and taken in accordance with the prescription; but specifically excludes, without limitation, medical marijuana, which remains a controlled substance prohibited by federal law. Employees who are taking a prescription or over-the-counter medication that may impair their ability to perform their duties safely and effectively must notify their supervisor and should provide written notice from their physician or health care provider with respect to the effects of such medication. The City may, at its discretion, send an employee home if the employee appears impaired by the use of prescription and/or over-the-counter medications and such impairment impacts the employee's ability to safely and/or effectively perform his or her duties.

- 8.12.4 City employees who are assigned primary on-call or stand-by duty are expected to immediately respond to a City on-call request and perform City business. Assigned primary on-call or stand-by personnel may not report for duty and conduct City business when their performance may be impaired due to alcohol or drug use. Accordingly, assigned primary on-call or stand-by personnel must refrain from using alcohol or drugs while on-call or stand-by duty.
- 8.12.5 All City employees shall be subject to pre-employment, reasonable suspicion, post-accident, return to duty, and follow-up drug testing, as follows:
- Pre-Employment. Employees hired into a safety-sensitive position or a position requiring the operation of commercial vehicles must pass a drug and alcohol test as a post-offer condition of employment with the City.
 - Reasonable Suspicion. Where the City has reason to suspect that an employee has violated or is presently violating or is otherwise under the influence of alcohol or drugs, such employee may be required to immediately submit to an alcohol or drug analysis test. A referral for testing will be made on specific and objective facts and reasonable inferences drawn from these facts by supervisory personnel. Among other things, such facts and inferences may be based upon: (i) an employee showing signs of impairment, such as (but not limited to) difficulty in maintaining balance, slurred speech, inability to visually focus, or otherwise appearing unable to perform assigned work in a safe and satisfactory manner; (ii) the smell of alcohol or illicit drugs on the employee's breath or person; (iii) abnormal conduct or appearance or erratic behavior while at work or a significant deterioration of work performance; and/or (iv) a report of alcohol or other drug use provided by a reliable and credible source. Failure to comply with reasonable suspicion testing requirements will be grounds for disciplinary action, up to and including termination.
 - Post-Accident. Following an accident involving a City vehicle or City equipment, the driver/operator of such vehicle or equipment is required to submit to an alcohol and drug test when (1) the driver receives a citation under state or local law for a moving traffic violation; (2) an injury or fatality occurs as a result of the accident; (3) the accident results in damage to one or more vehicles or equipment which requires the removal of the vehicle/equipment by towing or otherwise is estimated to exceed \$2,000; or (4) the City Manager or designee deems it appropriate under the particular circumstances. Testing shall occur as soon as possible and must occur within eight (8) hours after the accident for alcohol testing and 32 hours after

the accident for drug testing. An employee required to take a post-accident alcohol test may not use alcohol for eight (8) hours following the accident, or drugs for thirty-two (32) hours following the accident, or until a post-accident test is given, whichever comes first. An employee who is subject to post-accident testing must remain readily available for such testing and may not take any action to interfere with testing or results of testing. Failure to comply with post-accident testing requirements will be grounds for disciplinary action, up to and including termination.

- **Return to Duty.** Employees who have violated this policy, including those who have tested positive on a drug or alcohol test, and who under the City's disciplinary policy can return to work, must test negative prior to being released for duty.
- **Follow-Up.** An employee who is referred for assistance that is related to alcohol misuse and/or use of drugs is subject to unannounced follow-up testing for a period not to exceed 60 months as directed by a substance abuse professional and the City. The number and frequency of follow-up testing will be determined by the substance abuse professional and the City but will not be less than six tests in the first 12 months following the employee's return to duty.

8.12.6 Employees who are directed to submit to a drug and/or alcohol test must promptly report to the testing agency—under most circumstances, this will mean that the employee must report for testing no later than one hour after having received notice of the testing. In reporting for testing, the employee must report to the nearest testing facility and may not make any detours or stops enroute to the testing facility. A City representative may accompany the employee to the testing facility, where the supervisor or department head deems it appropriate. The City retains a qualified third-party administrator as its service agent to provide and coordinate the drug and alcohol testing services referenced in this policy. Employees are expected to cooperate with the administrator and to comply with the directives issued by the administrator in administering and coordinating the tests required pursuant to this policy.

8.12.7 Employees who test positive for drugs may request a second test of the remaining portion of the split sample within 72 hours of notification of a positive test result by the medical review officer responsible for receiving and interpreting the drug test.

- 8.12.8 A refusal to take a drug and/or alcohol test as required by the City, an undue delay in reporting for testing as instructed by the City, and/or utilizing any means designed to “cheat,” adulterate, or substitute the sample or otherwise render a false negative report shall be deemed the equivalent of a positive result and an employee engaging or assisting in such measures shall be subject to disciplinary action, up to and including termination.
- 8.12.9 Violating this policy will subject the violating employee to discipline, up to and including discharge. At a minimum, employees who test positive for alcohol or drugs shall be immediately removed from safety sensitive functions and may be suspended without pay, pending further evaluation and recommendation from a substance abuse professional (SAP).
- 8.12.10 Employees who are found to have violated this policy but who are allowed to return to work under the City’s disciplinary process shall be required to first submit to an Employee Assistance Program (EAP) evaluation and shall receive a one-time opportunity to enter a treatment program, if so recommended by an SAP. Upon return to work, the employee will be required to accept, and comply with, the terms of a “last chance agreement” and will be subject to the follow-up testing requirements as set forth above.
- 8.12.11 The City considers drug addiction and alcoholism to be treatable diseases. Employees are encouraged to seek treatment voluntarily and to utilize the City-provided EAP before an alcohol or drug abuse problem affects their job performance or employment status and before they are asked to submit to a drug and alcohol test. All alcohol or drug inpatient and outpatient treatment programs paid through the City’s health care plan should be accessed through the EAP. The City will accommodate employees who voluntarily seek treatment for a drug or alcohol addiction before they are requested to submit to a drug and alcohol test and/or are otherwise the subject of an investigation and/or disciplinary action for a potential violation of this or any other policy or other performance issue(s). Assistance will be provided on a confidential basis. Employees are encouraged to “self report,” and their job status with the City will not be jeopardized as a result of such report; provided, the report is made prior to the City requesting a drug and alcohol test from the employee or otherwise initiating an investigation and/or disciplinary action into suspected policy violations or related performance issues. Any employee who self-reports under these guidelines will be given a sufficient opportunity to seek evaluation, education, and/or treatment to establish control over the employee’s substance

abuse problem. However, self-reporting employees will not be permitted to perform safety-sensitive functions until the City is satisfied that the employee has been evaluated and has successfully completed education or treatment requirements recommended by an SAP or other drug and alcohol abuse evaluation expert. Prior to allowing an employee to return to safety-sensitive functions, the City shall require a return-to-duty test.

- 8.12.12 Employees are specifically notified that the passage of Initiative 502, which amends Washington state law effective December 6, 2012, to decriminalize the possession and private use of a limited amount of marijuana by persons over the age of 21, shall have no effect or impact upon this policy. Pursuant to the Controlled Substances Act of 1970, 21 U.S.C. § 801 et seq., “marijuana” remains a “Schedule I” controlled substance, and its possession and/or use is illegal under federal law. Employees should recognize and understand that the “legalization” of marijuana under state law (for both medical and recreational purposes) will not excuse or otherwise constitute a “defense” to a positive drug test administered by the City in accordance with this policy. A positive test for marijuana may constitute a violation of this policy and shall be grounds for disciplinary action, up to and including termination.

8.13 Commercial Driver’s Licenses

- 8.13.1 Those employees who are required to operate commercial vehicles, and therefore are required to hold a commercial driver’s license (CDL), are subject to additional policies, restrictions, and requirements regarding their employment.
- 8.13.2 A job candidate hired into a position that requires a CDL will be required to submit to a post-offer, pre-employment drug and alcohol test. Initial employment is conditioned upon that person satisfactorily passing such test.
- 8.13.3 Additionally, if a job candidate is to be hired for a position that requires a CDL and has a prior commercial driver history, they must authorize a request from all former employers to release information regarding positive alcohol or drug tests and refusals to be tested for the past 2 years of employment. This information should be obtained before the person is employed by the City. If the information is not obtained by the anticipated hire date, and if the person has passed the pre-employment drug and alcohol test (as applicable), the person may be hired and the requested information must be obtained from the previous employer(s) within 14 calendar days of the date of hire. If the information is not received within the 14 calendar days, the person shall not be permitted to drive

commercial vehicles until the information has arrived. If the information does not timely arrive, or if the information obtained from a previous employer(s) indicates either a positive test or a refusal to be tested, or if the employee obstructs or interferes with the release of the information, the employee shall not be permitted to drive commercial vehicles and may be terminated.

- 8.13.4 CDL holders are also subject to random drug and alcohol testing, in accordance with USDOT guidelines.
- 8.13.5 CDL holders must also report accidents, traffic convictions, and/or license suspensions/revocations (whether on or off the job) in accordance with USDOT requirements. CDL holders are responsible for knowing, understanding, and complying with their licensing obligations. The City will perform an annual check of the status of each employee's CDL, as applicable.
- 8.13.6 In addition to the drug and alcohol policy set forth above, those employees who are required to have and maintain a CDL in order to perform their duties or who perform safety sensitive duties are further subject to the drug and alcohol testing requirements and regulations established by the United States Department of Transportation (USDOT) and its designated agencies. These regulations are generally explained in Appendix D. City employees holding a CDL or performing safety-sensitive duties will be subject to USDOT Drug and Alcohol Testing Regulations, 49 CFR Part 40. To the extent that the USDOT policy conflicts with the general policy set forth above, the USDOT policy shall govern employees holding a CDL.
- 8.13.7 Additionally, the City is registered with the Federal Motor Carrier Safety Administration (FMCSA) Clearinghouse and shall comply with the Controlled Substances and Alcohol Use and Testing regulations set forth in 49 CFR Part 382. As part of these requirements, the City (or City's designated agent) shall automatically report to the Clearinghouse, any of the following events or occurrences:
 - A verified positive, adulterated, or substituted drug test result.
 - An alcohol confirmation test with a concentration of 0/04 or higher.
 - An employee's refusal to submit to a drug or alcohol test.
 - The City's actual knowledge (as defined by 49 CFR § 382.107) of:
 - An employee's pre-duty, on-duty, or post-accident use of alcohol as prohibited by 49 CFR §§ 382.207, .205, and .209.

- An employee's controlled substance use as prohibited by 49 CR § 382.213.
- Verification from a SAP that an employee has successfully completed the return-to-duty process.
- The employee's negative return-to-duty test.
- The City's report of completion of any required follow-up testing.

8.13.8 All employees are expected to read and understand the contents of this policy. Any questions regarding the policy should be directed to the Human Resources Manager.

8.14 Complaint Procedures

8.14.1 The City recognizes that situations arise in which an employee feels that they have not been treated fairly or in accordance with City rules and procedures or evaluated correctly for performance. For this reason, the City provides its employees with procedures for resolving complaints.

8.14.2 Step 1: An employee should first try to resolve any problem or complaint with their supervisor within five (5) working days of the incident or evaluation.

8.14.3 Step 2: When normal communication between an employee and the supervisor is not successful, when the problem or complaint involves discrimination or harassment by the supervisor, or when an employee disagrees with the application of City policies and procedures or the performance evaluation, the employee should submit a written statement to the department director within three (3) working days. The department director will respond to the employee in writing within three (3) working days after meeting with the employee, if possible. The employee's written statement should contain:

- A description of the problem.
- A specific policy or procedure which the employee believes has been violated or misapplied, or the perceived evaluation oversight.
- The date and approximate time of the circumstances leading to the complaint; or the date when the employee first became aware of those circumstances; or the date and time of the evaluation.
- The steps taken by the employee to deal with the problem.
- The remedy sought by the employee to resolve the complaint.

- The written complaint shall be filed within five (5) working days of the occurrence leading to the complaint or of the time the employee becomes aware of the circumstances, or of the evaluation complained of.

8.14.4 Step 3: If the employee is not satisfied with the response from the department director, the employee may submit the problem, in writing, to the City Manager within three (3) working days of the response (or lack thereof) from the department director. The written complaint must contain, at a minimum:

- A description of the problem.
- A specific policy or procedure which the employee believes has been violated or misapplied, or the perceived evaluation oversight.
- The date and approximate time of the circumstances leading to the complaint; or the date when the employee first became aware of those circumstances; or the date and time of the evaluation.
- The steps taken by the employee to deal with the problem.
- The remedy sought by the employee to resolve the complaint.

8.14.5 The City Manager may meet with the parties, either individually or together, and will respond in writing to the aggrieved employee within three (3) days of the meeting. The City Manager's response and decision shall be final and binding.

8.14.6 Any complaint which is not noticed within the time limits established herein, or which is not timely taken to the next level of review, shall be considered settled on the basis of the last reply made and received in accordance with the provisions of this section.

8.14.7 The time limits prescribed in this section for the initiation and completion of the steps of the review process may be extended by the City or by mutual consent of the parties involved.

8.15 Reporting Improper Governmental Action and Protecting Employees Against Retaliation

8.15.1 It is the policy of the City to:

- Encourage reporting by its employees, of improper governmental action taken by the City of Kenmore officers and employees; and
- Protect City employees who have reported improper governmental actions in accordance with the following policy and procedures. To so assure, the City

is adopting the following practices to pledge compliance with RCW Chapter 42.40, which is intended to assure local government employees protection and freedom from retaliation when disclosing improper governmental actions, protect legitimate employer interests by encouraging reporting to the local government body, and provide a speedy dispute resolution method.

8.15.2 For the purposes of this policy:

- “Improper Governmental action” means any action by a City employee: (a) that is undertaken in the performance of the employee's official duties, whether or not the action is within the scope of the employee's employment; and (b) 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, including, but not limited to, employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, re-employment, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of civil service laws, alleged labor agreement violations, reprimands, or any action which may be taken under RCW Chapters 41.06 or 28B.16, or other disciplinary action except as provided in RCW Chapter 42.40.030.
- “Retaliatory action” means any adverse change in the terms and conditions of a City employee's employment that can be reasonably and causally connected with the employee's reporting of improper governmental action.
- “Emergency” means a circumstance that if not immediately changed may cause damage to persons or property.

8.15.3 Procedures for reporting improper governmental actions. The City employee who becomes aware of improper governmental actions should:

- Bring the issue to the attention of an uninvolved department director.¹ If the employee reasonably believes there are no uninvolved department directors, the employee should bring the issue to the attention of the City Attorney.
- The employee shall submit a written statement or report to the uninvolved department director (or City Attorney if there are no uninvolved department

¹ In the case of an emergency, when the employee believes that the damage to persons or property may result if action is not taken immediately, the employee may report the improper governmental action directly to the appropriate government agency with responsibility for investigating the improper action.

directors) stating in detail the basis for the employee's belief that an improper governmental action has occurred.

- The department director shall review the report with the City Attorney and the City Manager. The City Attorney and the City Manager will determine an Investigating Official. The Investigating Official may be a department director, Human Resources Manager, or an appropriate designee.
- The Investigating Official shall take prompt action to properly investigate the report of improper governmental action. The City employees involved in the investigation shall keep the identity of the reporting employee confidential to the extent possible under law. After an investigation has been completed, the employee reporting the improper government action shall be advised of a summary of the results of the investigation, except any personnel actions taken as a result of the investigation may be kept confidential (to the extent possible under law).
- Alternatively, City employees may report information about improper governmental action directly to the appropriate government agency with responsibility for investigating the improper action if:
 - The employee reasonably believes that an adequate investigation was not undertaken by the City of Kenmore to determine whether an improper governmental action occurred;
 - Insufficient action has been taken by the City to address the improper governmental action; or
 - The improper governmental action is likely to recur.

8.15.4 City employees who fail to make a good faith attempt to follow the above procedures in reporting improper governmental actions shall not receive the protection provided in these procedures.²

8.15.5 Protection against retaliatory action. City employees are prohibited from taking retaliatory action against a City of Kenmore employee because they have, in good faith, reported an improper governmental action in accordance with these policies and procedures.

8.15.6 Employees who believe that they have been retaliated against for reporting an improper governmental action should:

² In the case of an emergency, when the employee believes that the damage to persons or property may result if action is not taken immediately, the employee may report the improper governmental action directly to the appropriate government agency with the responsibility for investigating the improper action.

- Advise their supervisor or other department director or the City Manager in writing within thirty (30) calendar days after the occurrence of the alleged retaliatory action. The person receiving the report shall take appropriate action to investigate and address complaints of retaliation within thirty (30) calendar days from the date notice was given to the City by the employee. If all the above persons are involved in the alleged retaliation, the employee may direct this to the City's Hearing Examiner or the City Attorney.
- If the investigation does not satisfactorily resolve the employee's complaint that they have been retaliated against in violation of these policies, the employee may obtain protection under this policy and pursuant to State law by providing a written notice, within sixty (60) calendar days after receipt of the outcome of the investigation, to the City Council which specifies the:
 - Alleged retaliatory action; and
 - Relief requested.
- After receiving either the response from the City Council or thirty (30) calendar days after the delivery of the charge to the City Council, the employee may request a hearing before a State Administrative Law Judge to establish that a retaliatory action occurred and to obtain appropriate relief provided by law. An employee seeking a hearing should deliver the request for a hearing to the City Manager within the earlier of either fifteen (15) calendar days of receipt of the outcome of the City Council investigation to the charge of retaliation or forty-five (45) calendar days of delivery of the charge of retaliation to the City Council for response.
- Upon receipt of the request for hearing, the City Manager shall apply, within five working days, to the State Office of Administrative Hearings for an adjudicative proceeding before an Administrative Law Judge, Office of Administrative Hearings.
- If a determination is made that retaliatory action has been taken against the employee, the Administrative Law Judge may, in addition to any other remedy, impose a civil penalty personally upon the retaliator.
- The City of Kenmore will consider any recommendation provided by the Administrative Law Judge that the retaliator be suspended with or without pay or dismissed.

8.15.7 The City Manager is responsible for implementing the City policies and procedures for:

- Reporting improper governmental action; and
- For protecting employees against retaliatory actions.

- This includes ensuring that this policy and these procedures are permanently posted where all employees will have reasonable access to them and are made available to any employee upon request and are provided to all newly hired employees.

8.15.8 Directors, 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.

8.15.9 Assistance with Whistleblower Claims. Employees with questions regarding how to file a whistleblower claim should refer to <https://sao.wa.gov/report-a-concern/how-to-report-a-concern/whistleblower-program/whistleblower-faqs/>.

8.16 Workplace Violence

8.16.1 The City is committed to serving a wide range of individuals within its jurisdictional boundaries. In providing services to the City's many customers, City employees may on occasion be placed in situations in which they are confronted with hostile, violent, or threatening behavior. The City values its employees and residents and, with this policy, affirms its commitment to providing a workplace and facility that is free from violence.

8.16.2 The City may, on occasion and in its discretion, provide crime prevention information to employees and address security issues involving the workplace and City facilities.

8.16.3 Employees in many departments deal with customers and other members of the public who are distressed and who may make threats or commit acts of violence. It is also possible a violent act or threat may be made by an employee's family member or acquaintance towards a City employee. It is also possible that a threat or act of violence may be made by an employee of the City.

8.16.4 Importantly, the City will not tolerate violent acts or threats of any kind, whether by customers, family members, other members of the public, or City employees. If an employee is the recipient of or a witness to any act or threat of violence, the employee must notify the employee's department director or the City Manager, regardless of the perceived "seriousness" of the act or threat. The reporting of an act or threat of violence is not discretionary; employees failing to report a known incident of violence and thereby violating this policy shall be subject to disciplinary action up to possible termination.

- 8.16.5 Upon receiving a report of a violent act or threat that affects the workplace or a City employee, the City will investigate the incident and undertake all measures it deems appropriate to respond to the incident and to protect potentially affected employees. Some situations may require the intervention of local law enforcement agencies. In other situations, the City may deem it appropriate to provide support and guidance to employees so that threats or acts of violence can be recognized and prudently addressed. The City will promptly respond to all reported incidents of violence by undertaking those measures it deems appropriate.
- 8.16.6 The City Manager is charged with the administration of workplace violence prevention measures and responses. Department heads and department directors are responsible for ensuring this policy is implemented in their respective departments and that the uniqueness of their departments is addressed through procedures and training. Each supervisor and manager makes safety a priority.
- 8.16.7 Employees should learn to recognize and respond to behaviors by potential perpetrators that may indicate a risk of violence. Employees are to also place safety as the highest concern. The City may from time to time train its employees on workplace safety issues to reduce workplace violence.

8.17 Weapons Prohibited

- 8.17.1 City employees are prohibited from possessing firearms or any other dangerous weapons of any type in the workplace, City vehicles, City job sites, or other facilities owned and/or managed by the City. This prohibition applies even though an individual may be licensed in their private capacity to carry a concealed weapon.
- 8.17.2 For purposes of this policy, a “firearm” is generally defined as any device designed to expel a projectile by means of an explosion and expanding gases. “Dangerous weapons” shall generally include any object carried for the purpose to injure or intimidate others.
- 8.17.3 Prohibited dangerous weapons include but are not limited to:
- All firearms of any nature, whether pistols, revolvers, rifles, semi-automatic or automatic weaponry, or any other type of gun.

- Dangerous knives (defined as any knife or dagger, regardless of its type, having a blade length greater than three (3) inches measured from the point where the knife blade meets the knife handle to the tip, and including any Balisong (also known as butterfly) knife or switchblade knife. Small, standard pocketknives (such as a Swiss Army knife) are not considered a “dangerous knife.”
- Explosive devices of any kind.
- Slingshots, nunchaku sticks, and the like.
- Clubs, sand clubs, throwing stars, and the like.
- Metal knuckles.
- Air guns, pellet guns, blow guns.
- Any replica or other item that simulates any of the above items.

8.17.4 The “workplace” shall mean the City’s administrative or operation offices, spaces, or facilities, including but not limited to City Hall, the Hangar, Senior Center, Public Works Operations Center, Public Works yard, and City job sites. It also includes City vehicles and City parking lots.

8.17.5 This policy shall not apply on duty to law enforcement personnel who are authorized to carry weapons in connection with their law enforcement duties. This policy also does not apply to tools which are authorized by the City and issued to employees in connection with their official duties, nor does this policy apply to kitchen utensils and tools used for food preparation and consumption on City premises. Additionally, the City Manager may, in their discretion, authorize field employees to carry pepper spray or similar compound in their vehicles or on their person when such employees’ duties require individual contact with unknown third parties. Any employee wishing to carry pepper spray or a similar compound must obtain approval from the City Manager prior to doing so. When so approved, employees will generally be required to either carry such compound securely on their person or store such compound in a locked vehicle or locker while present in the workplace.

8.17.6 This policy does not apply to employees’ personal vehicles parked on City property unless: the employee’s vehicle is used for work-related activities and the City needs to inspect the vehicle to ensure the vehicle is suited to conduct such activities; there is a reasonable belief that accessing the vehicle is necessary to prevent an immediate threat to human health, life or safety; the inspection is lawfully conducted by law enforcement officers; or the employee consents to an inspection of their vehicle based on probable cause that the

employee unlawfully possesses City property or a controlled substance in violation of federal law and the City's Drug and Alcohol Policy (where such consent is granted, the employee has the right to select a witness to be present for the inspection).

9 DISCIPLINE AND TERMINATION

9.1 Discipline

- 9.1.1 All employees are expected to exercise good judgment, loyalty, common sense, dedication, respect, and courtesy in the performance of their duties. The primary mission of every employee is to provide courteous, orderly, effective, and efficient delivery of services to the residents and customers of the City.
- 9.1.2 Acts, errors, or omissions which discredit the public service or impair the provision of effective and efficient services to the public may result in discipline, including termination.
- 9.1.3 The City Manager, department director, or supervisor, as appropriate, has full discretion and authority to impose disciplinary action in accordance with City policy and the circumstances of the particular case, and to deviate from such policies at the City Manager's sole discretion.
- 9.1.4 The following examples of the types of behavior which may result in discipline are offered here by way of example only, and not by way of limitation or exclusion:
- Violation of the City's substance abuse policies;
 - Violation of a lawful duty;
 - Insubordination;
 - Absence from work without first notifying and securing permission from the supervisor;
 - Habitual absence or tardiness;
 - Unsatisfactory job performance, as determined by the City;
 - Conviction of a felony or a misdemeanor involving dishonesty or moral turpitude;
 - Acceptance of fees, gratuities, or other valuable items in the performance of the employee's official duties for the City;
 - Refusal, inability, or failure to perform the duties of the assigned job;
 - Violation of rules, duties or roles imposed by this manual, or by any other City rule, regulation, or administrative order;
 - Violation of the City's non-harassment / non-discrimination policies;

- Violations of safety rules or common safety practices; personal conduct at work which is dangerous to others; failure to report on the job injuries or accidents promptly to employee's supervisor;
- Negligent or willful damage to the City's property, waste of supplies or equipment, theft; unauthorized possession or use of City property, equipment, or materials; theft of City property or property belonging to employees or customers;
- Discourteous treatment of the public or other employees; and
- Any other conduct that the City considers inappropriate.

9.1.5 The City may discipline or terminate employees for other reasons not stated above. Nothing in this policy modifies employees' at-will status.

9.1.6 In the event that discipline is necessary, the following types of disciplinary actions may be used, at the City's sole discretion, and need not be used in the order set forth below:

9.1.6.1 Verbal Counseling. A verbal counseling is a counseling session between the employee's supervisor and the employee on the subject of the employee's conduct and performance, or their failure to observe a rule, regulation, or administrative instruction. It is intended to improve the employee's performance by changing the employee's conduct, behaviors, attitude, habits, or work methods. Following the counseling session, the supervisor should document the oral warning, in writing in the employee's personnel file.

9.1.6.2 Reprimand. A reprimand is a formal written disciplinary action that may be used for misconduct, inadequate performance, repeated lesser infractions, or any other situations where warranted. Written reprimands are placed in the employee's personnel file.

9.1.6.3 Trial Work Period. An employee may be placed on trial work period after a verbal counseling and reprimand are provided. The City Manager must approve any trial work periods.

9.1.6.4 Suspension. A suspension is a temporary, unpaid absence from duty which may be imposed as a penalty for significant misconduct, repeated lesser infractions, or any other situations where warranted. A suspension is a severe disciplinary action which is made part of the

employee's permanent record. Suspensions with pay, where the employee is placed on administrative leave, may be utilized by a department director or the City Manager pending the results of an investigation or disciplinary action where the department director or City Manager determines that factors such as public confidence, the safety of the employee, or the efficient functioning of the City call for such a suspension.

9.2 Termination

9.2.1 Employment with the City is "at-will," which means that the employment relationship can be terminated by the City or the employee at any time. The following are some situations that may result in an involuntary termination, at the City's sole discretion. These situations are by way of examples and not by way of any limitation or exclusion:

- During or at the end of the employee's work trial period.
- As a result of the disciplinary action.
- Due to loss of skills, certifications, or other conditions which would make the employee unfit for service.
- If the employee has a physical or mental impairment that prevents them from performing the essential duties of the employee's position and the employee cannot be reasonably accommodated in their current position. The City will also consider whether the employee has the skills and qualifications necessary to perform other work within the City and will review with the employee other vacant job positions for which the employee is qualified if/as they arise. The City will not create work but will seek to reasonably accommodate disabled employees within the City's work force. The City may require an examination at its expense performed by a physician of its choice. Failure to submit to such request may result in termination.

9.2.2 At-will employees may be terminated at any time, with or without cause and with or without prior notice.

9.2.3 City Manager Review. At-will employees serve at the pleasure of the City Manager. The City Manager will endeavor to review all disciplinary actions with the department director, but final action regarding discipline or discharge of an at-will employee shall be at the City Manager's sole discretion. There shall be no appeal of the City Manager's decision.

9.3 Pre-Termination Hearing

In cases involving the involuntary termination of an employment relationship that is terminable only for cause, or where the reason for the termination has the potential to impugn the terminating employee's reputation in the community if made public, the City will conduct a pre-termination hearing. The pre-termination hearing serves as a check against mistaken decisions and to determine whether there is a reasonable presumption that the charges against the employee are valid and support termination. The City Manager's decision following any pre-termination hearing shall be final.

9.4 Layoff

- 9.4.1 The City Manager may lay off employees for lack of work, budgetary restrictions or reorganization or restructuring of the work force at the City's sole discretion. Affected employees will be given as much notice as possible, with a minimum of fifteen (15) working days notice, before such layoff becomes effective. Every reasonable effort shall be made to transfer affected employees into other available positions for which they are qualified.
- 9.4.2 Whenever a layoff is anticipated, employees whose jobs may be affected should be notified of the situation and the available options as early as possible to allow them time to make the necessary arrangements.
- 9.4.3 Temporary employees performing similar work in the same department should be laid off before regular employees are affected.
- 9.4.4 In determining who is to be laid off, consideration will be given to individual performance and the qualifications required for remaining jobs. Seniority will be considered when performance and qualifications are estimated to be equal.
- 9.4.5 Options such as part-time work schedules, job sharing, and voluntary time off, furloughs, and/or pay reductions may be explored if, in the opinion of the department director or supervisor, such options are feasible and approved by the City Manager.
- 9.4.6 Employees who are laid off may be eligible to be re-employed if a vacancy occurs in a position for which they are qualified.

9.5 Resignation

Employees who choose to resign from his/her employment with the City are required to provide at least two (2) weeks written notice to their immediate supervisor in order to be classified as having resigned in good status.

9.6 Severance Agreements

The City Manager may, if they find it to be in the best interest of the City and in keeping with personnel practices and applicable state law, authorize severance payments and/or other benefits (including but not limited to costs of continuation of health care coverage), in an amount not to exceed \$40,000.00 per occurrence. Such severance payments shall be conditioned upon the receiving employee's execution of a Separation and Release Agreement, which shall include a waiver and release in favor of the City, along with other provisions recommended by legal counsel. Such Separation and Release Agreements shall not require City Council approval; provided, that the City Manager shall timely notify the Council of any such agreements.

APPENDIX A: ACKNOWLEDGEMENT AND DISCLAIMER

CITY OF KENMORE PERSONNEL POLICY AMENDED MAY 2023

ACKNOWLEDGMENT AND DISCLAIMER EMPLOYEE COPY

By execution, hereof, employee acknowledges that the City of Kenmore has provided him/her/them with a copy of the Personnel Policies of the City, and further that employee has read, understands and agrees to abide by terms and conditions of employment set forth therein.

Employee further understands and agrees that the Personnel Policy Manual does not constitute a contract for, or a guarantee of, employment with the City of Kenmore and does not bind the City to any consideration whatsoever other than payment and benefits for time actually worked or services performed.

The City reserves the right to modify, rescind, delete, or add to the provisions of this Personnel Policy Manual as the City deems necessary and appropriate. Employees will be notified of any changes to this Personnel Policy Manual as they occur. This Personnel Policy Manual supersedes all previous manuals, and any prior written and oral policies, statements, or understanding on the subjects set forth herein.

Employee further understands and agrees that employee's employment is at-will, which means that it can be terminated by the City or by the employee, with or without notice, and with or without cause.

Employee Signature

Date

APPENDIX B: DRUG & ALCOHOL TESTING POLICY



Disclaimer

This publication was produced by the U.S. Department of Transportation (DOT) to assist safety-sensitive employees subject to workplace drug & alcohol testing in understanding the requirements of 49 CFR Part 40 and certain DOT agency regulations. Nothing in this publication is intended to supplement, alter or serve as an official interpretation of 49 CFR Part 40 or DOT agency regulations. This publication is for educational purposes only.

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For questions, please contact DOT's Office of Drug & Alcohol Policy & Compliance at 202-366-DRUG (3784) or visit our website at www.transportation.gov/odapc.

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What Employees Need To Know About DOT Drug & Alcohol Testing

U.S. Department of Transportation (DOT)

Office of the Secretary (OST)

Office of Drug & Alcohol Policy & Compliance (ODAPC)

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What Employees Need To Know About DOT Alcohol & Drug Testing

Just entering the transportation industry? Performing tasks defined by the US Department of Transportation (DOT) as safety-sensitive, such as working on pipelines, driving a truck, operating a ferry or a train, or repairing an airplane? Then, you are subject to DOT workplace drug & alcohol testing. Here are the basics you need to know about DOT's program.

Who is subject to DOT testing?

Anyone designated in DOT regulations as a safety-sensitive employee is subject to DOT drug & alcohol testing. What follows is an overview of what jobs are defined as safety-sensitive functions subject to testing.

Aviation FAA	Persons that perform safety-sensitive functions, directly or by contract (including subcontract at any tier), for a part 119 certificate holder authorized to conduct part 121 or 135 operations; air traffic control facilities not operated by the FAA or under contract to the U.S. military; and all operators as defined in 14 CFR Section 91.147. The safety-sensitive duties include flight crewmember, flight attendant, flight instructor, air traffic controller, aircraft dispatcher, aircraft maintenance or preventative maintenance, ground security coordinator, aviation screeners and operations control specialist. See FAA regulations at 14 CFR Part 120.
Commercial Motor Carriers FMCSA	Commercial Drivers License (CDL) holders who operate Commercial Motor Vehicles, 26,001 lbs. gvwr. or greater, or operate a vehicle that carries 16 passengers or more including the driver, or required to display a DOT placard in the transportation of hazardous material. ¹ See FMCSA regulation at 49 CFR Part 382.
Maritime USCG ²	Crewmembers operating a commercial vessel. See USCG regulations at 46 CFR Parts 4 & 16.
Pipeline PHMSA	An employee who performs an operation, maintenance, or emergency-response function on a PHMSA regulated pipeline or liquefied natural gas (LNG) facility. See PHMSA regulations at 49 CFR Part 199.
Railroad FRA	Persons who perform duties subject to the Hours of Service laws; such as, locomotive engineers, trainmen, conductors, switchmen, locomotive hostlers/ helpers, utility employees, signalmen, operators and train dispatchers. In addition, a person who performs a maintenance-of-way/roadway worker function (as defined in 49 CFR Part 214) who are employees or contractors of a railroad, have a potential to foul the track, and perform a regulated function such as inspection, construction, maintenance or repair of railroad track, bridges, roadway, signal and communication systems, electric traction systems, roadway facilities or roadway maintenance machinery on or near track, as well, flagman and watchmen/lookouts. See FRA Regulations at 49 CFR Part 219.
Transit FTA	Operators of revenue service vehicles when not in service, Operators of nonrevenue service vehicles when required to be operated by a holder of a commercial drivers' license, controlling dispatch or movement of revenue service vehicle, mechanics maintain a revenue service vehicle or equipment used in revenue service, and Fire armed security. See FTA regulations at 49 CFR Part 655.

Links to these regulations can be found on-line at www.transportation.gov/odapc.

¹ In some instances, states allow waivers from this qualification, such as operators of fire trucks and some farm equipment. Check with your state department of motor vehicles for more information.
² An agency of the U.S. Department of Homeland Security.

Remember: The tasks you actually perform qualify you as a safety-sensitive employee, not your job title. Also, some employees, like managers and supervisors, may be qualified for these jobs but not currently performing them. Do they have to be tested as well? In most cases, yes...if that employee may be asked at a moment's notice or in an emergency to perform a safety-sensitive job. Be sure to check industry specific regulations for further clarification.

Why are safety-sensitive employees tested?

The short answer is for the safety of the traveling public, co-workers and yourself. The longer answer is that the United States Congress recognized the need for a drug and alcohol free transportation industry, and in 1991 passed the Omnibus Transportation Employee Testing Act, requiring DOT Agencies to implement drug & alcohol testing of safety-sensitive transportation employees.³

Within DOT, the Office of the Secretary's Office of Drug & Alcohol Policy & Compliance (ODAPC) publishes rules on how to conduct those tests, what procedures to use when testing and how to return an employee to safety-sensitive duties. Encompassed in 49 Code of Federal Regulations (CFR) Part 40, ODAPC publishes and provides authoritative interpretations of these rules.

DOT agencies and the U.S. Coast Guard write industry specific regulations, spelling out who is subject to testing, when and in what situations. Industry employers implement the regulations that apply to them.

The benefit to all affected by DOT regulations is that each agency's regulations must adhere to DOT's testing procedures found at 49 CFR Part 40, commonly known as "Part 40." For example, you may work in the rail industry and later work in the motor carrier industry, but the procedures for collecting, testing and reporting of your tests will be the same under Part 40.

What information must employers provide when I first begin performing DOT safety-sensitive functions?

Depending on the DOT agency over-seeing your industry, your employer may be required to provide you with educational materials and a company policy that explain the requirements of DOT's drug & alcohol testing regulations and the procedures to help you comply. If you have not received this information, be sure to ask your employer about it.

What conduct is prohibited by the regulations?

As a safety-sensitive employee...

- You must not use or possess alcohol or any illicit drug while assigned to perform safety-sensitive functions or actually performing safety-sensitive functions.
- You must not report for service, or remain on duty if you...
 - Are under the influence or impaired by alcohol;
 - Have a blood alcohol concentration .04 or greater; (with a blood alcohol concentration of .02 to .039, some regulations do not permit you to continue working until your next regularly scheduled duty period);
 - Have used any illicit drug.

³ The Omnibus Act's testing requirements do not apply to PHMSA.

- You must not use alcohol within four hours (8 hours for flight crew members and flight attendants) of reporting for service or after receiving notice to report.
- You must not report for duty or remain on duty when using any controlled substance unless used pursuant to the instructions of an authorized medical practitioner.
- You must not refuse to submit to any test for alcohol or controlled substances.
- You must not refuse to submit to any test by adulterating or substituting your specimen.

Keep these in mind when preparing to report to work.

What drugs does DOT test for?

DOT drug tests are conducted only using urine specimens. The urine specimens are analyzed for the following drugs/metabolites:

- Marijuana metabolites
- Cocaine metabolites
- Amphetamines including methamphetamine, MDMA
- Opioids – codeine, heroin (6-AM), morphine, oxycodone, oxymorphone, hydrocodone, hydromorphone
- Phencyclidine (PCP)

Specimens Collected for Drug & Alcohol Testing*

Drugs: Urine
Alcohol: Breath & Saliva

* The FRA requires blood specimens as part of their Post-Accident testing.

To learn more about the effects of these and other drugs visit the following sites:

- Drugs and Human Performance Fact Sheet. National Highway Traffic Safety Administration (NHTSA) www.nhtsa.dot.gov.
- Driving While You Are Taking Medications. National Highway Traffic Safety Administration (NHTSA) www.nhtsa.dot.gov.
- Drugs of Abuse. National Institute for Drug Abuse (NIDA) <https://www.drugabuse.gov/drugs-abuse>
- Drug Facts. National Institute on Drug Abuse (NIDA) <https://www.drugabuse.gov/publications/finder/t/160/drugfacts>
- Drug Fact Sheets. Drug Enforcement Administration (DEA) <https://www.dea.gov/druginfo/factsheets.shtml>

To learn about where to dispose of unused medicines go to:
<https://takebackday.dea.gov>

Can I use prescribed medications & over-the-counter (OTC) drugs and perform safety-sensitive functions?

Prescription medicine and OTC drugs may be allowed.⁴ However, you must meet the following minimum standards:

- The medicine is prescribed to you by a licensed physician, such as your personal doctor.
- The treating/prescribing physician has made a good faith judgment that the use of the substance at the prescribed or authorized dosage level is consistent with the safe performance of your duties.

⁴ The FRA requires that if you are being treated by more than one medical practitioner, you must show that at least one of the treating medical practitioners has been informed of all prescribed and authorized medications and has determined that the use of the medications is consistent with the safe performance of your duties.

Best Practice: To assist your doctor in prescribing the best possible treatment, consider providing your physician with a detailed description of your job. A title alone may not be sufficient. Many employers give employees a written, detailed description of their job functions to provide their doctors at the time of the exam.

- The substance is used at the dosage prescribed or authorized.⁵
- If you are being treated by more than one physician, you must show that at least one of the treating doctors has been informed of all prescribed and authorized medications and has determined that the use of the medications is consistent with the safe performance of your duties.
- Taking the prescription medication and performing your DOT safety-sensitive functions is not prohibited by agency drug and alcohol regulations. However, other DOT agency regulations may have prohibitive provisions, such as medical certifications.

Remember: Some agencies have regulations prohibiting use of specific prescription drugs, e.g. methadone, etc.... If you are using prescription or over-the-counter medication, check first with a physician, but do not forget to consult your industry-specific regulations before deciding to perform safety-sensitive tasks. Also be sure to refer to your company's policy regarding prescription drugs.

When will I be tested?

Safety-sensitive employees are subject to drug or alcohol testing in the following situations:

- Pre-employment.
- Reasonable Suspicion/Cause.
- Random.
- Return-to-duty.
- Follow-up.
- Post-Accident.

Pre-Employment

As a new hire, you are required to submit to a drug test. Employers may, but are not required to, conduct alcohol testing.⁶ Only after your employer receives a negative drug test result (and negative alcohol test result - if administered) may you begin performing safety-sensitive functions. This also applies if you are a current employee transferring from a non-safety-sensitive function into a safety-sensitive position (even if it is the same employer).

Reasonable Suspicion/Cause

You are required to submit to any test (whether drug, alcohol or both) that a supervisor requests based on reasonable suspicion. Reasonable suspicion means that one or more trained supervisors reasonably believes or suspects that you are under the influence of drugs or alcohol. They cannot require testing based on a hunch or guess alone; their suspicion must be based on observations concerning

⁵ While states may allow medical use of marijuana, federal laws and policy do not recognize any legitimate medical use of marijuana. Even if a state allows the use of marijuana, DOT regulations treat its use as the same as the use of any other illicit drug.

⁶ Not every DOT agency requires a pre-employment alcohol test.

your appearance, behavior, speech and smell that are usually associated with drug or alcohol use.

Random


You are subject to unannounced random drug & alcohol testing. Alcohol testing is administered just prior to, during or just after performing safety-sensitive functions. Depending on the industry specific regulations, you may only be subject to random drug testing.⁷

No manager, supervisor, official or agent may select you for testing just because they want to. Under DOT regulations, employers must use a truly random selection process. Each employee must have an equal chance to be selected and tested.

Just prior to the testing event, you will be notified of your selection and provided enough time to stop performing your safety sensitive function and report to the testing location. Failure to show for a test or interfering with the testing process can be considered a refusal.

Post-Accident

If you are involved in an event (accident, crash, etc.) meeting certain criteria of the DOT agency, a post-accident test will be required. You will then have to take a drug test and an alcohol test.⁸ You are required to remain available for this testing and are not permitted to refuse testing.

 **Remember:** Safety-sensitive employees are obligated by law to submit to and cooperate in drug & alcohol testing mandated by DOT regulations.

Return to Duty

If you have violated the prohibited drug & alcohol rules, you are required to take a drug and/or alcohol test before returning to safety-sensitive functions for any DOT regulated employer. You are subject to unannounced follow-up testing at least 6 times in the first 12 months following your return to active safety-sensitive service. Return-to-duty tests must be conducted under direct observation.

Follow-up

The amount of follow-up testing you receive is determined by a Substance Abuse Professional (SAP) and may continue for up to 5 years. This means the SAP will determine how many times you will be tested (at least 6 times in the first year), for how long, and for what substance (i.e. drugs, alcohol, or both). Your employer is responsible for ensuring that follow-up testing is conducted and completed. Follow-up testing is in addition to all other DOT required testing. All follow-up tests will be observed.

How is a urine drug test administered?

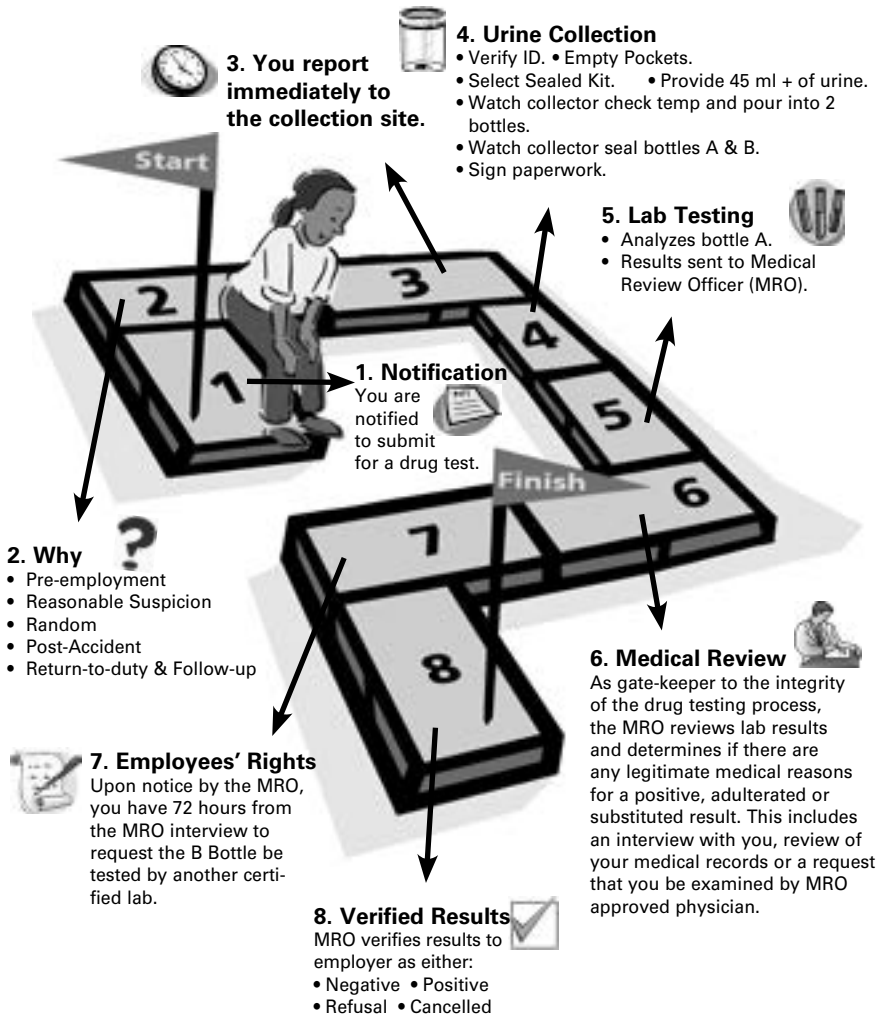
Regardless of the DOT agency requiring the drug test, the drug testing process always consists of three components:

- The Collection. (49 CFR Part 40, Subparts C, D, E)
- Testing at the Laboratory. (49 CFR Part 40, Subpart F)
- Review by the Medical Review Officer. (49 CFR Part 40, Subpart G)

⁷ USCG & PHMSA do not perform random alcohol tests.

⁸ In post-accident testing, the FRA requires a blood specimen for drug testing.

Overview of DOT Drug Testing




What follows is a summary of the procedures for each step. For a more detailed account, please visit 49 CFR Part 40, which can be found in its entirety at www.transportation.gov/odapc.

The Collection

During the collection process, a urine specimen collector will:

- Verify your identity using a current valid photo ID, such as driver's license, passport, employer issued picture ID, etc.
- Create a secure collection site by:
 - Restricting access to the site to only those being tested.
 - Securing all water sources and placing blue dye in any standing water.
 - Removing or securing all cleaning products/fluids at the collection site.
- Afford you privacy to provide a urine specimen.
 - Exceptions to the rule generally surround issues of attempted adulteration or substitution of a specimen or any situation where general questions of validity arise, like an unusual temperature.
- Ask you to remove any unnecessary garments and empty your pockets (you may retain your wallet).
- Instruct you to wash and dry your hands.
- Select or have you select a sealed collection kit and open it in your presence.
- Request you to provide a specimen (a minimum of 45 mL) of your urine into a collection container.
- Check the temperature and color of the urine.
- In your presence, pour the urine into two separate bottles (A or primary and B or split), seal them with tamper-evident tape, and then ask you to sign the seals after they have been placed on the bottles.

 **Remember:** Neither you nor the collector should let the specimen out of your sight until it has been poured into two separate bottles and sealed.

- Ask you to provide your name, date of birth, and daytime and evening phone numbers on the Medical Review Officer Copy (Copy #2) of the Federal Drug Testing Custody and Control Form (CCF).
 - This is so the Medical Review Officer (MRO) can contact you directly if there are any questions about your test.
- Complete necessary documentation on the "Test Facility Copy" (Copy #1) of the CCF to demonstrate the chain of custody (i.e. handling) of the specimen.
- Give you the Employee Copy (Copy # 5) of the CCF and may suggest you list any prescription and over-the-counter medications you may be taking on the back of your copy of the CCF (this may serve as a reminder for you in the event the MRO calls you to discuss your test results).
- Package and ship both sealed bottles and completed CCF to a U.S. Health and Human Services (HHS) certified testing laboratory as quickly as possible.

If you are unable to provide 45 mL of urine on the first attempt, the time will be noted, and you will be:

- Required to remain in the testing area under the supervision of the collection site personnel, their supervisor, or a representative from your company,
 - Leaving the testing area without authorization may be considered a refusal to test
- Urged to drink up to 40 oz. of fluid, distributed reasonably over a period of up to three hours,

- Asked to provide a new specimen (into a new collection container).
- If you do not provide a sufficient specimen within three hours, you must obtain a medical evaluation⁹ within five days to determine if there is an acceptable medical reason for not being able to provide a specimen. If it is determined that there is no legitimate physiological or pre-existing psychological reason for not providing a urine specimen, it will be considered a refusal to test.

How do you know if you are taking a federal or a private company drug test?

All DOT drug tests are completed using the Federal Drug Testing Custody and Control Form. Those words appear at the top of each form.

Testing at the Laboratory

At the laboratory, the staff will:

- Determine if flaws exist. If flaws exist, the specimen is rejected for testing.
- Open only the A bottle and conduct a screening test. Specimens that screen positive will be analyzed again using a completely different testing methodology.
 - If the specimen tests negative in either test, the result will be reported as a negative.
 - Only if the specimen tests positive under both methods will the specimen be reported to the medical review officer as a positive test.
- Report the findings of the analysis of the A bottle to the Medical Review Officer (MRO).
- Store the A and B bottles for any reported positive, adulterated, or substituted result for at least 12 months.

Remember: The Lab will conduct specimen validity tests (SVTs) to determine if the specimen was adulterated or substituted. Tests found to be adulterated or substituted are also reported to the MRO and may be considered a refusal to test.

Review by the Medical Review Officer (MRO)

Upon receipt of the test result from the laboratory, the MRO will:

- Review paperwork for accuracy.
- Report a negative result to the Designated Employer Representative (DER).
- If the result is positive, conduct an interview with you to determine if there is a legitimate medical reason for the result. If a legitimate medical reason is established, the MRO will report the result to the DER as negative. If not, the MRO will report the result to the DER as positive.
- If the result is an adulterated or substituted test, conduct an interview with you to determine if there is a legitimate medical reason for the result. If a legitimate medical reason is established, the MRO will report the result to the DER as cancelled. If not, the MRO will report the result to the DER as a refusal.
- Report a non-negative test result to the DER if:
 - You refused to discuss the results with the MRO;
 - You did not provide the MRO with acceptable medical documentation to explain the non-negative test result.

⁹ The physical exam is scheduled after the designated employer representative consults with the medical review officer. The physician chosen to complete the evaluation must have expertise in the medical issues raised and be acceptable to the Medical Review Officer.

- Inform you that you have 72 hours from the time of the verified result to request to have your B “split” bottle sent to another certified lab for analysis for the same substance or condition that was found in the A “primary” bottle.

If I disclose my prescribed medication use/medical information to the MRO during my interview, will the MRO report that information to a third party?

The DOT’s regulation requires the MRO to report your medication use/medical information to a third party (e.g. your employer, health care provider responsible for your medical qualifications, etc.), if the MRO determines in his/her reasonable medical judgement that you may be medically unqualified according to DOT Agency regulations, or if your continued performance is likely to pose a significant safety risk. The MRO may report this information even if the MRO verifies your drug test result as ‘negative’.

Prior to the MRO reporting your information to a third party you will have up to five days to have your prescribing physician contact the MRO. You are responsible for facilitating the contact between the MRO and your prescribing physician. Your prescribing physician should be willing to state to the MRO that you can safely perform your safety-sensitive functions while taking the medication(s), or consider changing your medication to one that does not make you medically unqualified or does not pose a significant safety risk.

What are Medical Review Officers (MROs)?

Under DOT regulations, MROs are licensed physicians with knowledge and clinical experience in substance abuse disorders. They must also complete qualification training courses and fulfill obligations for continuing education courses. They serve as independent, impartial gatekeepers to the accuracy and integrity of the DOT drug testing program. All laboratory results are sent to an MRO for verification before a company is informed of the result. As a safeguard to quality and accuracy, the MRO reviews each test and rules out any other legitimate medical explanation before verifying the results as positive, adulterated or substituted.

How is an alcohol test administered?

The DOT performs alcohol testing in a manner to ensure the validity of the testing as well as provide confidentiality of the employee’s testing information.

How do you know if you are taking a federal or a private company alcohol test?

All DOT alcohol tests are documented with a form with the words Department of Transportation at the top.

At the start of the test, a Screening Test Technician (STT) or a Breath Alcohol Technician (BAT), using only a DOT-approved device, will:

- Establish a private testing area to prevent unauthorized people from hearing or seeing your test result.
- Require you to sign Step #2 of the Alcohol Testing Form (ATF).
- Perform a screening test and show you the test result. If the screening test result is an alcohol concentration of less than 0.02, no further testing is authorized, and there is no DOT action to be taken. The technician will document the result on the ATF, provide you a copy and provide your employer a copy.

If the screening test result is 0.02 or greater, you will be required to take a confirmation test, which can only be administered by BAT using an Evidential Breath Testing (EBT) device. The BAT will:

- Wait at least 15 minutes, but not more than 30 minutes, before conducting the confirmation test. During that time, you are not allowed to eat, drink, smoke, belch, put anything in your mouth or leave the testing area.



Remember: Leaving the testing area without authorization may be considered a refusal to test.

- Perform an “air blank” (which must read 0.00) on the EBT device to ensure that there is no residual alcohol in the EBT or in the air around it.
- Perform a confirmation test using a new mouthpiece.
- Display the test result to you on the EBT and on the printout from the EBT.
- Document the confirmation test result on the ATF, provide you a copy and provide your employer a copy.
- Report any result of 0.02 or greater immediately to the employer.

If after several attempts you are unable to provide an adequate amount of breath, the testing will be stopped. You will be instructed to take a medical evaluation to determine if there is an acceptable medical reason for not providing a sample. If it is determined that there is no legitimate physiological or psychological reason, the test will be treated as a refusal to test.

Confirmation test results are the final outcome of the test.	
Result	Action
Less than 0.02	No action required under 49 CFR Part 40.
0.02 – 0.039	Varies among DOT agencies. For example, FMCSA requires that you not resume safety-sensitive functions for 24 hours [382.505], while the FRA requires 8 hours [219.101(a)(4)]. The FTA & PHMSA require only that you test below 0.02 or cannot work until the next scheduled duty period but not less than 8 hours from the time of the test [655.35 & 199.237 respectively]. And, the FAA requires only that you test below 0.02, if the employer wants to put you back to work within 8 hours [14 CFR Part 120, Subpart F, 120.217(g)]. Also, be sure to check other agency specific regulations for their restrictions.
0.04 or greater	Immediate removal from safety-sensitive functions. You may not resume safety-sensitive functions until you successfully complete the return-to-duty process.

Should I refuse a test if I believe I was unfairly selected for testing?

Rule of Thumb: Comply then make a timely complaint.

If you are instructed to submit to a DOT drug or alcohol test and you don't agree with the reason or rationale for the test, take the test anyway. Don't interfere with the testing process or refuse the test.

After the test, express your concerns to your employer through a letter to your company's dispute resolution office, by following an agreed upon labor grievance or other company procedures. You can also express your concerns to the

appropriate DOT agency drug & alcohol program office. (See contact numbers listed in the Appendix.) Whomever you decide to contact, please contact them as soon as possible after the test.

What is considered a refusal to test?

DOT regulations prohibit you from refusing a test. The following are some examples of conduct that the regulations define as refusing a test (See 49 CFR Part 40 Subpart I & Subpart N):

Drug Testing:

- Failure to appear for any test after being directed to do so by your employer.
- Failure to remain at the testing site until the testing process is complete.
- Failure to provide a urine sample for any test required by federal regulations.
- Failure to permit the observation or monitoring of you providing a urine sample (Please note tests conducted under direct observation or monitoring occur in limited situations. The majority of specimens are provided in private).
- Failure to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was not adequate medical explanation for the failure.
- Failure to take a second test when directed to do so.
- Failure to undergo a medical evaluation as part of “shy bladder” procedures.
- Providing a specimen that is verified as adulterated or substituted.
- Failure to cooperate with any part of the testing process (e.g., refuse to empty pockets when directed by the collector, behave in a confrontational way that disrupts the collection process, fail to wash hands after being directed to do so by the collector).
- Failure to follow the observer’s instructions [during a direct observation collection] to raise your clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if you have any type of prosthetic or other device that could be used to interfere with the collection process.
- Possess or wear a prosthetic or other device that could be used to interfere with the collection process.
- Admit to the collector or MRO that you adulterated or substituted the specimen.

Alcohol Testing:

- Failure to appear for any test after being directed to do so by your employer.
- Failure to remain at the testing site until the testing process is complete.
- Failure to sign Step #2 of the ATF
- Failure to provide a breath sample for any test required by federal regulations.
- Failure to provide a sufficient breath sample when directed, and it has been determined, through a required medical evaluation, that there was not adequate medical explanation for the failure.
- Failure to undergo a medical evaluation as part of “shy lung” procedures.
- Failure to cooperate with any part of the testing process.

What happens if I test positive, refuse a test, or violate an agency-specific drug & alcohol rule?

If you test positive, refuse a test, or violate DOT drug & alcohol rules:

- A supervisor or company official will immediately remove you from DOT-regulated safety-sensitive functions.

- You will not be permitted to return to performing DOT regulated safety-sensitive duties until you have:
 - Undergone an evaluation by a Substance Abuse Professional (SAP);
 - Successfully completed any education, counseling or treatment prescribed by the SAP prior to returning to service; and
 - Provided a negative test result for drugs and/or a test result of less than 0.02 for alcohol. (Return to duty testing).
- Upon return to a safety-sensitive job, you will be subject to unannounced testing for drugs and/or alcohol no less than 6 times during the first 12 months of active service with the possibility of unannounced testing for up to 60 months (as prescribed by the SAP). These tests (including the return-to-duty test) will be directly observed.

What are Substance Abuse Professionals (SAPs)?

Under DOT regulations, SAPs are Substance Abuse Professionals. They play a critical role in the work place testing program by professionally evaluating employees who have violated DOT drug & alcohol rules. SAPs recommend appropriate education, treatment, follow-up tests, and aftercare. They are the gate-keepers to the re-entry program by determining when a safety-sensitive employee can be returned to duty.

SAPs are required to have a certain background and credentials, which include clinical experience in diagnosis and treatment of substance abuse-related disorders. They must also complete qualification training and fulfill obligations for continuing education courses. While SAPs do make recommendations to the employer about an employee's readiness to perform safety-sensitive duties, SAPs are neither an advocate for the employee or the employer, and they make return-to-duty recommendations according to their professional and ethical standards as well as DOT's regulations.

Remember: Even if a SAP believes that you are ready to return to work, an employer is under no obligation to return you to work. Under the regulations, hiring and reinstatement decisions are left to the employer. Also, under FAA regulations, SAPs cannot return a pilot to duty without the prior approval of the FAA's Federal Air Surgeon.

How do I find a SAP?

If you violate a DOT drug or alcohol rule, your employer is required to provide you with a list of SAPs' names, addresses, and phone numbers that are available to you and acceptable to them.¹⁰ This is true even if your employer terminates your employment.

Will I lose my job if I violate drug & alcohol regulations?

DOT regulations do not address employment actions such as hiring, firing or granting leaves of absence. All employment decisions are the responsibility of the employers. Under Federal regulations, the main requirement for employers is to immediately remove employees from performing DOT safety-sensitive jobs. Be aware that a positive or refused DOT drug or alcohol test may trigger additional consequences based on company policy or employment agreement.

¹⁰ Employers cannot charge employees for the SAP list.

While you may not lose your job, you may lose your certification or license to perform that job. Be sure to check industry specific regulations. For example, someone operating a commercial motor vehicle may not lose their state-issued CDL, but they will lose their ability to perform any DOT regulated safety-sensitive tasks.

Will my results be confidential?

Your test results are confidential. An employer or service agent (e.g. testing laboratory, MRO or SAP) is not permitted to disclose your test results to outside parties without your written consent. But, your test information may be released (without your consent) in certain situations, such as: legal proceedings, grievances, or administrative proceedings brought by you or on your behalf, which resulted from a positive or refusal. When the information is released, the employer must notify you in writing of any information they released.

Will the results follow me to different employers?

Yes, your drug & alcohol testing history will follow you to your new employer, if that employer is regulated by a DOT agency. Employers are required by law to provide records of your drug & alcohol testing history to your new employer. This is to ensure that you have completed the return-to-duty process and are being tested according to your follow-up testing plan.

What should I do if I have a drug or alcohol abuse problem?

Seek help. Jobs performed by safety-sensitive transportation employees keep America's people and economy moving. Your work is a vital part of everyday life. Yet, by abusing drugs or alcohol, you risk your own life, your co-workers lives and the lives of the public.

Most every community in the country has resources available to confidentially assist you through the evaluation and treatment of your problem. If you would like to find a treatment facility close to you, check with your local yellow pages, local health department or visit the U.S. Department of Health and Human Services treatment facility locator at <http://findtreatment.samhsa.gov/>. This site provides contact information for substance abuse treatment programs by state, city and U.S. Territory.

Also, many work-place programs are in place to assist employees and family members with substance abuse, mental health and other problems that affect their job performance. While they may vary by industry, here is an overview of programs that may be available to you:

Employee Assistance Programs (EAPs)

While not required by DOT agency regulations, EAPs may be available to employees as a matter of company policy. EAPs are generally provided by employers or unions.



Note: Many employees believe they only need to contact an EAP counselor if they have a positive drug and/or alcohol test. Not true!


EAP programs vary considerably in design and scope. Some focus only on substance abuse problems; others undertake a broad brush approach to a range

of employee and family problems. Some include prevention, health and wellness activities. Some are linked to the employee health benefit structures. These programs offer nearly full privacy and confidentiality, unless someone's life is in danger.

Do you know what programs are available at your job? Be sure to ask your employer!

Voluntary Referral Programs

Often sponsored by employers or unions, referral programs provide an opportunity to self-report to your employer a substance abuse problem before you violate testing rules. This gives you an opportunity for evaluation and treatment, while at times guaranteeing your job. Be sure to check your company to see if there is a voluntary referral program.

 **Remember:** Self-reporting just after being notified of a test does not release you from your responsibility of taking the test, and it also does not qualify as a voluntary referral.

Peer Reporting Programs

Generally sponsored by employers or unions, you are encouraged or required to identify co-workers with substance abuse problems. The safety of everyone depends on it. Using peers to convince troubled friends and co-workers with a problem is one of the strengths of the program, often guaranteeing the co-worker struggling with substance abuse issues the same benefits as if he had self-reported.


Education and Training Programs (required by all Agencies)

Topics may include the effects of drugs & alcohol use, company testing policies, DOT testing regulations and the consequences of a positive test. Materials may also contain information on how employees can get in touch with their Employee Assistance Programs and community service hot-lines.

In addition, supervisors sometimes receive additional training in the identification and documentation of signs and symptoms of employee's drug and/or alcohol use that trigger a reasonable suspicion drug or alcohol test.

Did you know?

Did you know that 6 out of 10 people suffering from substance abuse problems also suffer from mental conditions like depression?¹¹ Research has long documented that people suffering from depression try to self-medicate themselves through alcohol and other drugs. Typically, many of these individuals fail to remain clean and sober after rehabilitation because their underlying medical problem is not addressed and the cycle of self-medication begins again.

 **Remember:** If you have substance abuse issues, there is a 60% chance that you are also suffering from an underlying mental condition like depression.

Increase your chances of rehabilitation. Be sure to ask your doctor or other mental health professionals about depression as it relates to substance abuse issues.

¹¹ The Dual Challenge of Substance Abuse and Mental Disorders, NIDA Director Nora D. Volkow, M.D., NIDA Notes, Vol. 18, No. 5.

But, I have more questions?

ODAPC is available to help answer anyone's questions regarding DOT drug & alcohol testing regulations. Please contact us at 202-366-DRUG (3784) or visit our website at www.transportation.gov/odapc for frequently asked questions, official interpretations of the regulations and regulatory guidelines.

If you have questions regarding DOT agency regulations on a specific industry, contact the agencies drug & alcohol abatement offices listed in the Appendix.

Appendix

Drug & Alcohol Program Manager Contact Information

U.S. Department of Transportation

FAA	Aviation	(202) 267-8442	www.faa.gov
FMCSA	Motor Carrier	(202) 366-2096	www.fmcsa.dot.gov
FTA	Public Transportation	(617) 494-2395	www.transit.dot.gov
FRA	Railroads	(202) 493-6313	www.railroads.dot.gov
PHMSA	Pipeline	(909) 937-7232	www.phmsa.dot.gov

U.S. Department of Homeland Security

USCG	Maritime	(202) 372-1033	http://www.uscg.mil
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Notes

Changes from previous version [April 2014]:

- **Inside Front Cover:** Removed room number from office address and paragraph on 'electronic access to publication'
- **Page iv:** Added text "This page intentionally left blank"
- **Page v:** Added text to various section headings to match those in booklet and updated pagination
- **Page 1:** Added/updated text to FAA, PHMSA, FRA and FTA sections of the table
- **Page 3:** Updated list of drugs for which DOT tests
- **Page 3:** Added/removed web resources on 'effects of drugs' and 'where to dispose of unused medicines'
- **Page 4:** Updated footnote #5 to clearly state that State allowance of marijuana is not recognized
- **Page 7:** 11th bullet under 'The Collection' heading, replaced text 'Laboratory Copy' with 'Test Facility Copy'
- **Page 9:** Added new question and answer: "If I disclose my prescribed medication use/medical information to the MRO during my interview, will the MRO report that information to a third party?"
- **Page 11:** Reformatted refusal section into "Drug Testing" and "Alcohol Testing" sections
- **Page 15:** Appendix: In the Drug & Alcohol Program Manager Contact Information section, updated PHMSA's telephone number and updated FTA, FRA, and USCG's web addresses
- **Page 15:** Removed ODAPC contact information because it is on the inside cover of this publication
- **Inside Back Cover:** Added section to list text changes from previous version
- **Back Cover:** Changed revision date from 'April 2014' to 'March 2019'
- Updated various web site addresses/hyperlinks throughout the document, and reformatted pages as needed



U.S. Department
of Transportation

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Attachment 2 – Comparison of Several Compensation Policies Among Neighboring Cities

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This comparison was conducted by several City maintenance workers.

City	OT Policy	On- Call	Comp Cap	Vacation Accrual Rate	Alternative Schedule
Kenmore	Only hours worked and Holiday	3 hour min. \$55/ day	40 Hours	80 hours per year after 5 years	TBD
Lynnwood	Vacation, Holiday and any leaves with Pay	2 Hour min. See agreement	60 Hours	128 per year after 5 years	Yes
Monroe	All Compensated Hours	3 Hour min. OT rate per day On-Call Vehicle.	120 hours	136 hours per year after 5 years	Yes
Lake Forest Park	Only worked hours	3 hour min. \$50/ Day	80 hours	96 hours per year after 5 years	Yes
Bothell	Sick, Vacation, Comp, and Holiday	3 Hour min. \$60/ Day On-Call Vehicle.	80 Hours	128 hours per year after 4 years	Yes
Woodinville	Sick, Vacation, Comp and Holiday	3 Hour min. \$60/ Day On-call Vehicle	80 Hours	120 hours per year after 5 years	Yes
Mill Creek	All hours except sick	2 hours min. OT rate per day	60 hours	96 hours per year at 0-5 years	Yes
Sea-Tac	All Compensated hours	3 hours min.	80 hours	120 hours per year at 4-5 years	Yes
Edmonds	Only Hours worked	3 Hour min. OT rate per day	48 Hours	128 hours per year after 5 years	Yes
Renton	Based on Compensated Hours	2 hour min. Double time rate per day	100 Hours	96 hours per year at 0-5 years	Yes
Issaquah	Any hours over 8 in a work day	2 Hour min. OT rate per day	80 hours	16 days per year After 5 years	Yes
Shoreline	NA				
Mountlake Terrace	NA				

CITY OF KENMORE

Personnel Policies Manual Update

May 8, 2023



The Personnel Policies Manual . . .

- is important to the internal workings of the organization
- provides policies on employment practices, compensation, and employee responsibilities



The Personnel Policies Manual . . .

- has received periodic updates over the years to stay current with changes in the law
- has not seen a comprehensive review in recent memory
- needs a thorough review as our organization, laws, and the world around us change



The Personnel Policies Manual . . .

- is administrative in nature, and most of the Manual falls under the authority of the City Manager
- contains sections on employee compensation and therefore needs to be approved by the City Council



Legal Updates to the Personnel Policies Manual

Presented by Attorney Kathy Weber



Legal Updates

- 1.6 Anti-Harassment – Revisions reflect the most current case law and best practices
- 1.7 Disability Accommodations – New Section
- 1.8 Pregnancy and Breastfeeding Accommodations – New Section



Legal Updates

- 1.9 Religious Accommodation – New Section
- 6.3 Sick Leave – Updating with state-required Washington Paid Sick Leave (WPSL) and combining it with standard sick leave
- 6.6-6.8 – Adding, updating, and coordinating FMLA, PFMLA, and Parental Leave (6.15).
- Adding 6.7 Pregnancy Disability Leave



Legal Updates, continued

- 6.15 Revising Religious Holidays to be in compliance with state law
- 6.17 Leave for Domestic Violence Victims – New Section
- 8.12 Substance Abuse – Drug Free Workplace replaced with 8.12 Substance Abuse



Legal Updates, continued

- 8.13 Commercial Driver's Licenses – Updated to be in compliance with federal regulations
- 8.15 Reporting Improper Governmental Action and Protecting Employees Against Retaliation – Several Updates
- 8.16 Workplace Violence – New Section



Legal Updates, continued

- 8.17 Weapons Prohibited – New Section
- Chapter 9 – Updates and revisions including Discipline, Termination, and Pre-Termination Hearing
- Appendix B – Incorporating the U.S. Department of Transportation Drug & Alcohol Testing Policy



Compensation-Related Updates

Presented by Rob Karlinsey, City Manager



Compensation-Related Updates

- 2.2.3 Calculation of Overtime – Including leave in the calculation of 40 hours worked
- 2.3.1 Compensatory Time – Increasing Comp Time accrual limit per employee from 40 to 80 hours
- 2.6.2 Call Back – Allow for minimum of one hour if standby employee handles the call by phone or computer
- 2.6.3 Standby Pay – Allow the City Manager to increase standby pay by up to the same percentage cost of living increase granted to employees



Compensation-Related Updates, continued

- 2.6.3 Standby Vehicle Take Home – Give the City Manager authority to allow take home vehicle while on standby duty
- 2.6.4 Emergency Standby Pay – Allow the City Manager to increase emergency standby pay by up to the same percentage cost of living increase granted to employees
- 5.3.7 Dental Plan Premium – No longer require the employee to pay the \$2-\$4/mo. monthly premium difference between Dental Plan A and Dental Plan F
- 5.5.2 Increase the dollar amounts for length of service awards



Compensation-Related Updates, continued

- 5.6.4 Business meeting allowance in lieu of submitting reimbursements
- 6.14.4 Holiday Overtime – Increasing compensation for hours worked on City holidays from holiday pay plus time-and-a-half to holiday pay plus double time
- 8.11.5 Allowing the City Manager to increase the annual clothing and boot allowances by up to the same percentage as the cost-of-living allowance granted to City employees
- 9.6 Severance Agreements – Authorizing the City Manager to enter limited severance agreements



Cost Impacts

Policy Section	Proposed Change	Estimated Cost Increase Over 12 Months		Notes
		Likely	High End	
2.2.3	Including leave in the calculation of 40 hours worked for overtime	1,223	2,000	
2.6.2	One hour minimum if call out handled by phone or computer	400	2,080	
2.6.3	Increasing standby daily rate annually by cost of living	963	963	will increase by this amount yearly, compounding
2.6.4	Increasing emergency standby rate annually by cost of living	273	273	will increase by this amount yearly, compounding
2.6.3	Take home vehicle for standby employees	9,943	12,900	includes \$5k one-time cost
5.3.7	No longer have employees pay the \$2-4/mo. difference between Dental Plans A and F	1,800	1,800	
5.5.2	Increase in length of service award amounts	500	500	
5.6.4	Business meeting allowance	2,400	4,800	
6.14.4	Double time overtime rate for required work on holidays	2,560	2,560	
7.3.1	Increase in tuition reimbursement annual max allowance per employee	200	5,000	
8.11.5	Increasing uniform and boot allowance annually by cost of living	690	690	will increase by this amount yearly, compounding
Total		\$ 20,952	\$ 33,566	



Next Steps

- City Council Direction on Revised Personnel Policies Manual
- City Council Adoption on May 22, 2023

