

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO PERSONNEL AND EMPLOYMENT PRACTICES FOR THE CITY OF KIRKLAND, ESTABLISHING A GENERAL PERSONNEL POLICY, AND REPEALING ORDINANCE NO. 2135 AS AMENDED BY ORDINANCE 2322, AND CHAPTER 3.80 OF THE KIRKLAND MUNICIPAL CODE.

Be it ordained by the City Council of the City of Kirkland as follows:

Section 1. Title: "Personnel Ordinance".

Section 2. GENERAL PROVISIONS.

A. Purpose. The objective of the Personnel Ordinance is to facilitate efficient service to the public and provide a personnel management system within the City Government which deals with all employees of various departments in an equitable and uniform manner.

B. Affirmative Action Policy. It is the policy of the City of Kirkland to promote and assure equal opportunity based on ability and fitness to all persons regardless of race, religion, color, national origin, sex, handicap, age, marital status, or political affiliation.

C. Exclusion. This ordinance shall not apply to the following personnel: Mayor, members of council, members of commissions or boards, volunteer firefighters, and the City Attorney.

D. Scope. In cases where this ordinance conflicts with collective bargaining contracts and agreements duly agreed upon between the authorized employee organizations or unions and the City, or with Civil Service Regulations, the provisions of the contract or regulations shall govern.

E. Conflicts. Nothing in this ordinance shall be construed to conflict with, or invalidate state or federal law relating to the subject matter herein.

Section 3. DEFINITIONS.

The following words and phrases, when used in this ordinance, shall have the meanings ascribed to them below:

A. City. City of Kirkland

B. Doctor's Certificate. A form provided by the City and signed by a physician stating that the employee has been ill and is now able to return to work.

C. Employee. A person occupying a position and is paid a salary or wage by the City.

D. Immediate Family. Wife, husband, son, daughter, mother, father, brother, sister, and other persons with the approval of the City Manager.

E. Holiday. The days designated as holidays with pay by this ordinance.

F. Just Cause. Cause, supported by evidence, for disciplinary action against an employee.

G. L.E.O.F.F. Law Enforcement Officers and Firefighters Retirement System.

H. Overtime. Overtime shall consist of any work performed by permanent full-time employees in excess of forty (40) hours in one week.

I. Permanent Full-time Employee. Any employee hired for an indefinite period of time, working at least 40 hours per week, who has successfully completed the probationary period.

J. Permanent Part-time Employee. Any salaried employee, hired for an indefinite period of time, who works less than forty (40) hours per week on a fixed regular schedule and is compensated and accrues benefits proportionate to the number of hours worked per month.

K. Probationary Employee. Any employee hired for a permanent position who has not completed the probationary period.

L. Temporary Employee. An employee hired for a specific purpose or project and for a specific or definite period of time who is compensated with an hourly wage.

M. Uniformed Employee. Employees hired as officers of the City's Police and Fire Departments and who are under the L.E.O.F.F. retirement system.

Section 4. PERSONNEL ACTION.

A. Nepotism Policy. Favoritism in any personnel action i.e. recruitment or promotion shall not be shown to relatives of past or present employees. However, a department may hire, transfer, demote, or promote family member if said action is in the best interest of the city.

B. Recruitment. Available positions shall be publicized within City Hall, in one major newspaper, and in accordance with all prevailing Affirmative Action guidelines regarding recruitment. Public notice of a position opening shall contain title, salary, brief description, minimum qualifications, and the closing date for applications.

C. Probation. New employees shall hold probationary status for a period of 12 months from the date of hire. Probationary employees have no vested status and may be disciplined or terminated under the provisions of Section 5 of this ordinance without further recourse.

D. Promotion. Vacancies shall be filled, insofar as is consistent with the best interests of the City, from qualified employees holding permanent positions within the City. Employees who are promoted shall again hold probationary status as provided in paragraph 4-C. Those who fail the probationary period may reassume any permanent appointment held prior to the promotion if the position is vacant.

E. Transfer. Upon recommendation of the Department Head or to meet the needs of the City, a transfer may be made. No person may be transferred to a position for which he/she does not possess minimum qualifications. A probationary period shall be established for anyone requesting a transfer. A transfer shall not be used to circumvent regulations regarding promotions, demotions, or terminations.

F. Demotions. No employee shall be demoted to a position for which he/she does not possess minimum qualifications. Any employee may be demoted a) when his/her standard of performance falls below an acceptable level; b) when the employee becomes physically or mentally incapable of performing the duties of his or her position; c) for disciplinary purposes; d) in lieu of lay-off; e) at the employee's request.

G. Suspension. An employee may be suspended without pay by the City Manager as specified in Section 5. Authority to suspend may be delegated to the Department Head as specified in Section 5-C. An employee must be provided with written notice, within a reasonable period of time, as to the reasons for and the duration of the suspension. If an investigation proves that the decision for suspension was made in error or misunderstanding the employee may be re-instated and shall be reimbursed for salary loss due to suspension.

H. Resignation. An employee shall give at least two weeks written notice of his or her effective resignation date. The time limit of the resignation may be waived at the discretion of the Department Head concerned. Termination vacation pay shall be forfeited if written notice is not given nor waived.

I. Retirement. Except for members of the L.E.O.F.F. retirement system, all permanent and permanent part-time employees must belong to the Public Employees Retirement System (PERS). Police Officers and Firefighters shall retire as specified by the Law Enforcement Officers and Firefighters retirement system or any other system which takes its place.

J. Exit Interview. An exit interview shall be conducted by the Personnel Department with all employees resigning from City employment.

Section 5. DISCIPLINARY ACTIONS.

A. Authority of the City Manager. Nothing in this section shall be construed in any way as limiting the authority of the City Manager under RCW 35A. 13.080 to appoint and remove at any time, with or without cause, all department heads and employees of the City, except members of the City Council and its advisory boards, commissions, and those employees covered by Civil Service Commissions. Whenever a disciplinary action or termination becomes necessary, the City Manager has the power to discipline or terminate, and that he/she will normally do so for just cause.

B. Just Cause. Continued employment with the City shall be contingent upon availability of funds, fitness of the employee to perform the duties required of the position, and upon satisfactory performance of these duties. Employees of the City may be subject to disciplinary action or termination for the following reasons:

1. Incompetency, inefficiency, inattention to or dereliction of duty.
2. Mental or physical unfitness to perform the duties of the position held by the employee.
3. Misuse or abuse of public property, any misuse of public funds, or falsifying reports or records.
4. Dishonest or prejudicial conduct, insubordination, or discourteous treatment of the public or fellow employees.
5. Intoxication or the use of intoxicating liquor, narcotics, or any other habit forming drug to such an extent that the use thereof interferes with the efficiency or mental or physical fitness of the employee, or which precludes the employee from properly performing his/her function and duties.
6. Violation of this ordinance or the rules, regulations or orders issued by the employee's immediate supervisor, department head, personnel officer, or City Manager.
7. Absence without the supervisor's approval, unsatisfactory attendance record, abuse of sick leave benefits.
8. Use of the employee's position for his/her personal profit, gain, or advancement other than the rightful compensation and benefits duly authorized.

C. Disciplinary Procedures. Whenever an employee's performance, attitude, work habits, personal conduct falls below satisfactory levels, the following procedure shall be followed in taking disciplinary action.

1. The supervisor must counsel the employee concerning the problem and discuss possible solutions.

2. If the problem continues after a formal counseling session, the supervisor shall initiate a written admonition, a copy of which is placed in the individual's personnel file.

3. If the employee still does not show improvement, the Department Head shall bring the matter to the attention of the City Manager with a recommendation for suspension or termination.

D. Notification to the Employee. Employees who are subject to disciplinary action shall be provided with a full statement, in writing, of the reasons for such action, nature of the action, and the effective date.

Section 6. GRIEVANCE PROCEDURE.

A. Definition. A grievance means a claim or dispute by an employee with respect to the interpretation, meaning, or application of the provisions of this ordinance.

B. Purpose. An employee may resort to grievance procedures hereinafter set forth for any decision or action which he/she feels may affect his/her employment adversely. The grievance must be filed in writing by the employee to the employer within 5 working days of the occurrence of the incident producing the dispute or grievance.

C. Procedure. The following grievance procedures apply unless other procedures are provided by State Law, as in the case of the uniformed services, union contract, or any other which offers a grievance procedure:

1. If an employee feels he or she has a justified complaint or problem, he or she must discuss this problem with his or her supervisor.

2. If, within three working days after receiving an answer from such supervisor, the employee believes that his or her problem has not been resolved to his or her satisfaction, the employee and the immediate supervisor shall submit to their Department Head a written report outlining the complaint and the circumstances surrounding it. The Department Head shall reply in writing to the parties regarding the complaint within 5 working days. Copies of all written statements shall at this point be forwarded to the City Manager.

3. If the employee feels that his or her complaint is not fairly resolved by the Department Head, he or she may submit within 5 working days, a written complaint to the City Manager. If the grievance continues to exist, the City Manager may agree to arbitration by an outside third party or any other available method for resolving the employee's grievance. No punitive action shall be carried out against any employee for utilizing the grievance procedures contained herein.

Section 7. CLASSIFICATION AND SALARY.

A. Creation and Maintenance of Classifications. Position classifications shall be prepared and maintained in such a way that the classifications and salary range reflect current duties and responsibilities of all positions within the City.

B. Reclassification of Positions. Significant changes in the duties and responsibilities of any position within the City shall result in an evaluation of the position and possible reclassification based on such changes. All existing positions shall be periodically reviewed for possible changes and reclassification.

C. Salary Range. Preparation of the current range shall be based upon the classification resulting from the evaluation of duties and responsibilities. Any change in salary range must be made on the same basis.

D. Overtime. Overtime shall be compensated at a rate of one and one-half times the normal rate of pay or by compensatory time-off in lieu of overtime pay at the discretion of the employee. All overtime shall be authorized by the respective Department Head in advance. Requests for overtime pay or compensatory time-off must also be made in advance and remain consistent for a period of 3 months. Overtime for uniformed personnel shall be referred to current contract agreements. If the employee requests compensatory time-off, it must be taken within one year of the accrual date. Executive, administrative, and professional employees shall not be entitled to overtime compensation as defined in WAC 296-128-500.

E. Pay Period. Employees shall be paid twice each month. Pay checks will be issued on or about the first and fifteenth of each month. In the event payday falls on a weekend or holiday, employees will be paid the preceeding day.

Section 8. HOURS OF WORK.

A. General Personnel. The normal work week shall consist of five consecutive days and shall average 40 hours per week.

B. Police Personnel. Shift work will be assigned and varied to meet the needs of the City.

C. Fire Personnel. Shift work will be assigned and varied to meet the needs of the City. The hours assigned plus a one hour lunch break on the short shift and plus a one and one-half hour eating period on the long shift shall constitute a normal work day.

D. Work Breaks. Authorized breaks must be arranged so as not to interfere with City business. Business shall not be interrupted simply because it is break time. Employees are entitled to one fifteen (15) minute break in the morning and afternoon. Breaks for office employees should be taken in designated areas and field employees should take their breaks on or near the job site. Misuse of break privileges shall be subject to disciplinary action.

Section 9. VACATION LEAVE.

A. Approval. Upon satisfactory completion of six (6) months continuous service, an employee shall be eligible for a paid vacation. All requests for vacation leave must be scheduled and approved at least 5 days prior to the requested vacation time, unless an exception is granted by the Department Head. Vacation leave shall be granted by the Department Head only in the best interests of the City. Department Heads must receive prior approval for vacation leave from the City Manager.

B. Vacation Schedule. Each permanent full-time employee shall accrue vacation leave at a rate of 1/12 of annual vacation per month of service, based on the following schedule:

<u>Years of Employment</u>	<u>Annual Vacation (Working Days)</u>
1st year of employment	10 days vacation
2nd year of employment	12 days vacation
3rd year of employment	12 days vacation
4th year of employment	12 days vacation
5th year of employment	12 days vacation
6th year of employment	15 days vacation
7th year of employment	15 days vacation
8th year of employment	15 days vacation
9th year of employment	15 days vacation
10th year of employment	16 days vacation
11th year of employment	16 days vacation
12th year of employment	16 days vacation
13th year of employment	17 days vacation
14th year of employment	17 days vacation
15th year of employment	17 days vacation
16th year of employment	18 days vacation
17th year of employment	18 days vacation
18th year of employment	19 days vacation
19th year of employment	19 days vacation
20th year of employment	20 days vacation

C. Accumulation. Unless specifically authorized by the City Manager, vacation leave shall not be accumulated from year to year and in no case shall accumulated leave exceed 30 days. Failure by an employee to make use of earned vacation leave within the following year of its accrual shall constitute a waiver, and loss of such leave and shall not form the basis of any severance pay or additional compensation. Vacation leave shall not accrue for service time during a fraction of a month.

D. Payment in Lieu of Vacation Leave. There shall be no pay in lieu of unused vacation leave, except in cases of separation from City employment. An employee with more than one year of employment who terminates for any reason other than discharge for cause or resignation without two weeks notice shall receive pay for any vacation time earned but not taken, up to the date of separation.

Section 10. SICK LEAVE.

A. Accumulation. Permanent full-time employees may be granted sick leave with pay for illness or injury. Sick leave shall be accrued at a rate of 8 hours for each calendar month of the employee's service, but not to exceed a maximum of 120 days. Permanent part-time employees accrue sick leave at a rate proportionate to the number of hours worked per month. This section does not apply to employees hired under L.E.O.F.F. (I).

B. Eligibility. Sick leave shall be available to permanent employees after they have worked for a minimum of thirty consecutive calendar days after the most recent date of hire. Sick leave shall be granted for the following reasons:

1. Personal illness or physical incapacity resulting from causes beyond the employee's control.
2. Serious illness or death in the immediate family. Leave shall not exceed three (3) days. In cases where travel distance is excessive, two additional days may be granted by the respective Department Head or City Manager.
3. Medical or dental appointments.
4. Sick leave may be granted for one (1) day in order to attend the funeral of a family member or other persons with the approval of the Department Head.

C. Payment in Lieu of Sick Leave. Upon termination of employment any unused sick leave may be converted on the basis of one day for each two (2) days of accrued sick leave accumulated, to a maximum of thirty (30) days if the employee has given two weeks written notice. Accumulated sick leave will be measured from the effective date of this ordinance. Sick leave taken will be first deducted from the most recently accumulated sick leave.

D. Notification. An employee on sick leave shall notify his or her immediate supervisor of the fact. Failure to do so within one hour after the commencement of the normal work shift may be cause for denial of sick leave with pay for the period of such absence.

E. Doctor's Certificate. After three (3) days and/or at the discretion of the Department Head, certification of illness by a doctor may be required for approval of sick leave with pay. Certification establishing the date on which an employee was able to return to work may also be required.

Section 11 HOLIDAYS

A. Holiday Schedule. Permanent employees shall be granted the following holidays, and other such days as the City Council may fix, without reduction in pay:

<u>Holiday</u>	<u>Date to be Observed</u>
1. New Year's Day	January 1
2. Lincoln's Birthday	2nd Monday in February
3. Washington's Birthday	3rd Monday in February
4. Memorial Day	Last Monday in May
5. Independence Day	July 4
6. Labor Day	1st Monday in September
7. Veteran's Day	November 11
8. Thanksgiving Day	4th Thursday in November
9. Day after Thanksgiving	4th Friday in November
10. Christmas Day	December 25
11. Floating Holiday	Employee's Choice

In selecting the Floating Holiday the employee's choice will be granted provided that prior approval is given by the immediate supervisor and provided the number of employees selecting a particular day off does not prevent a department or office from providing efficient public service. The Floating Holiday must be taken during the calendar year or entitlement to the day will be forfeited.

B. Holidays Occurring on Weekends. Any regular holiday which falls on a Saturday shall be observed on the preceding Friday and any regular holiday which falls on a Sunday shall be observed on the following Monday.

C. Uniformed Personnel. Uniformed personnel shall be granted eleven (11) days vacation in lieu of the above holidays. Such vacation days shall be approved in the best interests of the City within twelve months of the worked holiday.

D. Worked Holidays. When a permanent employee other than uniformed personnel works on a holiday, he/she shall be granted one other day of vacation with full pay for each holiday worked. Such vacation days shall be approved in the best interests of the City.

Section 12. OTHER LEAVE

A. Military Leave. Any employee who is a member of the Washington National Guard or a federal reserve unit shall be entitled to time off with pay for up to 15 calendar days each year while participating in officially ordered military duty. A copy of the employee's orders shall be placed in the employee's personnel file.

B. Jury Duty. Leave shall be granted to permit an employee to report for jury duty. While on jury duty the employee shall receive full pay from the City less the amount of compensation received by the employee for such jury duty.

C. Leave Without Pay. Upon approval by the Department Head, leave without pay may be granted for a period not to exceed 15 working days for illness, injury, or additional vacation.

D. Leave of Absence. Upon the request by the employee, the City Manager may grant a leave of absence without pay for a period of not less than three weeks and not more than six months. Approval of such leave shall be in writing and signed by the City Manager. No vacation or sick leave benefits or other fringe benefits shall be accrued while an employee is on leave of absence. The employee's anniversary date will be adjusted by the length of the leave granted. Upon expiration of the leave of absence, the employee shall be reinstated in the position held at the time the leave was granted. Any employee on approved leave of absence may continue his/her medical insurance coverage by paying the full cost to the City in advance for each month of the leave of absence.

E. Maternity Leave. Female employees shall be granted maternity leave in accordance with their sick leave benefits. Paid leave will be eligible under Section 10-B paragraph 1. If additional time is requested, leave of absence without pay or fringe benefits may be granted as prescribed in paragraphs 12-C and 12-D.

F. Paternity Leave. Male employees shall be granted paternity leave in accordance with their sick leave benefits. Paid leave will be eligible under Section 10-B paragraph 2.

Section 13. MANAGEMENT RIGHTS

In matters not covered specifically by language within this ordinance, the City of Kirkland Management shall have the clear right to make decisions in such areas, on a unilateral basis, and such decisions shall not be subject to the grievance procedure.

Section 14. GIFTS AND FAVORS

It is the policy of the City that no employee may give or accept gifts or favors of value in his business relationships with firms or persons with whom the City does business, except that the following shall be permitted:

A. Certain business courtesies, such as payment for a modest lunch or dinner in connection with a business meeting.

B. Advertising novelties of no appreciable value which are widely distributed to others under essentially the same business relationship with the donor.

Nothing in this section shall be construed to permit, condone or allow any activity or practice prohibited by RCW 42.20 or RCW 42.23 relating to conflicts of interest, improper practices and codes of ethics for public officials and employees.

Section 15. SEVERABILITY.

If any section of this ordinance shall be held invalid for any reason, the remainder of the ordinance shall be held valid and will remain in full force and effect.

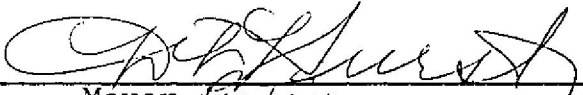
Section 16. REPEAL.

Chapter 3.80 of the Kirkland Municipal Code, together with Ordinance No. 2135 as amended by ordinance No. 2322, together with any other ordinance or part thereof inconsistent with the provisions of this Ordinance are each hereby repealed.

Section 17. This ordinance shall be in force and take effect five days from and after its passage by the Council and publication as required by law.


PASSED by the City Council of the City of Kirkland in regular meeting on the 17th day of September, 1979.

signed in authentication thereof on the 17th day of September, 1979.



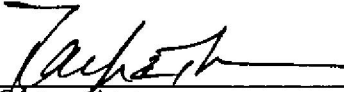
Mayor *DeLeon*

Attest:



Director of Administration and Finance
(ex officio City Clerk)

Approved as to form:



City Attorney