

ORDINANCE 539

CITY OF LACEY

AN ORDINANCE REVISING THE CITY'S PERSONNEL POLICY AND AMENDING SECTIONS 2.56.010, 2.56.020, 2.56.040, 2.56.050, 2.56.060, 2.56.070, 2.56.080, 2.56.090, 2.56.120, 2.56.140, 2.56.150; REPEALING SECTIONS 2.56.100, 2.56.110, 2.56.200, 2.56.205, 2.56.220; AND ADDING A NEW SECTION, 2.56.100, TO THE LACEY MUNICIPAL CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, as follows:

Section 1. Section 2.56.010 of the Lacey Municipal Code is hereby amended to read as follows:

"Definitions. ~~{a}~~ A. 'Administrative leave' is leave granted by the appointing authority not chargeable as annual leave, sick leave or leave without pay.

"~~{b}~~ B. 'Appointing authority' is the city manager.

"~~{c}~~ C. 'Department head' is any employee serving as the head of a department of the city ~~designated-or-titled-as director,-supervisor,-superintendent,-foreman-or-chief~~ and includes, without being limited thereto, the administrative services director, chief of police, ~~municipal-judge,-building-official,-clerk/treasurer,~~ public works director and parks and recreation director.

"~~{d}~~ D. 'Division head' is any employee serving as the head of a division of the city and includes, without being limited thereto, the building inspector and the utilities engineer.

"E. 'Employee' means all nonelective officers and employees of the city, except the city manager."

Section 2. Section 2.56.020 of the Lacey Municipal Code is hereby amended to read as follows:

"The compensation plan shall include:

"(1) A. A schedule of classifications and steps for all employees of the city salary-grades-consisting-of-minimum-and maximum-rates-of-pay-and-intermediate-steps-for-all-classes-(see Section-2.56.200);

"(2) B. The annual budgets and supplemental budgets which shall establish the minimum and maximum rates of pay and intermediate steps."

Section 3. Section 2.56.040 of the Lacey Municipal Code is hereby amended to read as follows:

"The following shall be the general policy with respect to the use of the pay steps within salary grades:

"(1) A. The minimum rate of pay for a class as described in the job classification section of the city organization manual shall be paid any person in his original appointment to a position, except when, as determined by the appointing authority ~~and confirmed by the council~~, the new employee possesses exceptional qualifications warranting a higher rate of pay or new employees cannot be obtained for the minimum rate.

"(2) B. Within salary grades increases shall be granted from pay step one to the next higher pay step upon completion of the first six months of employment for the city, and every year thereafter to the ~~first~~ last step.

"C. The new pay rate will be effective the beginning of the pay period following the completion of the time and grade."

~~"(3) -- Periodic increase dates will be set on the closest first of the month when an employee commences his employment or is promoted to a new salary grade. -- Any period beginning before the sixteenth of the month will count as a full month, and any period beginning after the fifteenth will be counted as no month at all.~~

Section 4. Section 2.56.050 of the Lacey Municipal Code is hereby amended to read as follows:

"When an employee is transferred, promoted, demoted or reinstated, his rate of pay for the new position shall be determined as follows:

~~"(1)~~ A. Transfer. An employee transferred to another position of the same grade shall continue to receive the same rate of pay until promoted or demoted, or adjusted in accordance with Sections 2.56.030 and 2.56.040.

~~"(2)~~ B. Promotion. An employee promoted to a higher grade shall receive a salary increase as follows:

~~"(A)~~ 1. If his rate of pay in the lower grade is below the minimum salary of the higher grade, his pay shall be increased to the minimum step of the higher ~~class~~ grade which will constitute at least a 5 percent pay increase;

~~"(B)~~ 2. If his rate of pay in the lower grade is within the range of the higher grade, he shall be advanced to the step in the higher grade which constitutes a ~~one~~ two step increase in pay;

"(E) 3. The date of promotion to the new grade shall be the anniversary date for annual step increases.

"(3) C. Demotion. An employee demoted from a position in one class to a position in a lower grade shall be reduced to the same pay step in the lower grade, commensurate with longevity.

"(4) D. Reinstatement. The compensation for an employee reinstated by the appointing authority to his former position shall be as follows:

"(A) 1. An employee who has resigned from his position with the city service ~~shall~~ may be reinstated ~~in accordance with Section 2.56.030~~ to the pay grade held on resignation;

"(B) 2. An employee reemployed to his former position after layoff shall be paid at the new pay step in the grade for his class that he was receiving at the time of layoff, and shall retain time in grade."

Section 5. Section 2.56.060 of the Lacey Municipal Code is hereby amended to read as follows:

"The appointing authority may suspend an employee for cause without pay for a period not to exceed thirty days within any twelve-month period. Such action and the reasons therefore shall be reported in writing to the ~~clerk/treasurer, the city council~~ administrative services director and the affected employee and made a part of the employee's personnel file. Any civil service

employee shall be subject to the rules and privileges of the civil service rules of the city."

Section 6. Section 2.56.070 of the Lacey Municipal Code is hereby amended to read as follows:

"All new employees of the city shall be on a probationary status for ~~twelve~~ six months."

Section 7. Section 2.56.080 of the Lacey Municipal Code is hereby amended to read as follows:

~~"The appointing authority shall have the authority to terminate any permanent employee."~~

"The following are declared to be cause for discharge from city service, although charges may be based on causes other than those enumerated:

"~~{1}~~ A. Incompetency, incapacity or inefficiency in performance of duties;

"~~{2}~~ B. Violation of law, of official rules or regulations or orders or failure to obey any lawful or reasonable direction when such failure or violation amounts to insubordination or serious breach of discipline;

"~~{3}~~ C. Acceptance for personal use of a fee, gift or other valuable thing in the course of work when given in the hope or expectation of receiving a favor or better treatment than that accorded the public generally;

~~"{4}--Failure to pay just debts if scandal is caused the city because of such failure;~~

"{5} D. Conviction of a felony or of any crime involving moral turpitude;

"{6} E. Willful or repeated negligence in performing duties and conduct unbecoming an officer or employee of the city;

"{7} F. Conduct subversive of public order and discipline and sustained conduct detrimental to the efficiency or morale of the service;

"{8} G. Misuse of public funds or property;

"{9} H. Falsifying reports or records;

"{10} I. Drinking intoxicating liquor while on duty or intoxication which impairs performance of normal duties;

"{11} J. The use of illegal drugs while on duty or which impairs performance of normal duties.

Section 8. Section 2.56.090 of the Lacey Municipal Code is hereby amended to read as follows:

"The normal work week, with the exception of the police department, shall be five consecutive days of not less than eight hours per day, exclusive of lunch period. ~~Provided, however, that in order to provide the fullest possible extent of service to the public, the mayor is authorized to extend the working hours of certain offices beyond the normal work week by the addition of working hours on any day, Monday through Saturday, and to provide necessary staff for operation thereof. -- Compensatory time off equal to the overtime hours worked shall be granted for all time over eight hours per day or forty hours per week.~~"

Section 9. There is hereby added to the Lacey Municipal Code a new section, 2.56.100, to replace that section repealed herein and to read as follows:

"Overtime, Stand-by Time and Shift Changes. All employees not covered under collective bargaining agreements shall be compensated as follows:

"A. Overtime. Overtime shall be defined as work performed in excess of the regular work day as herein designated and approved by the employee's supervisor in charge. All overtime shall be compensated at the rate of time and one-half the regular rate of pay. Compensation for overtime shall take the form of cash or compensatory time, at the employee's option, except that compensatory time-off accumulated in excess of forty (40) hours per employee shall be completely utilized within thirty (30) days of accumulation. If not utilized, compensation shall take the form of cash payment. Compensatory time shall be scheduled in advance by the immediate supervisor based upon the convenience of the operations of the employer within the limitations as stated above.

"B. Overtime Provisions for Call Back Time. Employees called back to work shall receive a minimum of two (2) hours pay at the overtime rate for the work for which they are called back. This provision shall not apply to hours worked which are annexed consecutively to the end of the working day or within one hour of the beginning of the regularly scheduled working day; provided, however, there shall be a minimum of one (1) hour overtime paid for any work performed within one hour of the beginning of the working day.

"C. Shift Change. A change in shift will require a minimum of forty-eight (48) hours written notice delivered to the applicable employees unless otherwise by mutual agreement between the parties.

"D. Stand-By. Employees shall be compensated for stand-by assignment during non-working hours at the rate of \$15.00 for each separate 24 hours or portion thereof assigned; provided, however, that the rate for stand-by assignment from the end of the workday on Friday until the start of the workday on Monday shall be a total of \$30.00."

Section 10. Section 2.56.120 of the Lacey Municipal Code is hereby amended to read as follows:

"~~(a)~~ A. Leave without pay may be granted by the department head for a period of one to ~~five~~ fifteen normal working days, and by the appointing authority for a extended periods ~~up to thirty-normal-working-days~~. In all such instances, a written report shall be filed with the ~~city-clerk~~ administrative services director, and a copy placed in the employee's personnel record.

"~~(b)~~ B. An employee returning to his position after an authorized leave of absence without pay shall be reinstated in his former salary step, within the salary grade and shall retain time in grade.

"C. City contributions for medical, dental and life insurance and all other benefits will be discontinued when the leave without pay is extended beyond 30 calendar days; provided, however, that if the terms of any insurance policy so provide, the employee may continue coverage solely at the employee's cost after said 30 days."

Section 11. Section 2.56.140 of the Lacey Municipal Code is hereby amended to read as follows:

"An employee summoned for jury duty or subpoenaed as a witness about events arising out of his employment shall be granted administrative leave for such service and shall be paid by the city his regular wage ~~less such remuneration he shall receive as compensation for jury service.~~ All monies received for jury duty or witness fees shall be surrendered to the city."

Section 12. Section 2.56.150 of the Lacey Municipal Code is hereby amended to read as follows:

"Sick leave and compassionate leave. ~~(a)~~ A. Upon application from an employee, he may be granted sick leave with pay equal to his cumulated sick leave credits. The ~~clerk/treasurer~~ supervisor may from time to time require a certificate from the attending physician when such sickness exceeds three consecutive working days.

~~"(b)~~ B. Sick leave shall be accumulated at the rate of ~~one-day~~ four hours earned per ~~month~~ semi-monthly pay period of employment and shall be charged ~~in one-half-day-increments~~ as used. When an employee has exhausted the cumulative sick leave, sick leave without pay may be granted by the appointing authority or department head for the entire period of sickness or disability unless the employee requests use of cumulative annual leave or compensatory time-off credits.

"~~(e)~~ C. In the event of failure of the employee to submit a certificate from the attending physician after being requested to do so or such certificate does not clearly show sufficient disability to preclude the employee from performance of his duties, the appointing authority may cancel such sick leave whether with or without pay and require the employee to report to work.

"~~(d)~~ D. An employee receiving sick leave with pay and simultaneously receiving compensation under the Workmen's Compensation Law, or other insurance plan paid for by the city, shall receive for the duration of such compensation only that portion of his regular salary which, together with such compensation, will equal his regular salary, and sick leave shall be charged at the same rate as the portion of his salary paid by the city is to his regular salary. Until eligibility for Workmen's Compensation is determined by the Department of Labor and Industries, the city may pay full sick leave, provided that the employee shall return any subsequent overpayment to the city.

"~~(e)~~ E. An employee may take up to five consecutive work days compassionate leave ~~chargeable-to-sick-leave~~ to attend the funeral services of a close relative, defined as one who by blood, marriage or adoption: ~~(1)~~ 1. is a member of the employee's household under the same roof, or ~~(2)~~ 2. is a parent, parent-in-law, spouse, child, brother, ~~or sister,~~ grandparent or grandchild of the employee regardless of residence. ~~The-length-of-leave-will-be determined-by-the-department-head.~~ The employee with the approval

of the department head may take up to one-half day of sick leave to attend funeral services of a close friend or relative not covered in the above definitions. The employee may opt to take up to three days emergency leave as set forth in paragraph ~~(f)~~ F of this section for the same purpose.

~~"(f)~~ F. With the permission of the department head, an employee may use up to three days of sick leave a year for such crises as serious illness in the family or other emergencies which require the person's presence. Based upon extenuating circumstances, the appointing authority or the employee's department head may allow sick leave in excess of three days for such purposes.

~~"(g)~~ G. The city will comply with state laws and regulations governing maternity leave and working by pregnant women. Pregnancy will be treated as any other medical disability. Permanent female employees may use accumulated sick leave for all disabilities connected with pregnancy, including childbirth. Employees may use unpaid leave of absence for extended maternity leave, not to exceed six months, with the permission of the department head and city manager. No employee shall work after the fifth month of pregnancy without a certificate of approval from the attending physician. A permanent male employee may take up to five days sick leave during the pregnancy of his wife, including childbirth."

Section 13. Sections 2.56.100, 2.56.110, 2.56.200, 2.56.205 and 2.56.220 of the Lacey Municipal Code are hereby repealed.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY,
WASHINGTON, this 23 day of August, 1979.

CITY COUNCIL

By

Karen R. Franer
Mayor

Attest:

Samuel W. Smith
for the City Clerk

Approved as to Form:

[Signature]
City Attorney

Passed: 8-23-79

Published: 8-29-79