

DIVISION III. PERSONNEL POLICY

Chapter 2.48

GENERAL PROVISIONS

Sections:

- 2.48.010 Purpose.
- 2.48.020 Statement of intent.
- 2.48.030 Definitions.
- 2.48.050 Defense and Indemnification of Claims.

2.48.010 **Purpose.** The objective of these rules is to facilitate efficient service to the public and to provide a personnel management system within the city government that deals with all employees of the various departments in an equitable and uniform manner. (Ord. 390 SI (part), 1981.)

2.48.020 **Statement of intent.** The intent of these rules is to recognize that the city hall try to employ the most suitably qualified persons available, that tenure of every employee shall depend upon the need for the work performed, availability of funds, effective performance, good conduct, and continuing fitness for his or her position; that each employee shall be prepared and expected to perform at his or her optimum level; that the concept of equal opportunity employment is a necessary element and that no appointment to, promotion to, removal from or discipline in any position in the city shall be negatively influenced by race, religion, sex, national origin, age, marital status, disability or religious opinion or affiliation. (Ord. 390 SI (part), 1981.)

2.48.030 **Definitions.**

- A. "Applicant" means a person who has made formal application for a position.
- B. "Appointing authority" means the individual or group of individuals responsible for appointment, discipline, and termination of an employee or employees.
- C. "Appointment" means the assignment of a qualified person to a position by the appointing authority.
- D. "Cause" means any action or inaction which is appropriate justification for disciplinary action.

- E. "Compensatory time off" means time off from work to compensate the employee for overtime worked. Any overtime worked shall be compensated for by time off as agreed to by the employee and the department head.
- F. "Continuous service" means employment without interruption except for brief leaves of authorized absence.
- G. "Disciplinary action" means imposition of certain personnel actions: reprimand, warning, suspension, dismissal, demotion, as a result of conduct detrimental to the city.
- H. "Immediate family" means the husband, wife, son, daughter, father, mother, brother, sister, father-in-law, mother-in-law or other relative living in the employee's household.
- I. "Layoff" means the involuntary termination of an employee for reasons due to insufficient work load and/or funds.
- J. "Part-time non-regular position" means a position in which the employee regularly works less than twenty hours per week, or a position filled on a seasonal basis.
- K. "Part-time regular position" means a position in which the employee regularly works less than forty hours per week, but not less than twenty hours per week.
- L. "Permanent employee" means an employee who has successfully completed a probationary period in a permanent position established by the legislative body of the city.
- M. "Probation" means a six-month working test period during which an employee is required to demonstrate his or her ability and capacity to perform the duties of the position to which he or she has been appointed.
- N. "Promotion" means the movement of an employee from a position in one class to another class imposing increased duties and responsibilities requiring greater pay and qualifications, and providing a higher maximum rate of pay.
- O. "Recognized employee organizations" means any organization or union which includes employees of the city and which has as one of its primary purposes representing such employees in their employment relations with the city and has become recognized by the city under the procedures as outlined in the State Collective Bargaining Law, Ch. 41.56 RCW.
- P. "Reinstatement" means the return of any employee to his or her former position in the service of the city, within one year after layoff, or at any time

after successful appeal of a suspension, reduction-in-rank or termination.

- Q. "Resignation" means the voluntary action by an employee terminating his employment.
- R. "Seniority" means priority of an employee based on the length of the employee's continuous service to the city since the employee's last date of hire.
- S. "Suspension" means a temporary removal from duty with or without pay of an employee for disciplinary purposes or for the purpose of an investigation of accusations brought against the employee.
- T. "Temporary assignment" means an appointment for a limited period of time.
- U. "Termination" means the involuntary cessation of employment with the city for just cause. (Ord. 390 SI (part), 1981.)

2.48.050 **Defense and Indemnification of City Officers, Employees and Volunteers.**

- A. Whenever an action or proceeding for damages is brought against a past or present City officer, employee or volunteer arising from acts or omissions while performing or in good faith purporting to perform his or her official duties, such officer, employee or volunteer may request the City to authorize the defense of the action or proceeding at the expense of the City.
- B. The determination of whether the officer, employee or volunteer was performing, or in good faith purporting to perform his or her official duties, shall be determined in the following manner:
 - 1. An investigation shall be made by the City Attorney and a recommendation shall be made to the City Council as to whether the acts of omissions which give rise to the claim occurred while performing or in good faith purporting to perform his or her official duties.
 - 2. The City officer, employee or volunteer may present a written response to the City Attorney's recommendation or to the City Council.
 - 3. The City Council, based upon the recommendation of the City Attorney and the response of the officer, employee or volunteer, shall make a finding whether the acts or omissions which give rise to the claim were or in good faith purported to be within the scope of his or her official duties. The determination by the City Council shall be final subject to a writ of review before the Superior Court of the State of Washington for Benton County.

- C. If the City Council finds the acts or omissions of the officer, employee or volunteer were, or in good faith purported to be, within the scope of his or her official duties, the request for defense and indemnification shall be granted. If the request is granted, the necessary expense of defending the action or proceeding shall be paid by the City. Any monetary judgment against the officer, employee or volunteer shall be paid on approval of the City Council.
- D. Except as may be required by a policy of insurance or other indemnification agreement, the City Attorney, or its attorney designated by the City Attorney, shall investigate and defend such claim or litigation. The officer, employee or volunteer shall provide full cooperation in the defense of such actions including attending interviews, depositions, hearings and trials and shall assist in securing and giving evidence in obtaining the attendance of other necessary witnesses to the case.
- E. The necessary expenses of defending the Mayor or a member of the City Council in a judicial hearing to determine the sufficiency of a recall charge, shall be paid by the City if the elected officer requests such defense and approval is granted both by the City Council and the City Attorney. The expenses paid by the City may include the costs associated with an appeal of the decision rendered by the Superior Court concerning the sufficiency of the recall charge.
- F. When an officer, employee or volunteer of the City has been represented at the expense of the City under Section A above, and the Court hearing the action has found that the officer, employee or volunteer was acting within the scope of his or her official duties, and a judgment entered against the officer, employee or volunteer under Chapter 4.96 RCW or 42 U.S. C. § 1981 et. seq. thereafter, the judgment creditor shall seek satisfaction of nonpunitive damages only from the City and judgment for nonpunitive damages shall not become a lien upon the property of such officer, employee or volunteer. The City Council may, by a majority approval, agree to pay an award for punitive damages assessed against the officer, employee or volunteer. (Ord. 806, April 2006.)