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6.01 Applicability

6.01.01 Eligibility

Benefits as defined in this section are applicable only to regular-status employees of the City of Tumwater, unless otherwise stated in the letter of appointment or employment contract, or otherwise authorized.

For purposes of recruiting a new employee, the Mayor may authorize modifications or expansions of the benefits described within these policies.

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6.01.02 Prorating

Part-time, regular status employees shall receive benefits as defined in this section on a pro rata basis.

6.01.03 Temporary Employees

Temporary employees not represented by a labor contract are eligible for sick leave as outlined in section 6.05.

6.02 Legal Holidays

6.02.01 All regular status employees are entitled to an eight (8) hour paid holiday on the following days, observed in accordance with the official state calendar:

HOLIDAYS	DATES
New Years Day	January 1st
Martin Luther King Birthday	Third Monday in January
Presidents Day	Third Monday in February
Memorial Day	Last Monday in May
Juneteenth	June 19th
Independence Day	July 4th
Labor Day	First Monday in September
Veterans Day	November 11th
Thanksgiving Day and The day after Thanksgiving	Fourth Thursday in November & the day after
Christmas Day	December 25th

6.02.02 For employees on a Monday through Friday work schedule, holidays will be observed in the following manner:

- a) When a holiday falls on a Sunday, the following Monday will be considered the holiday.
- b) When a holiday falls on a Saturday, the preceding Friday will be considered the holiday.

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- 6.02.03 Any employee on vacation or sick leave during a holiday will not be charged vacation or sick leave for that day.
- 6.02.04 An employee who would otherwise be entitled to a holiday but is on leave without pay or on unpaid family and medical leave will receive compensation for the holiday, provided the employee has satisfied the qualifying payroll period provision outlined in 5.03.03.
- 6.02.05 An employee on the payroll for less than a full month is eligible for a paid holiday provided the employee is in pay status a minimum of one working day immediately preceding or immediately following the holiday.

6.03 Floating Holiday

- 6.03.01 In addition to the above-listed holidays, one eight (8) hour "floating" holiday each calendar year, for all regular status employees who have completed at least six months of employment with the city, may be taken at the request of the employee and with the approval of the department manager.
- 6.03.02 All floating holiday hours must be taken during the calendar year or entitlement to the day will lapse, except when an employee has requested a floating holiday and the request has been denied due to workload or scheduling.

6.04 Vacation Leave

- 6.04.01 All regular status employees of the city accrue annual vacation with full pay according to the following schedule:

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Vacation Leave Schedule

TIME EMPLOYED BY THE CITY	VACATION TIME ACCRUED PER MONTH
1 - 12 months (1 st yr.)	8 hours per month
13 - 24 months (2 nd yr.)	8 hours 40 minutes per month
25 - 48 months (3 rd & 4 th yrs.)	9 hours 20 minutes per month
49 - 60 months (5 th yr.)	10 hours per month
61 - 84 months (6 th & 7 th yrs.)	10 hours 40 minutes per month
85 - 108 months(8 th & 9 th yrs.)	11 hours 20 minutes per month
109 - 120 months(10 th yr.)	12 hours per month
121- 144 months(11 th & 12 th yrs.)	12 hours 40 minutes per month
145- 168 months(13 th & 14 th yrs.)	13 hours and 20 minutes per month
169- 204 months(15 th , 16 th & 17 th yrs.)	14 hours per month
205- 228 months(18 th & 19 th yrs.)	14 hours and 40 minutes per month
229 months and after (20 th yr. and after)	15 hours and 20 minutes per month

6.04 Vacation Leave

6.04.02 The Mayor may authorize the City Administrator to credit employees with a lump sum of vacation accrual for purposes of recruitment or retention. The amount of the lump sum will be at the sole discretion of the Mayor.

6.04.03 Paid vacation may generally only be taken after the eligible employee has worked continuously for the city for at least six months. Under certain circumstances, a Department Manager may permit an employee with less than six months of service to use accrued vacation time. This decision is at the discretion of the Department Manager. Requests for vacation are to be submitted at least two weeks in advance unless waived by the Department Manager or as part of Family Care Leave as permitted in section 6.10.

6.04.04 All vacations must be approved by the appropriate department manager. Department manager vacations are approved by the

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City Administrator. City Administrator vacations are approved by the Mayor. Vacations used as part of Family Care Leave are subject to the provisions of section 6.10.

- 6.04.05 Vacation time may be accrued only to a maximum of 240 hours (30 days), except under unusual circumstances and with approval of the department manager and the City Administrator. Unapproved accrual beyond the 240 hours limit will be forfeited by the employee.

Non-represented employees may be credited with up to 120 excess vacation hours beyond the 240 maximum accrual limit. While not accrued for pay out upon separation from employment, these excess vacation hours will be held on account for use by the employee subject to the provisions of this section governing use of vacation leave.

- 6.04.06 Upon separation from city employment, any regular status employee with more than the equivalent of six months of service shall be paid for up to a maximum of 240 hours of accrued vacation. Compensation shall be based upon the employee's salary at the time of separation and shall be subject to applicable withholding under state and federal law.
- 6.04.07 Any holiday occurring during an approved vacation is not counted as a day of vacation taken.

6.05 Sick Leave

- 6.05.01 Each regular status employee of the city not represented by a bargaining agreement shall accrue sick leave at the rate of eight hours per month. Minimum sick leave will accrue at a rate of one (1) hour for every forty (40) hours of paid work, regardless of qualification for benefits outlined in section 5.03.03.

Each temporary status employee not represented by a bargaining agreement shall accrue sick leave at the rate of one (1) hour for every forty (40) hours of paid work. Temporary

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employees are eligible to use their sick leave after ninety (90) calendar days of employment.

Maximum carryover accrual for sick leave is 960 hours or 120 days on January 1 from the previous year.

- 6.05.02 The Mayor may authorize the City Administrator to employees with a lump sum of sick leave accrual for purposes of recruitment or retention. The amount of the lump sum will be at the sole discretion of the Mayor.
- 6.05.03 All regular status and temporary employees not represented by a bargaining agreement are eligible to use accrued sick leave for:
- a) an illness, injury or employee health condition; or
 - b) to accommodate the need for employee's medical diagnosis; or
 - c) preventative health care of the employee; or
 - d) needs pursuant to Family Care Leave as outlined in section 6.10.
 - e) employee's place of business has been closed by order of public official for any health-related reason, or where employee's child's school or day care is closed for such reason.
 - f) absences covered by the Domestic Violence Leave as outlined in section 6.11.
- 6.05.04 Employees unable to report to work because of illness are to notify their immediate supervisor within one hour (or a reasonable period) of the official start time, except in the case of a bona fide emergency.
- 6.05.05 The employee may be required to provide certification of illness or a written release to return to work from a qualified health care provider for absences extending beyond three days, within a

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reasonable time period.

- 6.05.06 Substitution of accrued vacation leave for sick leave may be allowed subject to Personnel Policy 6.04 above.

6.06 Sick Leave Payments

- 6.06.01 Sick Leave Payments Upon Retirement: Employees who separate from city service due to retirement or death shall be compensated for twenty-five percent (25%) of their total unused sick leave accumulation. Compensation shall be based upon the employee's salary at the time of separation and shall be subject to applicable withholding under state and federal law.

For the purposes of the preceding sentences, retirement shall not include vested "out-of-service" employees who leave funds on deposit with the department of retirement systems (DRS). Employees who are choosing to retire and wish to receive a sick leave payment, must provide a resignation letter and appropriate documentation of their decision to retire to the city's Administrative Services Department.

- 6.06.02 Sick Leave Payments Upon Voluntary Termination or Layoff: Non-represented employees shall be compensated for twenty five percent (25%) of their total unused sick leave accumulation at the time of separation, provided that the Employee has at least 192 hours of accrued sick leave. Employees shall be eligible for this benefit as a result of voluntary separation or involuntary layoff but shall not be eligible if terminated for cause. Compensation shall be based upon the employee's salary at the time of separation.

Upon rehire, each non-represented regular status or temporary employee that returns to service within twelve (12) months will receive reinstated balance of accrued sick leave that was not cashed out at 100%. Prior employment will be counted to determine eligibility for use of leave.

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- 6.06.03 Annual Sick Leave Payments: Non-represented employees shall be eligible to receive monetary compensation for accrued sick leave as follows: In November of each year, and at no other time, employees with at least 768 hours of accrued sick leave may elect to convert the sick leave hours earned in the previous 12 month period, minus those hours used during that period, to monetary compensation at the rate of twenty-five percent and shall be based on the employee's current salary. Payment of converted sick leave shall occur in the first paycheck issued in December.

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6.07 Sick Leave Sharing

- 6.07.01 Purpose. Employees who are 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 either be in a leave without pay status or to terminate employment with the city, may, subject to the provisions of this section or, for unionized employees, subject to union contracts addressing this issue, be permitted to request donations of sick leave from other employees. Sick leave sharing requests must be based on a medical or mental condition that is unrelated to an active worker's compensation claim. Requests for sick leave sharing will be considered in accordance with this policy or the applicable labor contract.
- 6.07.02 Requests for Sick Leave Donations: Employees who wish to receive donations of sick leave, must submit a request to the City Administrator. The request must include an explanation of the circumstances that make the donations necessary and must be supported by the opinion of a qualified medical professional.
- 6.07.03 Determination of Eligibility for Sick Leave Donations: The City Administrator may authorize sick leave donations if:
- a) The employee's request is consistent with the purpose of this section and the employee has depleted or is about to deplete his or her annual leave and sick leave accruals. The City Administrator may waive the requirement to deplete accrued annual leave for any employee who is a member of a retirement system which includes annual leave in the final calculation of the retirement benefit and whose illness would, in the judgment of the City Administrator, qualify for a retirement; and
 - b) The employee is currently eligible for sick leave and has no current record of sick leave abuse within the 24 month period prior to the request. For the purposes of this section, a record of sick leave abuse includes written or verbal counseling, coaching, or warnings related to sick leave use; and

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- c) The employee's request is based on a medical or mental condition that is unrelated to an active worker's compensation claim; and
- d) The requested sick leave exceeds 24 hours. Employees may be granted unpaid medical leave for requests up to 24 hours; and
- e) The requested sick leave exceeds 80 hours, the request must be a result of a catastrophic illness or injury:
 - 1) rendering the employee "incapable of self care". "Incapable of self care" will be defined as it is defined in the City's Family Care Leave policy 6.10, or
 - 2) rendering the employee unable to perform light duty work offered by the City.

Each injury or illness will be considered separately when multiple events occur to the same employee within the same calendar year.

6.07.04 Amount of Sick Leave to be Donated: The total amount of sick leave that can be donated to an employee will be determined by the City Administrator consistent with the criteria in Section 6.07.03. In no case will the amount of donated sick leave during an employee's career exceed 1040 hours for a full-time employee, pro-rated for a part-time employee.

6.07.05 Eligibility for Donations: Any employee with more than eighty hours of sick leave accrued may authorize a donation of sick leave to another employee who has been authorized by the City Administrator to receive sick leave donations. In no event will an employee be allowed to donate more than 25% of his or her accrued sick leave.

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6.07.06 Procedures:

- a) While an employee is on leave donated under this section, he or she shall continue to be classified as a city employee and shall receive the same treatment in terms of salary, wages, and employee benefits as the employee would normally receive if using accrued annual or sick leave.
- b) If any leave donated under this section is not used, it will be returned to the donating employee(s) provided that there is no reasonable expectation that the leave will be needed in the near future in connection with the illness or condition for the which the donation was permitted.

6.08 Medical Leave of Absence

- 6.08.01 Sick leave may be used by employees who are unable to perform their job duties due to illness or temporary disability. Medical leave may also be used for a period of actual disability caused or contributed to by pregnancy, miscarriage, abortion, childbirth or recovery therefrom.
- 6.08.02 In the event sick leave is not accrued by the employee, or there is not sufficient accumulated sick leave, use of vacation or leave without pay will be allowed for the actual period of illness or temporary disability.
- 6.08.03 A certificate from a qualified health care provider may be required to provide certification of illness or temporary disability, and may be required to provide written release to return to work.
- 6.08.04 An employee will be returned to the same position, or similar position of the same pay, if leave has been taken only for the actual period of illness or disability relating to pregnancy or childbirth. The total medical leave period granted under this

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policy may not exceed 180 calendar days in an employee's career.

6.09 Family and Medical Leave

6.09.01 Eligibility for Leave: Any city employee who has been employed for at least twelve (12) months by the city and has worked for at least 1250 hours during the previous twelve (12) months is eligible for leave under this section. . USERRA-covered military leaves of absence are counted as time worked for purposes of determining FMLA eligibility.

Eligible part-time employees shall receive family leave on a pro rata basis. If the number of working hours varies, the average hours over the course of the past 12 months prior to the family medical leave period shall be utilized as the basis for calculation of the employee's normal work week.

6.09.02 Qualifying Events:

New Child or Health Leave: An employee who is eligible for Family Medical Leave (FMLA), may receive up to twelve (12) weeks of unpaid leave in a twelve (12) month period to care for:

- (a) A newborn child, newly adopted child, newly placed foster child;
- (b) a spouse, domestic partner, child or parent with a serious health condition; or
- (c) a personal, serious health condition that leaves the employee unable to perform the essential functions of his/her job.

If both spouses or domestic partners are city employees, the city reserves the right to restrict family and medical leave to a total of up to twelve (12) work weeks of unpaid leave in a twelve (12) month period for the birth or adoption of a child or to care for a parent with a serious health condition. The city may opt to limit the use of the family and medical leave to one spouse or

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domestic partner at a time.

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Family and medical leave taken to care for a newborn or newly adopted child must be completed within twelve (12) months of the child's birth or placement for adoption.

Military Caregiver Leave: An employee who is eligible for FMLA, may receive up to twenty-six (26) weeks of unpaid leave in a 12-month period to care for recovering current military service personnel (including National Guard or Reserves) who is a spouse, domestic partner, parent, child or next of kin who develops and is undergoing medical treatment, recuperation or therapy for a serious injury or illness incurred in the line of duty while on active duty in the armed forces. This includes a recovering veteran discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran. (The period of October 28, 2009 – March 7, 2013 is excluded from the determination of this five year period.)

Call to Active Duty Leave: An employee who is eligible for FMLA, may receive up to twelve (12) weeks of unpaid leave in a 12-month period when a spouse, domestic partner, parent, or son or daughter on *covered active duty* in the Armed Forces has a qualifying exigency arising out of active duty or has been notified of an impending call or order to active duty in the armed forces in support of a contingency operation.

While an employee may also take 12-weeks of leave other than military care leave, the total amount that an employee may take of both military and other FMLA leave is 26 weeks in a 12-month period.

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6.09.03 Definitions. For purposes of the family medical leave policy in section 6.09, the following terms are defined:

- (a) "*Child*" - means a child either under 18 years of age or older who is incapable of self-care because of a mental or physical disability. An employee's "child" is one for whom the employee has actual day-to-day responsibility for care and includes a biological, adopted, foster or step-child.
- (b) "*Contingency Operation*" – means those circumstances and situations as designated so by the US Secretary of Defense.
- (c) "*Covered Active Duty*" – means duty during deployment to a foreign country if a member of a regular component of the Armed Forces; for members of a reserve component, it means duty during deployment to a foreign country under a call or order to active duty pursuant to specified provisions of federal law.
- (d) "*Medically Necessary*" – means there must be a medical need for the leave and that the leave can best be accomplished through an intermittent or reduced leave schedule.
- (e) "*Next of Kin*" – means nearest blood relative or as further defined by the U.S. Department of Labor.

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- (f) “*Qualifying Exigency*” – means those circumstances and situations as defined by the US Department of Labor as they relate to the return to active military duty including: short notice of deployment, military events and related activities, childcare and school activities, financial and legal arrangements, rest and recuperation (limited to fifteen calendar days), post-deployment activities and additional activities where the City and employee agree to the leave. Qualifying Exigency leave also includes leave to care for a military member’s parent who is incapable of self-care when the care is necessitated by the member’s covered active duty. Such care may include arranging for alternative care, providing care on an immediate need basis, admitting or transferring the parent to a care facility, or attending meetings with staff at a care facility.
- (g) “*Serious Health Condition*” - means an illness, injury, impairment, or physical or mental condition that involves either: an overnight stay in a medical care facility or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee’s job, or prevents the qualified family member from participating in school or other daily activities.

In determining whether a *serious health condition* exists, the term “*continuing treatment*” shall mean either:

- 1) A period of incapacity lasting more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition that also includes:
 - Treatment two or more times by, or under, the supervision of a health care provider (i.e. in-person visits, the first within 7 days and both within 30 days of the first day of incapacity); or

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- One treatment by a health care provider (i.e. an in-person visit within 7 days of the first day of incapacity) with a continuing regimen of treatment (e.g. prescription medication, physical therapy); or
- 2) Any period of incapacity related to pregnancy or for prenatal care. A visit to the health care provider is not necessary for each absence; or
 - 3) Any period of incapacity for treatment for a chronic serious health condition which continues over an extended period of time, requires periodic visits (at least twice a year) to a health care provider, and may involve occasional episodes of incapacity. A visit to a health care provider is not necessary for each absence; or
 - 4) A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective. Only supervision by a health care provider is required, rather than active treatment; or
 - 5) Any absences to receive multiple treatments for restorative surgery or for a condition that would likely result in a period of incapacity of more than three days if not treated.
- (h) “*Serious Injury or Illness for a Covered Veteran*” - means an injury or illness that was incurred or aggravated by the member in the line of duty on active duty in the Armed Forces and manifested itself before or after the member became a veteran, and is:

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1) A continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank or rating; or

2) A physical or mental condition for which the covered veteran has received a VA Service Related Disability Rating (VASRD) of 50 percent or greater and such VASRD rating is based, in whole or in part, on the condition precipitating the need for caregiver leave; or

3) A physical or mental condition that substantially impairs the veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service or would do so absent treatment; or

4) An injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

- (i) *“Serious Injury or Illness While Serving in the Armed Forces”* – means an injury or illness sustained in the line of duty or that existed before a service member's active duty began and were aggravated by service in the line of duty while on active duty in the armed forces that renders the member medically unfit to perform the duties of the member's office, grade, rank or rating and/or as further defined by the U.S. Department of Labor. For veterans, a serious illness or injury is a “qualifying injury or illness” (as defined by the DOL) that was incurred in the line of duty on active duty in the Armed Forces (or that existed before the beginning of active duty and was aggravated by

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service in the line of duty on active duty) and that manifested itself before or after the service member became a veteran.

- (j) *"Twelve Month Period"* - means a rolling 12-month period measured backward from the date taken and continuous with each additional leave day taken.

6.09.04 Procedures:

- (a) **Notice Requirement:** An employee must request the use of family and medical leave by submitting a written statement of the specific reasons for the leave at least thirty (30) days prior to the anticipated date of delivery, placement or adoption. If a scheduled medical treatment for the employee or a spouse, domestic partner, child or parent of the employee is the basis for the request, the employee must, if practicable, provide thirty (30) days written notice. It is the responsibility of the employee who has a planned medical treatment to make a reasonable effort to schedule treatment so as not to unduly disrupt city operations. The notice must be presented to the department head, who will review and forward the written statement to the Administrative Services Director.
- (b) **Confirmation Requirement:** The city may require an employee requesting family and medical leave to provide confirmation from a health care provider of the need for and probable duration of the leave requested. The confirmation must be provided in an approved city format available from the Administrative Services Director within fifteen (15) days of the date that confirmation is requested by the city. The city reserves the right to obtain, at its expense, an opinion from a second health care provider of the city's choosing. Should the

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recommendation of the city's health care provider differ from that of the employee's, the opinion of a third health care provider, chosen jointly by the employee and the city, will be obtained at the expense of the city, to review the request.

All documentation related to the employee's or family member's medical condition will be treated in confidentiality and maintained in the employee's medical records file within the Administrative Services Department.

Confirmation of the need for qualifying exigency leave for rest and recuperation leave can include a copy of the military member's rest and recuperation leave orders, or other documentation issued by the military setting forth the dates of the military member's leave.

6.09.05 Duration and Use of Family and Medical Leave:

- (a) Consecutive and Intermittent Use of Family and Medical Leave: An employee will normally be granted up to twelve (12) consecutive weeks of family and medical leave in a *twelve month period*. Intermittent use of up to twelve (12) weeks of family and medical leave may be allowed by the city when the employee has established, through the confirmation process in 6.08.03, that it is *medically necessary* to use the leave intermittently.

Intermittent use of up to twelve (12) weeks of family and medical leave in a Twelve Month Period may be allowed for care of a spouse, domestic partner, *child* or parent who has a *serious health condition*. The medical certification of the need for intermittent leave provided by the employee's health care provider must specify the expected duration of the intermittent leave. In granting the use of

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intermittent family and medical leave, the city may require an employee to temporarily transfer to an available alternative position with equivalent pay and benefits to better accommodate the employee's modified work hours.

- (b) Status Reports While Using Family and Medical Leave: The city may require an employee using family and medical leave to periodically report their status and intention to return to work. The city may also require an employee to obtain additional, written medical certification for the need to continue the leave.
- (c) Use of Paid Leave as Part of a Family and Medical Leave Period Required: Employees requesting the use of unpaid family and medical leave for a personal *serious health condition* shall normally be required to exhaust sick leave accruals and to utilize up to four work weeks of their accrued vacation leave as part of the leave period. Employees with less than four work weeks of accrued vacation leave shall normally be required to use their entire leave accrual.

Employees requesting the use of unpaid family and medical leave to care for a spouse, domestic partner, child or parent with a *serious health condition* must exhaust their vacation leave and may be required to exhaust their sick leave subject to section 6.10.

Accrued vacation and sick leave must be taken at the beginning of the family and medical leave period. Exceptions to the mandatory use of sick and annual leave as part of a family and medical leave period may be requested, in writing, to the Mayor when the family and medical leave is requested.

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An employee on both FMLA and time-loss from Worker's Compensation (L&I) may choose to use his/her available paid leave time or to take the FMLA time as unpaid time. The employee will designate his/her desire for leave time or unpaid time on his/her timesheet.

The city may, at its discretion, grant leave without pay pursuant to Personnel Policy 6.08 or 6.17 to extend the duration of a family and medical leave period beyond 12 weeks.

- 6.09.06 Employee Benefits During Periods of Family & Medical Leave: The city will continue the employer's share of the premiums for medical and dental coverage for up to twelve (12) weeks of approved family and medical leave. However, city payment of the employer's share of coverage is conditioned upon return to work. Except in certain circumstances, if the employee terminates employment before returning from family and medical leave, the city may recover all insurance payments made while the employee was on family and medical leave.

If an employee is normally required to pay for part of the health insurance premiums, mutually acceptable arrangements for payment of the employee's share of the premiums must be made to ensure continuation of coverage.

Sick and vacation leave shall not accrue during a period of unpaid family and medical leave, unless earned by meeting the requirements of 5.03.03. Paid holidays shall not be provided to employees on unpaid family and medical leave, unless earned by meeting the requirements of 6.02.04 or 6.02.05.

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6.09.07 Job Protection Provisions: If an employee returns to work within the agreed upon time period of family and medical leave, he/she will be reinstated to his/her former position or an equivalent position with equivalent pay, benefits, status and authority. The employee's restored status will be the same as it would have been had the employee not been on leave. Thus, if the employee's position would have been eliminated or the employee would have been terminated but for the leave, the employee would not have any new right to be reinstated upon return from leave.

If an employee fails to return to work following twelve weeks of family and medical leave, he/she will be reinstated to the same or a similar position only if a position is available. If the same or similar position is not available the employee may be terminated.

6.10 Family Care Leave

6.10.01 Definitions. For the purposes of the Family Care Leave policy in section 6.10, the following terms are defined:

- (a) "*Child*" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing *in loco parentis*, a child of an employee's registered domestic partner, or a de facto parent, regardless of age or dependency status.

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- (b) *"Domestic partner"* is defined by State law.
- (c) *"Emergency condition"* means a health condition that is a sudden, generally unexpected occurrence or set of circumstances related to one's health demanding immediate action, and is typically very short term in nature.
- (d) *"Family member"* means employee's child (whether biological, adoptive, foster, step-child, or child for whom employee stands in loco parentis, is a legal guardian for, or is a de facto parent) and regardless of age or dependency status; parent, whether biological, adoptive, de facto, step-parent, legal guardian or person who stood in loco parentis to employee when employee was a child; spouse or registered domestic partner; grandparent; grandchild; or sibling.
- (c) *"Grandparent"* means a parent of a parent of an employee.
- (d) *"Health condition that requires treatment or supervision"* includes:
 - (1) Any medical condition requiring treatment or medication that the child cannot self-administer;
 - (2) Any medical or mental health condition which would endanger the child's safety or recovery without the presence of a parent or guardian; or
 - (3) Any condition warranting treatment or preventive health care such as physical, dental, optical or immunization services, when a parent must be present to authorize and when sick leave may otherwise be used for the employee's preventive health care.
- (e) *"Incapable of self-care"* means that the individual requires active assistance or supervision to provide daily self-care in several of the "activities of daily living" (ADLs) or "instrumental activities of daily living" (IADLs). Activities of daily living include adaptive activities such as caring appropriately for one's grooming and hygiene, bathing,

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dressings and eating. Instrumental activities of daily living include cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, using a post office, etc.

- (f) "*Parent*" means a biological, adoptive, de facto, step-parent, legal guardian or person who stood *in loco parentis* to an employee when the employee was a child.
- (g) "*Parent-in-law*" means a parent of the spouse or registered domestic partner of an employee.

- (h) "*Physical or mental disability*" means a physical or mental impairment that limits one or more activities of daily living or instrumental activities of daily living.
- (i) "*Serious health condition*" means an illness, injury, impairment, or physical or mental condition that involves any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, and any period of incapacity or subsequent treatment or recovery in connection with such inpatient care; or that involves continuing treatment by or under the supervision of a health care provider or a provider of health care services and which includes any period of incapacity (i.e., inability to work, attend school or perform other regular daily activities).
- (j) "*Spouse*" means a husband or wife, as the case may be.
- (k) All other words have definitions as provided for in Section 2 of this policy manual or, in the absence of a definition, utilize the most common meaning of the word.

6.10.02 An employee may use any or all of the employee's choice of sick leave or other paid time off to care for:

- (a) A family member of the employee with an illness, injury or health condition as defined in 6.10.01.
- (b) A family member who needs medical diagnosis, care or treatment as defined in 6.10.01.
- (c) A family member who needs preventive medical care.

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- 6.10.03 An employee may not take leave until it has been earned.
- 6.10.04 Employees unable to report to work because of the need to take family care leave are to notify their immediate supervisor within one hour (or a reasonable period) of the official start time, except in the case of a bona fide emergency.
- 6.10.05 Use of leave other than sick leave or other paid time off to care for family members under the circumstances described in this section shall be governed by the terms of the appropriate collective bargaining agreement or employer policy, as applicable.

6.11 Domestic Violence Leave

Employees who are victims of domestic violence, sexual assault or stalking may take reasonable or intermittent leave from work to take care of legal or law enforcement needs or to get medical treatment, social services assistance or mental health counseling. Employees who are family members of a victim may also take reasonable leave to help the victim obtain treatment or seek help.

- 6.11.01 Definitions. For the purposes of this policy, the following terms are defined:
 - (a) “Dating relationship” has the same meaning as in RCW 26.50.010 or as hereafter amended.
 - (b) “Domestic violence” means: (a) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, between family or household members; (b) sexual assault of one family or household member by another; or (c) stalking of one family or household member by another family or household member.

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- (c) “Family member” includes the child, spouse, domestic partner, parent, parent-in-law, grandparent or person with whom the employee has a dating relationship.
- (d) “Sexual assault” has the same meaning as in RCW 70.125.030 or as hereafter amended.
- (e) “Stalking” has the same meaning as in RCW 9A.46.110 or as hereafter amended.

6.11.02 Applicability. Leave under this section is permitted to:

- (a) Seek legal or law enforcement assistance or remedies to ensure the health and safety of the employee or employee’s family members including, but not limited to, preparing for, or participating in, any civil or criminal legal proceeding related to or derived from domestic violence, sexual assault or stalking;
- (b) Seek treatment by a health care provider for physical or mental injuries caused by domestic violence, sexual assault, or stalking, or to attend to health care treatment for a victim who is the employee’s family member;
- (c) Obtain, or assist a family member in obtaining, services from a domestic violence shelter, rape crisis center, or other social services program for relief from domestic violence, sexual assault, or stalking;
- (d) Obtain, or assist a family member in obtaining, mental health counseling related to an incident of domestic violence, sexual assault, or stalking, in which the employee or the employee’s family member was a victim of domestic violence, sexual assault, or stalking; or

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- (e) Participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the employee or employee's family members from future domestic violence, sexual assault, or stalking.

6.11.03 Notice requirements. As a requirement of taking leave under this section, an employee shall give the City advance notice of the intention to take the leave. When advance notice cannot be given due to an emergency or unforeseen circumstances, the employee or his/her designee must give notice to the City no later than the end of the first day that the employee takes such leave.

6.11.04 Type of leave. An employee who is absent from work pursuant to this policy may elect to use his/her sick leave, other paid leave, compensatory time or unpaid leave time.

6.11.05 Verification. The City may require that the request for leave be supported by verification that the employee or employee's family member is a victim of domestic violence, sexual assault, or stalking and that the leave taken was for one of the purposes described in this section. The need for the leave is confidential and will only be released with the employee's consent, by court or administrative agency order, or as otherwise required by law.

6.11.06 Protection of position and benefits.

- (a) Upon the employee's return, the City shall either return the employee to the same position that was held prior to the leave commencing or return the employee to an equivalent position with equivalent benefits, pay and other terms and conditions of employment. However, these restoration rights do not exist if the employee was hired for a specific term or only to perform work on a project and the project is over.

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- (b) To the extent required by law, the City shall maintain coverage under any health insurance plan for an employee who takes leave under this policy. The coverage will be maintained for the duration of the leave at the level and under the conditions coverage would have been provided if the employee had not take the leave.

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6.12 Worker's Compensation

- 6.12.01 Absence for on-the-job injury covered by Worker's Compensation may be charged to any of the injured worker's paid leave banks or to unpaid leave at the discretion of the injured worker. The injured worker's choice of the type of leave will be noted on their timesheet. -
- 6.12.02 An employee using paid sick leave and simultaneously receiving compensation under the Worker's Compensation Law will receive for the duration of such sick leave only that portion of the employee's regular salary which, together with such compensation, equals the regular salary. Employees in this situation will have sick leave "buy back" calculated by the Finance Department and a future paycheck(s) will be reduced by the corresponding value of the Worker's Compensation payments in order to restore the corresponding value of sick leave that was used.
- 6.12.03 Members of the LEOFF 2 retirement system are entitled to an additional supplemental benefit as provided for under RCW 41.04.500 beginning on the sixth calendar day after the date of injury for a maximum period of six months. This supplemental benefit applies when a LEOFF 2 employee is using sick leave and results in less sick leave being deducted from the employee's accrual when the "buy back" is calculated.
- 6.12.04 An employee using any other form of paid leave other than sick leave and simultaneously receiving compensation under the Worker's Compensation law will keep both forms of payment and will have no salary or leave adjustments from the City, i.e. no "buy back".

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6.13 Bereavement Leave

6.13.01 In the event of death in the immediate family, or aunt, uncle, niece, nephew, father-in-law, mother-in-law, son-in-law or daughter-in-law, of an employee, up to 24 hours paid leave may be approved by the department manager, for a non-represented employee to attend to family matters and the funeral. An additional 16 hours of sick leave may be approved by the City Administrator for travel time.

6.13.02 Up to four (4) hours paid leave will be allowed to attend the funeral of a close friend or other relative.

6.14 Military Leave

An employee who works an average of 20 or more hours per week and who is a member of an organized unit of the United States military reserve or Washington National Guard shall be granted up to 21 days leave with pay during each year beginning October 1st and ending the following September 30th so that the employee may report for active duty, when called, or take part in active training duty in such manner and at such time as the employee may be ordered to active duty or active training duty. Any authorized leave in excess of 21 calendar days will be charged pursuant to other applicable federal and state laws or to leave without pay or annual leave at the option of the employee.

6.15 Military Family Leave

6.15.01 During a period of military conflict, an employee who works an average of 20 or more hours per week is entitled to leave under this section when a spouse or domestic partner who is a member of the armed forces of the United States, national guard, or reserves has been notified of an impending call or order to active duty or has been deployed.

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6.15 Military Family Leave

- (a) “Period of Military Conflict” means a period of war declared by the United States Congress, declared by executive order of the president, or in which a member of a reserve component of the armed forces is ordered to active duty pursuant to either sections 12301 and 12302 of Title 10 of the United States Code or Title 32 of the United States Code.

- 6.15.02 The employee shall be granted a total of 15 days of unpaid leave per deployment after the military spouse or domestic partner has been notified of an impending call or order to active duty and before deployment or when the military spouse or domestic partner is on leave from deployment.
- 6.15.03 An employee returning from military family leave shall be restored to a position of employment in the same manner as an employee returning after Family and Medical Leave pursuant to 6.09 of the city’s personnel policies. Benefits during this period of unpaid leave will be subject to the city’s qualification for benefits rule in 5.03.03 of the personnel policies. An employee may continue benefits in the same manner as an employee on Family and Medical Leave.
- 6.15.04 An employee who seeks to take leave under this chapter must provide the City with notice, within 5 business days of receiving official notice of an impending call or order to active duty or of a leave from deployment, of the employee’s intention to take leave under this chapter.
- 6.15.05 An employee who takes leave under this section may elect to substitute any of the accrued leave to which the employee may be entitled for any part of the leave under this section.

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6.16 Jury Duty

A regular status employee summoned for jury duty is granted leave for such duty with city payment of his normal city salary. The employee's department manager is to be informed immediately by the employee upon receipt of a summons for jury duty.

6.17 Leave Without Pay (Leave of Absence)

6.17.01 Leave without pay may be allowed when such leave will not operate to the detriment of the city.

6.17.02 Leave without pay may be authorized for any reasons applicable to:

- a) Leave with pay.
- b) Educational leave.
- c) Adoptive/Paternity Leave.
- d) Leaves granted for government service in the public interest upon specific request of any employee.
- e) Medical Leave or Family Medical Leave
- f) Military Leave

6.17.03 The Department Manager has the authority to approve or deny a request for leave without pay for up to one scheduled working day per pay period. Such requests must be infrequent and must meet the other criteria outlined in this policy.

6.17.04 Exempt employees are only eligible for leave without pay for periods of time equaling or exceeding 40 hours per week.

6.17.05 Upon written request of the employee and approval of the Department Manager, the City Administrator may grant a regular status employee a leave of absence without pay beyond what is permitted in sections 6.17.03 and 6.17.04 but not exceeding six months. Normally, leave without pay will not be granted until all accrued vacation time has been exhausted.

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6.17 Leave Without Pay (Leave of Absence)

6.17.06 Vacation and sick leave accrual is suspended during periods of leave without pay. The anniversary date of the employee will be adjusted by the length of leave granted. Any employee on approved leave of absence may continue medical and/or dental insurance coverage by paying the full cost to the city in advance for each month or portion thereof in which the employee is to be absent.

6.17.07 Upon expiration of a regularly approved leave without pay, the employee will be reinstated in the position held at the time the leave was granted or to a similar position, provided that return to employment is not in conflict with any rule relating to re-employment following layoff.

6.18 Voluntary Absence Without Pay

6.18.01 A Voluntary Absence Without Pay (VAWOP) is defined as a period of time during which an employee has voluntarily elected to take a leave of absence from the workplace in an unpaid status, even though the employee may have accrued time available to utilize.

a) VAWOP can take the form of a reduction in the number of hours worked over a period of time (i.e. 32 hours a week rather than 40) or a period of consecutive days of absence (i.e. the month of August).

6.18.02 Eligibility and Criteria: An employee can request a VAWOP at any time. Requests should be in writing and directed to the City Administrator. Written requests should include the employee's reasons for seeking the absence. In considering whether to grant the request for VAWOP, the City Administrator will consider: the employee's stated reasons for the request, the staffing needs of the City, the cost savings to the City and the department manager's recommendation.

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6.18 Voluntary Absence Without Pay

- 6.18.03 Conditions and Effects of VAWOP: A VAWOP must have defined start and end dates and may not exceed six (6) months. A VAWOP will not result in an official reduction in the employee's position's FTE status.
- a) Employees will be eligible for City benefits including insurance and paid leave accruals as long as they meet the qualifying payroll period provisions of personnel policy 5.03.03 and/or any specific provisions of their union contract.
 - b) The City's insurance provider has additional rules in order to qualify for insurance, one of which includes working at least 20 hours per week. The Administrative Services Department can provide additional information regarding eligibility to maintain health insurance. Employees who lose eligibility for insurance due to VAWOP will have COBRA rights to continue their insurance. Eligibility for insurance will resume once the VAWOP period expires pursuant to City policies and the insurance provider eligibility requirements.
 - 1) Insurance provided through a Union benefit plan may have different benefit eligibility rules. Please consult your Union plan for additional information.
 - c) A VAWOP that puts an employee in a situation that does not meet the qualifying payroll period provisions of personnel policy 5.03.03 is considered a break in service. Therefore, an employee's anniversary date will be adjusted by the length of the break.

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6.18 Voluntary Absence Without Pay

- d) A VAWOP that reduces the number of working hours in a week for a period lasting longer than 4 weeks, will result in a non-represented employee's benefits (cafeteria plan dollars and paid leave accruals) being pro-rated based upon the number of hours worked weekly (i.e., 30 hours a week rather than 40 would result in benefits at 75%).
- e) An employee's floating holiday accrual will be set based upon their scheduled number of hours as of January 1 each year. An employee increasing their hours after January 1 due to the conclusion of their VAWOP may request (if the floating holiday has not been used) that the holiday hours be increased to reflect their return to their regular schedule. A VAWOP taken after the floating holiday hours are set on January 1 will have no impact on the floating holiday hours.
- f) An employee taking VAWOP may earn less than a full monthly service credit under their retirement plan, subject to the rules as set by their retirement plan.
- g) The Washington State Employment Security Department will not consider VAWOP a qualifying event for purposes of filing for unemployment benefits.
- h) Before an employee is approved for VAWOP they will be required to sign an agreement that includes a statement that they understand the provisions of this policy.
- i) Employees who are exempt from overtime cannot reduce their hours to less than 40 in a workweek. Exempt employees may request VAWOP in full 40 hour work week increments.

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6.18 Voluntary Absence Without Pay

- j) If funding becomes available, Department Managers may conclude a VAWOP Absence earlier than the previously agreed-upon end date, as deemed operationally necessary.
- k) An employee in VAWOP status will still be subject to layoff or other actions deemed necessary to address a reduction in City financial resources.

6.19 Leave Due to Inclement Weather or other Significant Disruptions of the Transportation System

6.19.01 Absence due to an employee's inability to report for scheduled work because of severe inclement weather, conditions caused by severe inclement weather or other significant disruptions of the transportation system shall be charged to the following in the order listed:

- Accrued vacation leave, annual leave (floating holiday) or compensatory time;
- Accrued sick leave up to a maximum of 24 hours in any calendar year;
- Leave without pay.

Although the types of time off shall be used in the order listed in this policy, and each type of paid time off shall be exhausted before the next is used, employees shall be permitted to use leave without pay rather than paid time off at their request.

6.19.02 Tardiness due to an employee's inability to report for scheduled work because of severe inclement weather, conditions caused by severe inclement weather or significant disruptions of the transportation system will be allowed up to one and one-half hour at the beginning of the work day. Tardiness under this policy in excess of one and one-half hour shall be charged as provided above.

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6.20 Unpaid Holidays for Reasons of Faith or Conscience

Employees are entitled to two 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 religious organization.

6.20.01 The employee may select the days on which he or she desires to take the two unpaid holidays after consultation with his or her supervisor. If an employee prefers to take the two unpaid holidays on specific days, then the employee will be allowed to take the unpaid holidays on the days he or she has selected unless the absence would unduly disrupt operations, impose an undue hardship, or the employee is necessary to maintain public safety. The term “undue hardship” has the meaning contained in the rule established by the Office of Financial Management.

6.20.02 If possible, an employee should submit a written request for an unpaid holiday provided for by this section to the employee’s supervisor a minimum of two weeks prior to the requested day. Approval of the unpaid holiday shall not be deemed approved unless it has been authorized in writing by the employee’s supervisor. The employee’s supervisor shall evaluate requests by considering the desires of the employee, scheduled work, anticipated peak workloads, response to unexpected emergencies, the availability, if any, of a qualified substitute, and consideration of the meaning of “undue hardship” developed by rule of the Office of Financial Management.

6.20.03 The two unpaid holidays allowed by this section must be taken during the calendar year, if at all; they do not carry over from one year to the next.

6.21 Unauthorized Absence

6.21.01 Unauthorized absence is treated as leave without pay and may be grounds for disciplinary action. Upon return from unauthorized absence, the employee is required to provide a

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6.21 Unauthorized Absence

written statement to the department manager explaining the reason for the absence.

- 6.21.02 An unauthorized absence for a period of three days will be considered as a resignation from employment of the city.

6.22 Insurance Benefit Plans

- 6.22.01 The city will offer to regular-status employees, their eligible dependents, their registered domestic partners and children of registered domestic partners, working at least twenty (20) hours per week insurance plans for medical, hospital, vision and dental benefits, to be used at the option of the employee, subject to the carrier's underwriting rules. The city will contribute to the costs of such plans, as approved by the City Council as part of the annual budget. If insurance plan costs exceed the city benefit contribution, the remainder of costs incurred is the responsibility of the employee. All insurance premiums will be subject to applicable payroll taxes as required by the Internal Revenue Service.

- 6.22.02 Industrial Accident Insurance is provided for all employees, except full-time uniformed employees who are covered under the LEOFF Act as set forth in RCW 41.26.

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6.23 Retirement

6.23.01 City employees are covered under the Washington Public Employees Retirement System (PERS) in accordance with State law and all employees in a qualifying position, regardless of appointment status, will become members of the Retirement System. Payroll deduction for employee contributions is required, regardless of anticipated length of service. Employer contributions will be made in accordance with applicable State law.

6.23.02 Uniformed personnel shall be members of the Washington Law Enforcement Officers and Fire Fighters (LEOFF) Retirement System with employer contributions made in accordance with applicable State law.

6.24 Optional Benefit or Investment Plans

The city may offer to regular-status employees working at least twenty (20) hours per week optional benefit plans such as life insurance, income protection, deferred compensation or other retirement plans, etc. These benefits, when offered, are at the option of the employee. If costs exceed the city benefit contribution, the remainder of costs incurred are the responsibility of the employee.

6.25 Health Reimbursement Arrangement (HRA)

6.25.01 The City of Tumwater will contribute to an HRA VEBA Medical Reimbursement Plan on behalf of all regular status, non-represented (“eligible”) employees. Contributions on behalf of each eligible employee shall be an equal dollar amount for each employee (pro-rated for part-time employees). The dollar amount will be determined annually as part of the budget process.

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6.25 Health Reimbursement Arrangement (HRA)

6.25.02 Petition to Change the Program: By a written petition signed by 20% of the eligible employees, representing at least 3 different departments of the City, a revote can be called to change the components of the HRA VEBA plan. 20% of the eligible employees means 20% as of the day the petition is turned in to the Administrative Services Department.

- a) Components that are subject to change are limited to the contribution method (i.e. % allowing accrual cash outs).
- b) The petition must clearly state the action that would be proposed on the ballot that is being requested.
- c) The deadline for any petition is November 1. No petition will be accepted prior to October 1 of any year. A revote can happen no more frequently than annually and would occur between November 1 and December 15.
- d) In the event there are multiple petitions, there can be only one vote. Should multiple qualified petitions be submitted, the petition received first will be the one used for the revote.
- e) The Administrative Services Department is responsible for assisting in any petition by providing names of eligible employees, determining and verifying the necessary signatures to obtain 20%, and for administering any vote as required by a qualified petition.

6.25.03 Voting Procedures:

- a) Ballots are to be made available for no less than 10 calendar days.
- b) A supermajority (60% or greater) of the ballots returned is required to pass any ballot proposal.
- c) Any eligible employee on the payroll as of the first day the ballots are available is eligible to vote.
- d) Ballots will be counted at a pre-determined location and time allowing for interested observers.

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6.25 Health Reimbursement Arrangement (HRA)

- f) Any concerns regarding legitimacy of a ballot will be determined solely by the City Administrator.

6.25.04 Administrative Authority for Special Election: In the event that an element of the program is required to be changed due to a change or re-interpretation of applicable rules, the City Administrator reserves the right to call for a new election outside of the normal petition and voting procedure as outlined above. Such special elections shall only be used when there is any material change in the law affecting the program. The decision as to whether a change is a material change is at the sole discretion of the City Administrator. The procedure for the special election will be clearly identified on the special election ballot and can contain rules that require a simple majority (50% plus 1 vote), depending on what type of change is being required of the program.