

**CITY OF BINGEN, WASHINGTON**  
**ORDINANCE NO. 2024-02-751**  
**AN ORDINANCE AMENDING BINGEN MUNICIPAL CODE TITLE 2 ADMINISTRATION**  
**AND PERSONNEL**

**WHEREAS**, the Bingen City Council has reviewed Bingen Municipal Code Title 2 Administration and Personnel and finds that it is outdated,

**NOW, THEREFORE**, the City Council of the City of Bingen do ordain as follows:

**Section 1.** Title 2 of the Bingen Municipal Code (BMC) is incorporated here by reference and by such reference set forth at full length.

**Section 2.** Title 2 as currently written is repealed and hereafter shall read as follows:

**Title 2**

**ADMINISTRATION AND PERSONNEL**

**Chapters:**

- 2.04 Council Meetings
- 2.06 Appointment of City Officials & Department Heads
- 2.08 City Clerk-Treasurer
- 2.10 Salaries for Elected Officials
- 2.16 City Officer's Bonds
- 2.20 Committees
- 2.24 Volunteer Fire Department
- 2.28 Police Department
- 2.32 Elections
- 2.36 City Employees
- 2.40 Compliance with Americans with Disabilities Act
- 2.44 Whistleblower Policy
- 2.48 Drug-Free Workplace Policy

**Chapter 2.04**

**COUNCIL MEETINGS**

**Sections:**

- 2.04.010 Time.
- 2.04.020 Place.

**2.04.010 Time.**

The city council shall meet on the first and third Tuesdays of each month at the hour of six p.m. However, in the event either of said Tuesdays falls on a legal holiday, as designated in RCW 1.16.050, or a presidential general election day, such council meeting shall be held on the Monday preceding the Tuesday at the same hour, unless said Monday is the last day of a month, then such council meeting shall be held on the Wednesday following the Tuesday at the same hour. (Ord. 181, 1968; Ord. 483 §2, 2002; Ord. 552 §2 2008; Ord. 611 §2 2013; Ord 751 §2 2024).

**2.04.020 Place.**

The city council shall hold its regular meetings at the Bingen City Hall unless advance notice is given and posted. (Ord. 181, 1968; Ord. 483 §2, 2002).

**Chapter 2.06**

**APPOINTMENT OF CITY OFFICIALS & DEPARTMENT HEADS**

**Sections:**

- 2.06.010 Confirmation.
- 2.06.020 Removal.
- 2.06.030 Appointment or removal in writing.

**2.06.010 Confirmation.**

All appointments of city officials and department heads made by the mayor shall be confirmed by a majority vote of the city council as set forth in RCW 35A.12.090, except in those instances where qualifications for the office or position have been established by ordinance, and no such appointment shall take effect without such confirmation by the council. (Ord. 523 §1, 2006).

**2.06.020 Removal.**

City officials, department heads, and employees may be removed or discharged by the mayor. (Ord. 523 §1, 2006).

**2.06.030 Appointment or removal in writing.**

Each appointment or removal, in addition to the requirements above set forth, must be in writing, signed by the mayor and filed with the city clerk. (Ord. 523 §1, 2006).

**Chapter 2.08**

**CITY CLERK-TREASURER**

**Sections:**

- 2.08.010 Clerk's and treasurer's offices combined.
- 2.08.010 Clerk's and treasurer's offices combined.**

A. The office of the treasurer of the city is combined with the office of the clerk of the city, and the separate office of the treasurer is abolished as such.

B. The clerk, from and after the effective date of such combination, as set forth in the ordinance codified in this section, shall exercise all the powers vested in and perform all the duties required to be performed by the treasurer, and in all cases where the law requires the treasurer to sign or execute any papers or documents it shall not be necessary for the clerk to sign as treasurer, but shall be sufficient if they sign as clerk. (Ord. 101 §1, §2, 1952; Ord 751 §2 2024).

### **Chapter 2.10**

#### **SALARIES FOR ELECTED OFFICIALS**

**Sections:**

2.10.010 Salaries for elected officials.

**2.10.010 Salaries for elected officials.**

The salary for elected officials is as follows:

Mayor: \$1000per month

Council Member: \$200 per month.

(Ord. 715, 2021; Ord. 677 §1, 2017; Ord 739 §2 2023).

### **Chapter 2.16**

#### **CITY OFFICER'S BONDS**

**Sections:**

2.16.010 Required – Approval – Filing.

**2.16.010 Required – Approval – Filing.**

A. Prior to entering upon the duties of their office, the city clerk-treasurer shall furnish to the city a good and sufficient bond in the sum of one thousand dollars. Bonds conditioned for the faithful performance of their duties as such officer and of any and all other offices of which they are made by the laws of the state the ex officio incumbent, shall be good and sufficient surety bonds. (Ord 751 §2 2024).

B. All bonds shall be approved by the city council and when approved shall be filed with the city clerk, excepting the bond or bonds of the city clerk which shall be filed with the mayor. (Ord. 1 §1-2, 1924).

### **Chapter 2.20**

#### **COMMITTEES**

**Sections:**

2.20.010 Designated – Appointment.

**2.20.010 Designated – Appointment.**

A. The mayor is empowered with the authority to appoint members from the standing council of the following permanent committees which shall consist in number as selected by the mayor as follows:

1. Budget committee;
2. Water-Sewer committee;
3. Streets and Parks committee;
4. Fire board;

(Ord 751 §2 2024)

B. The members of the council appointed to the aforementioned committees by the mayor shall perform such duties in relation to such committees as required by the mayor, and shall act under the direction thereof. (Ord. 7, 1924; Ord. 257, 1979).

**Section 2.24**

**VOLUNTEER FIRE DEPARTMENT\***

**Sections:**

- 2.24.010 Department created.
- 2.24.020 Membership.
- 2.24.030 State statutes adopted.
- 2.24.040 Fire chief selection.
- 2.24.050 Police powers during fires.
- 2.24.060 Department organization.
- 2.24.070 Compensation.
- 2.24.080 Driving over hose prohibited – Penalty.
- 2.24.090 Pension Plan

\*Prior history: Ords. 98, 269, 271.

**2.24.010 Department created.**

There is created a volunteer fire department for the city to consist of not more than twenty-five active members but not less than fifteen members.(Ord. 276 (part), 1979; Ord 751 §2 2024).

**2.24.020 Membership.**

Members of the volunteer fire department shall consist of any firefighter who is a member of any fire department of any municipality. (Ord. 276 (part), 1979; Ord 751 §2 2024).

**2.24.030 State statutes adopted.**

RCW 41.24.010 et seq., as amended in its entirety, is adopted by reference and shall have full force and effect upon its passage and publication five days the date of publication of the ordinance codified in this chapter. (Ord. 276 (part), 1979).

**2.24.040 Fire chief selection.**

Membership in the volunteer fire department shall be determined by application and vote of the members, and shall be subject to such rules and regulations as the organization from time to time deems necessary and advisable, and shall be by volunteer enlistment only. The organization shall elect from the membership a fire chief, who shall have full police powers in all matters pertaining to fires within the city. (Ord. 69 §2, 1953).

**2.24.050 Police power during fires.**

All members of the volunteer fire department while attending a fire shall have all the powers of a police officer and are declared to be public officers of the city while proceeding to fires, in attendance at, and returning from fires. (Ord. 69 §3, 1953).

**2.24.060 Department organization.**

The volunteer fire department may from time to time adopt rules and regulations as it deems desirable and proper as to the operation and control of equipment and apparatus, and may elect other officers as are necessary for the proper operation of the department; and may adopt rules as to the succession of the office of fire chief. (Ord. 69 §4, 1953).

**2.24.070 Compensation.**

The mayor and city council shall by resolution determine the compensation the members of the department shall receive for their services at fires within the corporate limits of the city, and may determine in the same manner the compensation any other person or person may receive for services rendered in assisting in the transportation of apparatus to or from fires. (Ord. 69 §5, 1953).

**2.24.080 Driving over hose prohibited – Penalty.**

It is unlawful for any person to drive a vehicle over, into, or against a fire hose or any other firefighting apparatus of the city, or to obstruct, delay or hinder any work of the fire department or to refuse to comply with the orders of the fire chief. A violation of this chapter shall be punishable as set forth in Chapter 1.16 of this code. (Ord. 69 §6, 1953).

**2.24.090 Pension plan.**

The city permits and authorizes the members of the volunteer fire department to enroll in the pension plan provided for under RCW Chapter 41.24 et seq., and further, the participating firefighters are authorized to participate in the pension plan the city is authorized to expend sixty dollars per year for each firefighter participating in the plan or such further amount as may be provided by law, and that the city clerk is

authorized to make such expenditure in order to comply with the pension plan requirements set forth in this section. (Ord. 197, 1971; Ord 751 §2 2024).

## **Chapter 2.28**

### **POLICE DEPARTMENT**

#### **Sections:**

2.28.010 Interlocal agreement for police services.

**2.28.010 Interlocal agreement for police services.**

The city provides comprehensive law enforcement services to the community via interlocal agreement with the City of White Salmon and its police department, the Bingen/White Salmon Police Department. The interlocal agreements are negotiated for terms no less than one year and no more than five years in duration. The city council must review the interlocal agreements and authorize signature from the mayor.

(Ord. 751 §2, 2024)

## **Chapter 2.32**

### **ELECTIONS**

#### **Sections:**

2.32.010 Voter qualifications.

2.32.020 Precinct, polling place designated.

**2.32.010 Voter qualification.**

All elections in the city shall be held in accordance with the general laws of the state, so far as they may be applicable; and no person shall be entitled to vote at such election, unless he is a qualified elector of Klickitat County, and shall have resided in the city for at least thirty days preceding such election. (Ord. 263, 1980; Ord. 34 §1 (part), 1929; Ord 751 §2 2024).

**2.32.020 Precinct, polling place designated.**

The entire city is declared by the council to be one election precinct, and the city hall shall be the polling place for the precinct. (Ord. 34 §3, 1929).

## **Chapter 2.36**

### **CITY EMPLOYEES**

#### **Sections:**

2.36.010 Vacation – Sick leave – Legal holidays.

2.36.020 Retirement system – Adopted.

2.36.030 Retirement system – Number of members.

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- 2.36.040 Retirement system – Evidence of election.
- 2.36.050 Retirement system – Prior service credit.
- 2.36.060 Retirement system – Social security coverage.
- 2.36.070 Retirement system – Basis for contribution.

**2.36.010 Vacation – Sick leave – Legal holidays.**

A. Vacation. The following vacation regulations shall apply relating to the city’s regular employees:

1. All regular employees who have completed six (6) to sixty (60) months of employment will accrue 6.67 hours of vacation per month for an annual total of eighty (80) hours of paid vacation.
2. All regular employees who have completed sixty (60) to one hundred twenty (120) months of employment will accrue 10 hours of vacation per month for an annual total of one hundred twenty (120) hours of paid vacation.
3. All regular employees who have completed one hundred twenty (120) to two hundred sixteen (216) months of employment will accrue 13.33 hours of vacation per month for an annual total of one hundred sixty (160) hours of paid vacation.
4. All regular employees who have completed two hundred sixteen (216) months of employment and more will accrue 16.67 hours of vacation per month for an annual total of two hundred (200) hours of paid vacation.
5. A “week’s vacation” is defined as five working days or forty hours per week, whichever is greater.
6. Current annual accrued vacation shall be taken by the regular employees in the calendar year following the accrued vacation.
7. All vacations by regular employees shall be scheduled on or before but not later than August 1<sup>st</sup> of each calendar year in order to expedite a regular and uniform type scheduling program.

B. Sick Leave. Sick leave shall be granted to a regular employee on the basis of one day per month per year with accumulation being limited to nine hundred sixty (960) hours. Regular full-time and regular part-time employees are eligible for sick leave. Sick leave accruals for regular full-time employees and regular part-time employees shall be based on FTE. For example, a regular part-time employee who works 20 hours per week or 0.5 FTE will accrue 4 hours of sick leave per month. A regular full-time employee who works 32 hours per week or 0.8 FTE will accrue 6.4 hours of sick leave per month..

C. Legal Holidays. The following days have been designated by the city as legal holidays:

1. New Year’s Day;
2. Martin Luther King Jr. Day;

3. President's Day;
4. Memorial Day;
5. Juneteenth;
6. Fourth of July;
7. Labor Day;
8. Veterans Day;
9. Thanksgiving Day;
10. Day after Thanksgiving;
11. Christmas Day;
12. Two floating holidays

(Ord. 292, 1980; Ord. 129, 1957; Ord. 723 §2, 2022).

**2.36.020 Retirement system – Adopted.**

- A. The city elects to participate in the Washington State Department of Retirement Systems Public Employees Retirement System (PERS) Plan 2 for retirement for city employees as provided by RCW Chapter 41.44. All employees of the city shall be included in the system. No elected official shall be included (Ord. 751 §2, 2024).

**2.36.030 Retirement system – Number of members.**

The number of employees in PERS Plan 2 is approximately nine. (Ord. 144 §2, 1961; Ord. 751 §2 2024).

**2.36.060 Retirement system – Social security coverage.**

Social security tax is collected from every municipal employee during each payroll period throughout the year. The funds are submitted to the Social Security Administration within three (3) days of the payroll date. City Hall staff submits quarterly reporting on the Social security tax for the city (Ord 751 §2 2024).

**2.36.070 Retirement system – Basis for contribution.**

The basis for contribution shall be based off the gross pay of each employee. The overall amount to be contributed is a percentage dictated by the Washington State Department of Retirement Systems at a rate that changes every two (2) years. Municipal employees pay a portion of the percentage and the city pays a portion into the Public Employees Retirement Systems (PERS) 2 program. (Ord. 144 §6, 1961; Ord 751 §2 2024).

**Chapter 2.40**



## COMPLIANCE WITH AMERICANS WITH DISABILITIES ACT

### Sections:

- 2.40.010 Appointment of responsible individuals.
- 2.40.020 Accessibility of public buildings.
- 2.40.030 Employment guidelines.
- 2.40.040 Local government administration.

### **2.40.010 Appointment of responsible individuals.**

The following persons are directed to assure the city's compliance with the following general ADA categories and are designated as ADA coordinators in the respective listed areas:

- A. Employment guidelines: Bingen city mayor;
- B. Police 911/emergency systems for hearing and speech impaired persons: Bingen chief of police;
- C. Fire 911/emergency systems for hearing and speech impaired person: Bingen fire chief;
- D. Program eligibility: Bingen city mayor;
- E. Accessibility of public buildings: director of public works. (Ord. 414 §1, 1992).

### **2.40.020 Accessibility of public buildings.**

The director of public works shall complete a transition plan listing those structural changes necessary to comply with the Act, changes set forth in the Uniform Federal Accessibility Standards (UFAS) published in the Federal Register on August 7, 1984, codified in 49 CFR 31528 and set forth in the Architectural Barriers Act, 42 U.S.C. 4151-4157. The director shall complete a self-evaluation plan on or before January 26, 1993, as set forth in Title II A of the Act. The plan shall set forth a schedule of needed structural changes on or before January 26, 1995.

The director or public works shall immediately examine city property for compliance with architectural barriers regulations. Where necessary, the director shall determine the probable cost of compliance for each particular project. The director shall complete the self-evaluation checklist, attached to the ordinance codified in this chapter as Exhibit "A", and on file in the city clerk's office, to determine which architectural barriers can be removed, or in the language of the Act, is "readily achievable."

- A. Building access:
  - 1. Are ninety-six inches wide parking spaces designated with a sixty-inch access aisle;
  - 2. Are accessible parking spaces near the main building entrances;
  - 3. Is there a drop-off zone at building entrances;
  - 4. Is the gradient from parking to building entrance 1:20 or less;
  - 5. Is the clearance of the entrance doorway at least thirty-two inches wide;

6. Is door handle easy to grasp;
7. Is door easy to open, less than eight pounds pressure.

B. Building corridors:

1. Is path of travel free of obstruction and wide enough for wheelchair;
2. Is floor surface hard and not slippery;
3. Do obstacles (phones, etc.) protrude more than four feet from the wall.

C. Restrooms:

1. Are restrooms near building entrance and/or personal office;
2. Do doors have lever handles;
3. Are doors at least thirty-two inches wide;
4. Are grab bars provided in toilet stalls;
5. Are sinks at least thirty inches high with room for a wheelchair to roll under;
6. Are sink handles easily reached and used;
7. Are soap dispensers, towels, etc., no more than forty-eight inches from the floor;
8. Are exposed hot water pipes located under sinks wrapped in insulation to avoid injury to those individuals using a wheel chair.

D. City departments that serve the general public:

1. Are doors at least thirty-two inches wide;
2. Is the door easy to open;
3. Is the threshold no more than one-half inch high;
4. Is the path of travel between desk, tables, etc. wide enough for wheelchairs;
5. Is the counter too high to serve individuals in wheelchairs. (Ord. 414 §2, 1992).

**2.40.030 Employment guidelines.**

The mayor, either individually or with the assistance of an appointed committee, shall review the following items to determine compliance with the employment provisions of the ADA, Title I and II of the Act.

- A. Review employment policies including recruiting, hiring, upgrading, promotion, tenure, demotion, transfer, layoff, termination, right of return from layoff and rehiring, to assure nondiscriminatory treatment to applicants and employees with disabilities.
- B. Review city contracts to make sure the city does not participate in disability discrimination.
- C. Review employment practices to assure nondiscriminatory treatment to applicants and employees with disabled friends or family members.
- D. Set a process to determine when a “reasonable accommodation” causes an “undue hardship” on the city.
- E. Establish a “reasonable accommodation” policy.
- F. Establish procedure to document decisions not to hire or promote because of “undue hardship.”
- G. Can hiring procedures be carried out in wheelchair accessible locations using accessible formats as a reader, tactile information, Braille, audio cassette, sign language interpreters and assistance for people with manual impairments.
- H. Eliminate disability questions from application.
- I. If use medical examination, is it related to the job requirements.
- J. Modify personnel policies to include recovering alcoholics and drug abusers, not currently using alcohol or drugs.
- K. Posting of equal employment opportunity notices in accessible format (i.e. Braille, audio cassettes).
- L. Examine employee benefits for nondiscriminatory treatment of people with disabilities.
- M. Implement a policy on contagious diseases. (Ord. 414 §3, 1992).

**2.40.040 Local government administration.**

The mayor shall complete the local government ADA administration self-evaluation checklist attached to the ordinance codified in this chapter as Exhibit “B” and on file in the city clerk’s office. (Ord. 414 §4, 1992).

**Chapter 2.44**

**WHISTLEBLOWER POLICY**

**Sections:**

- 2.44.010 Policy statement.
- 2.44.020 Definitions
- 2.44.030 Procedures for reporting.
- 2.44.040 Protection against retaliatory actions.

2.44.050 Responsibilities.

**2.44.010 Policy statement.**

It is the policy of the city to encourage reporting by its employees of improper governmental action taken by city officers or employees and to protect city employees who have reported improper governmental actions in accordance with the city's policies and procedures(s). (Ord. 424 §1, 1994).

**2.44.020 Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

- A. "Emergency" means a circumstance that if not immediately changed may cause damage to persons or property.
- B. "Improper governmental action" means an action by a Bingen officer or employee:
  - 1. That is undertaken in the performance of the officer's or employee's official duties, whether or not the action is within the scope of the employee's employment; and
  - 2. That (a) is in violation of any federal, state, or local law or rule, (b) is an abuse of authority, (c) is of substantial and specific danger to the public health or safety or (d) is a gross waste of public funds.

"Improper governmental action" does not include personnel actions, including employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of collective bargaining or civil service laws, alleged violations of labor agreements or reprimands.

- C. "Retaliatory action" means any adverse change in the terms and conditions of a city employee's employment (Ord. 424 §2, 1994).

**2.44.030 Procedures for reporting.**

- A. Bingen employees who become aware of improper governmental actions should raise the issues first with their supervisor. If requested by the supervisor, the employee shall submit a written report to the supervisor, or to some persons designated by the supervisor, stating in detail the basis for the employee's belief that an improper governmental action has occurred. Where the employee reasonably believes the improper governmental action involves his or her supervisor, the employee may raise the issue directly with the Bingen mayor or such other person as may be designated by the mayor to receive reports of improper governmental action. Persons outside the city to whom it is appropriate to report information are the Washington State Auditor, the Washington State Attorney General and the Klickitat County prosecuting attorney.
- B. In the case of an emergency, where the employee believes that damage to persons or property may result if action is not taken immediately, the employee may report the improper governmental action directly to the appropriate government agency with responsibility for investigation the improper action.

- C. The supervisor, the Bingen mayor or the mayor's designee shall take prompt action to assist the city in properly investigating the report of improper governmental action. Bingen officers and employees involved in the investigation shall keep the identity of reporting employees confidential to the extent possible under law, unless the employee authorized the disclosure of his or her identity in writing. After an investigation has been completed, the employee reporting the improper governmental action shall be advised of a summary of the results of the investigation, except that personnel actions taken as a result of the investigation may be kept confidential.
- D. Bingen employees may report information about improper governmental action directly to the appropriate government agency with responsibility for investigating the improper action if the Bingen employee reasonably believes that an adequate investigation was not undertaken by the city to determine whether an improper governmental action occurred or that insufficient action has been taken by the city to address the improper governmental actions or that for other reasons the improper governmental action is likely to recur.
- E. Bingen employees who fail to make a good faith attempt to follow the city's procedures in reporting improper governmental actions shall not receive the protection provided by the city in these procedures. (Ord. 424 §3, 1994).

**2.44.040 Protection against retaliatory actions.**

- A. City officials are prohibited from taking retaliatory actions against a Bingen employee because he or she has in good faith reported an improper government action in accordance with these policies and procedures.
- B. Employees who believe that they have been retaliated against for reporting an improper governmental action should advise their supervisor, the Bingen mayor or the mayor's designee. City officials and supervisors shall take appropriate action to investigate and address complaints of retaliation.
- C. If the employee's supervisor, the Bingen mayor or the mayor's designee, as the case may be, does not satisfactorily resolve a city employee's complaint that he or she has been retaliated against in violation of this policy, the city employee may obtain protection under this policy and pursuant to state law by providing a written notice to the Bingen council that:
  - 1. Specifies the alleged retaliatory action; and
  - 2. Specifies the relief requested.
- D. City employees shall provide a copy of their written charge to the mayor no later than thirty days after the occurrence of the alleged retaliatory action. The city shall respond within thirty days to the charge of retaliatory action.
- E. After receiving either the response of the city or thirty days after the delivery of the charge to the city, the city employee may request a hearing before a state administrative law judge to establish a retaliatory action occurred and to obtain appropriate relief provided by law. An employee seeking a hearing should deliver the request for hearing to the mayor within the earlier of either fifteen days of delivery of the city's response to the charge of retaliatory action, or forty-five days of delivery of the charge of retaliation to the city for response.

- F. Upon receipt of request for hearing, the city shall apply within five working days to the State Office of Administrative Hearings for an adjudicative proceeding before an administrative law judge:

Office of Administrative Hearings  
PO Box 42488, 4224 Sixth S.E.  
Rowe Six, Building 1  
Lacey, Washington 98504-2488  
(206) 459-6353

- G. The city will consider any recommendation provided by the administrative law judge that the retaliator be suspended with or without pay, or dismissed. (Ord. 424 §4, 1994).

**2.44.050 Responsibilities.**

The mayor is responsible for implementing the city’s policies and procedures (1) for reporting improper governmental action and (2) for protecting employees against retaliatory actions. The city clerk is responsible for ensuring that this policy and these procedures (1) are permanently posted where all employees will have reasonable access to them, (2) are made available to any employee upon request, (3) are provided to all newly hired employees and (4) include a list of agencies responsible for enforcing federal, state and local laws and investigate allegations of improper governmental action. Officers, managers and supervisors are responsible for ensuring the procedures are fully implemented within their areas of responsibility. (Ord. 424 §5, 1994).

**Chapter 2.48**

**DRUG-FREE WORKPLACE POLICY**

**Sections:**

- 2.48.010 Policy statement.
- 2.48.020 Policy action for violations.
- 2.48.030 Procedure.

**2.48.010 Policy statement.**

Substance abuse in the workplace can affect job performance, decrease productivity, lower morale and create a hazardous workplace. The city shall publish a policy statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the city workplace and during working hours and further, notifying employees of the specific actions the city will take for violations of said prohibition. (Ord. 425 §1, 1994).

**2.48.020 Policy/action for violations.**

- A. The manufacturing, distribution, dispensation, possession and use of unlawful drugs on city premises by city employees is prohibited.
- B. Employees must notify the city within five days of any conviction for a drug violation in the workplace.

- C. The city will endeavor to accommodate an employee with a substance abuse problem in rehabilitative efforts; however, violations of this policy will result in disciplinary action, up to and including immediate termination of employment. Continued poor performance, or failure to successfully complete a rehabilitation programs, are grounds for dismissal.
- D. The city will strive through ongoing training to inform employees about the hazards of substance abuse, and about counseling and rehabilitation.
- E. The city will strive to assure confidentiality for employees seeking assistance or for employees reporting a suspected substance abuse program. (Ord. 425 §2, 1994).

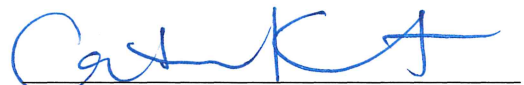
**2.48.030 Procedure.**

- A. The city will provide a written copy of the drug policy as set forth in 2.48.020 to all employees and copy of this policy will be included in the orientation of all new employees.
- B. The city will sponsor ongoing drug awareness training for city employees in order to maintain a drug-free environment. Supervisors, where appropriate, will be given additional training to recognize, document and handle performance-related issues. (Ord. 425 §3, 1994).

**PASSED BY THE CITY COUNCIL OF THE CITY OF BINGEN**, and effective five (5) days after the first date of posting or publication.

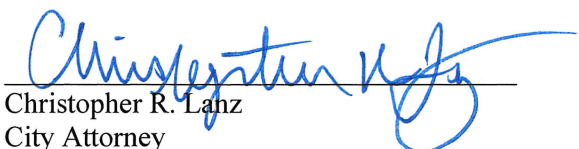
**DATED** this 16<sup>th</sup> day of January , 2024.

ATTEST:

  
 \_\_\_\_\_  
 Mayor Catherine Kiewit

  
 \_\_\_\_\_  
 Krista Loney, City Administrator

Approved as to form only:

  
 \_\_\_\_\_  
 Christopher R. Lanz  
 City Attorney

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## Chapter 2.04

### COUNCIL MEETINGS

**Sections:**

- 2.04.010 Time.
- 2.04.020 Place.

**2.04.010 Time.**

The city council shall meet on the first and third Tuesdays of each month at the hour of seven p.m. However, in the event either of said Tuesdays falls on a legal holiday, as designated in RCW 1.16.050, or a presidential general election day, such council meeting shall be held on the Monday preceding the Tuesday at the same hour, unless said Monday is the last day of a month, then such council meeting shall be held on the Wednesday following the Tuesday at the same hour. (Ord. 181, 1968: Ord. 483 §2, 2002: Ord. 552 §2 2008; Ord. 611 §2 2013).

**2.04.020 Place.**

The city council shall hold its regular meetings at the Bingen City Hall unless advance notice is given and posted. (Ord. 181, 1968: Ord. 483 §2, 2002).

## Chapter 2.06

### APPOINTMENT OF CITY OFFICIALS & DEPARTMENT HEADS

**Sections:**

- 2.06.010 Confirmation.
- 2.06.020 Removal.
- 2.06.030 Appointment or removal in writing.

**2.06.010 Confirmation.**

All appointments of city officials and department heads made by the mayor shall be confirmed by a majority vote of the city council as set forth in RCW 35A.12.090, except in those instances where qualifications for the office or position have been established by ordinance, and no such appointment shall take effect without such confirmation by the council. (Ord. 523 §1, 2006).

**2.06.020 Removal.**



City officials, department heads, and employees may be removed or discharged by the mayor. (Ord. 523 §1, 2006).

**2.06.030 Appointment or removal in writing.**

Each appointment or removal, in addition to the requirements above set forth, must be in writing, signed by the mayor and filed with the city clerk. (Ord. 523 §1, 2006).

**Chapter 2.08**

**CITY CLERK-TREASURER**

**Sections:**

2.08.010 Clerk's and treasurer's offices combined.

**2.08.010 Clerk's and treasurer's offices combined.**

A. The office of the treasurer of the city is combined with the office of the clerk of the city, and the separate office of the treasurer is abolished as such.

B. The clerk, from and after the effective date of such combination, as set forth in the ordinance codified in this section, shall exercise all the powers vested in and perform all the duties required to be performed by the treasurer, and in all cases where the law requires the treasurer to sign or execute any papers or documents it shall not be necessary for the clerk to sign as treasurer, but shall be sufficient if he signs as clerk. (Ord. 101 §1, §2, 1952).

**Chapter 2.10**

**SALARIES FOR ELECTED OFFICIALS**

**Sections:**

2.10.010 Salaries for elected officials.

**2.10.010 Salaries for elected officials.**

The salary for elected officials is as follows:

Mayor: \$600.00 per month

Council Member: \$150.00 per month.

(Ord. 715, 2021; Ord. 677 §1, 2017).

**Chapter 2.12**

**POLICE JUSTICE**

**Sections:**

- 2.12.010 Police justice appointment – Term.
- 2.12.020 Powers and duties.
- 2.12.030 Bond.

**2.12.010 Police justice appointment – Term.**

- A. There shall be appointed by the mayor at the first meeting in January of each year or as soon thereafter as circumstances will permit, or at any other time should a vacancy occur, a police justice who shall hold office during the pleasure of the mayor.
- B. The justice so appointed may be selected from the justices of the peace duly elected under the laws of the state and while acting in city matters may hold office for that purpose anywhere within the city. (Ord. 6 §1, §2, 1924).

**2.12.020 Powers and duties.**

The powers and duties of the police justice shall be as follows:

- A. The police justice shall have jurisdiction over all offenses defined by any ordinance of the city and all other actions brought to enforce or recover any penalty or forfeiture declared or given by any ordinance and shall have full power and authority to hear and determine all cases civil or criminal arising under such ordinances and to pronounce judgment in accordance therewith.

All civil or criminal proceedings before the police justice shall be governed and regulated by the general laws of the state relating to the justices of peace and to their practices and jurisdiction and shall be subject to review in the court of the proper district by certiorari or appeal the same as in other cases.

- B. The police justice shall have jurisdiction over any and all cases arising under and by virtue of any ordinance or law of the state defining the jurisdiction of the police justice that may be passed subsequent to the passage of the ordinance codified in this section.
- C. Any money coming into the hands of the police justice by virtue of his office excepting such money as may be designated by law as fees of such office, which shall be retained by such officer, shall on or before the first Monday of each and every month be deposited with the treasurer taking duplicate receipts therefore, one of which shall be deposited and filed with the city clerk together with a detailed statement of the fines collected, the amount of bonds forfeited or other sources of revenue during the preceding month.
- D. The police justice shall have power and is authorized to collect the same fees as provided by for justices of peace in the state, which fees he shall have and retain as his compensation for performing the duties of such office. (Ord. 6 §3-7, 1924).

**2.12.030 Bond.**

Before the police justice enters upon the discharge of his duties he shall file with the clerk a bond in the sum of five hundred dollars, with two or more sureties approved by the council, unless the bond is a good and sufficient surety bond, conditioned that he will pay to the treasurer all moneys coming into his hands

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and that he will faithfully and honestly perform all the duties required of him by the ordinances of the city and the laws of the state. (Ord. 6 §8, 1924).

## **Chapter 2.16**

### **CITY OFFICER'S BONDS**

#### **Sections:**

2.16.010 Required – Approval – Filing.

#### **2.16.010 Required – Approval – Filing.**

- A. Prior to his entering upon the duties of his office, the city clerk and the city treasurer shall each furnish to the city a good and sufficient bond in the sum of one thousand dollars and the city marshal shall execute to the city a bond in the penal sum of one thousand dollars, each of said bonds conditioned for the faithful performance of his duties as such officer and of any and all other offices of which he is made by the laws of the state the ex officio incumbent, all bonds to be signed by two or more sureties unless the same shall be good and sufficient surety bonds.
- B. All bonds shall be approved by the city council and when approved shall be filed with the city clerk, excepting the bond or bonds of the city clerk which shall be filed with the mayor. (Ord. 1 §1-2, 1924).

## **Chapter 2.20**

### **COMMITTEES**

#### **Sections:**

2.20.010 Designated – Appointment.

#### **2.20.010 Designated – Appointment.**

- A. The mayor is empowered with the authority to appoint members from the standing council of the following permanent committees which shall consist in number as selected by the mayor as follows:
  - 1. Financial committee;
  - 2. Water-sewer committee;
  - 3. Street committee;
  - 4. Fire, safety and health committee;
  - 5. Police committee;
  - 6. Park and recreation committee.

- B. The members of the council appointed to the aforementioned committees by the mayor shall perform such duties in relation to such committees as required by the mayor, and shall act under the direction thereof. (Ord. 7, 1924; Ord. 257, 1979).

## **Section 2.24**

### **VOLUNTEER FIRE DEPARTMENT\***

**Sections:**

- 2.24.010 Department created.
- 2.24.020 Membership.
- 2.24.030 State statutes adopted.
- 2.24.040 Fire chief selection.
- 2.24.050 Police powers during fires.
- 2.24.060 Department organization.
- 2.24.070 Compensation.
- 2.24.080 Driving over hose prohibited – Penalty.
- 2.24.090 Pension Plan

\*Prior history: Ords. 98, 269, 271.

**2.24.010 Department created.**

There is created a volunteer fire department for the city to consist of not more than twenty-five members but not less than fifteen members per thousand population of the city. (Ord. 276 (part), 1979).

**2.24.0 Membership.**

Members of the volunteer fire department shall consist of any fireman who is a member of any fire department of any municipality. (Ord. 276 (part), 1979).

**2.24.030 State statutes adopted.**

RCW 41.24.010 et seq., as amended in its entirety, is adopted by reference and shall have full force and effect upon its passage and publication five days the date of publication of the ordinance codified in this chapter. (Ord. 276 (part), 1979).

**2.24.040 Fire chief selection.**

Membership in the volunteer fire department shall be determined by application and vote of the members, and shall be subject to such rules and regulations as the organization from time to time deems necessary and advisable, and shall be by volunteer enlistment only. The organization shall elect from the membership a fire chief, who shall have full police powers in all matters pertaining to fires within the city. (Ord. 69 §2, 1953).

**2.24.050 Police power during fires.**

All members of the volunteer fire department while attending a fire shall have all the powers of a police officer and are declared to be public officers of the city while proceeding to fires, in attendance at, and returning from fires. (Ord. 69 §3, 1953).

**2.24.060 Department organization.**

The volunteer fire department may from time to time adopt rules and regulations as it deems desirable and proper as to the operation and control of equipment and apparatus, and may elect other officers as are necessary for the proper operation of the department; and may adopt rules as to the succession of the office of fire chief. (Ord. 69 §4, 1953).

**2.24.070 Compensation.**

The mayor and city council shall by resolution determine the compensation the members of the department shall receive for their services at fires within the corporate limits of the city, and may determine in the same manner the compensation any other person or person may receive for services rendered in assisting in the transportation of apparatus to or from fires. (Ord. 69 §5, 1953).

**2.24.080 Driving over hose prohibited – Penalty.**

It is unlawful for any person to drive a vehicle over, into, or against a fire hose or any other firefighting apparatus of the city, or to obstruct, delay or hinder any work of the fire department or to refuse to comply with the orders of the fire chief. A violation of this chapter shall be punishable as set forth in Chapter 1.16 of this code. (Ord. 69 §6, 1953).

**2.24.090 Pension plan.**

The city permits and authorizes the members of the volunteer fire department to enroll in the pension plan provided for under RCW Chapter 41.24 et seq., and further, the participating firemen are authorized to participate in the pension plan the city is authorized to expend ten dollars per year for each fireman participating in the plan or such further amount as may be provided by law, and that the city clerk is authorized to make such expenditure in order to comply with the pension plan requirements set forth in this section. (Ord. 197, 1971).

**Chapter 2.28**

**POLICE DEPARTMENT**

**Sections:**

- 2.28.010 Civil service commission.
- 2.28.020 Civil service commissioners appointed.

**2.28.010 Civil service commission.**

- A. There is created pursuant to RCW 41.12.010 a civil service for police departments and a civil service commission, and providing for appointment of civil service commissioners, which civil service commission shall be created and conducted and organized pursuant to the statute mentioned herein.

- B. The civil service commission for city police shall be governed in accordance with rules and regulations set forth in this chapter, and that the city adopts en toto the said civil service rules and regulations for city police set for under RCW 41.21.010 as amended. (Ord. 199 (part), 1971).

**2.28.020 Civil service commissioners appointed.**

Upon passage of the ordinance codified in this chapter, the city council, pursuant to the provision of RCW 41.12.030, shall appoint three civil service commissioners who shall act and serve without compensation and shall be appointed to the commission as provided in RCW Section 41.12.030 (Ord. 199 (part), 1971).

**Chapter 2.32**

**ELECTIONS**

**Sections:**

- 2.32.010 Voter qualifications.  
2.32.020 Notice.  
2.32.030 Boards of election – Appointment – Compensation.  
2.32.040 Precinct, polling place designated.

**2.32.010 Voter qualification.**

All elections in the city shall be held in accordance with the general laws of the state, so far as they may be applicable; and no person shall be entitled to vote at such election, unless he is a qualified elector of Klickitat County, and shall have resided in the city for at least thirty days next preceding such election. (Ord. 263, 1980; Ord. 34 §1 (part), 1929).

**2.32.020 Notice.**

The council shall give notice of each election as follows:

Pursuant to RCW 35A.29.140, notice of any municipal election, whether special or general, shall be given by at least one publication no more than ten nor less than three days prior to the election by the county auditor or the officer conducting the election, as the case may be, in or more newspapers of general circulation within the area in which the election is to be held. Said legal notice shall contain the title of each office to be filled, the names and addresses of all candidates for such office in alphabetical order and without party designation, together with ballot titles of all measures to be voted upon at such election, the date and the hours during which the polls will be open and the address of each polling place in each precinct. (Ord. 263, 1980; Ord. 34 §1 (part), 1929).

**2.32.030 Boards of election – Appointment – Compensation.**

The council shall appoint boards of election, and fix their compensation by motion recorded upon its minutes prior to each election. (Ord. 34 §2, 1929).

**2.32.040 Precinct, polling place designated.**

The entire city is declared by the council to be one election precinct, and the city hall shall be the polling place for the precinct. (Ord. 34 §3, 1929).

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## Chapter 2.36

### CITY EMPLOYEES

#### Sections:

- 2.36.010 Vacation – Sick leave – Legal holidays.
- 2.36.020 Retirement system – Adopted.
- 2.36.030 Retirement system – Number of members.
- 2.36.040 Retirement system – Evidence of election.
- 2.36.050 Retirement system – Prior service credit.
- 2.36.060 Retirement system – Social security coverage.
- 2.36.070 Retirement system – Basis for contribution.

#### **2.36.010 Vacation – Sick leave – Legal holidays.**

- A. Vacation. The following vacation regulations shall apply relating to the city’s regular employees:
1. All regular employees who have completed six (6) to sixty (60) months of employment will accrue 6.67 hours of vacation per month for an annual total of eighty (80) hours of paid vacation.
  2. All regular employees who have completed sixty (60) to one hundred twenty (120) months of employment will accrue 10 hours of vacation per month for an annual total of one hundred twenty (120) hours of paid vacation.
  3. All regular employees who have completed one hundred twenty (120) to two hundred sixteen (216) months of employment will accrue 13.33 hours of vacation per month for an annual total of one hundred sixty (160) hours of paid vacation.
  4. All regular employees who have completed two hundred sixteen (216) months of employment and more will accrue 16.67 hours of vacation per month for an annual total of two hundred (200) hours of paid vacation.
  5. A “week’s vacation” is defined as five working days or forty hours per week, whichever is greater.
  6. Current annual accrued vacation shall be taken by the regular employees in the calendar year following the accrued vacation.
  7. All vacations by regular employees shall be scheduled on or before but not later than August 1<sup>st</sup> of each calendar year in order to expedite a regular and uniform type scheduling program.
  8. Any employee quitting employment or voluntarily leaving employment during his/her second year of service shall receive vacation pay prorated upon one week’s pay; after his second year, vacation pay is prorated as provided above.

- B. Sick Leave. Sick leave shall be granted to a regular employee on the basis of one day per month per year; provided, however, that sick leave shall not be on an accrued basis but shall be on a per year basis only and such accrual per month shall terminate at the end of each calendar year.
- C. Legal Holidays. The following days have been designated by the city as legal holidays:
1. New Year's Day;
  2. Martin Luther King Jr. Day;
  3. President's Day;
  4. Memorial Day;
  5. Juneteenth;
  6. Fourth of July;
  7. Labor Day;
  8. Veterans Day;
  9. Thanksgiving Day;
  10. Day after Thanksgiving;
  11. Christmas Day;
  12. Two floating holidays

(Ord. 292, 1980; Ord. 129, 1957; Ord. 723 §2, 2022).

**2.36.020 Retirement system – Adopted.**

- A. The city elects to participate as a member of the Statewide Retirement System for pension, relief, disability, and retirement for the employees of the city as provided by RCW Chapter 41.44. All employees and officials of the city shall be included in the system for those persons otherwise prohibited by law, and no elective official shall be included unless said official so elects and files a written notice of such election with the board of trustees of the pension system and with the city clerk (Ord. 144 §1, 1961).

**2.36.030 Retirement system – Number of members.**

The number of employees and officials, other than elective officials, who shall be included as members of Pension System, is approximately four. (Ord. 144 §2, 1961).

**2.36.040 Retirement system – Evidence of election.**



A certified copy codified in Sections 2.36.020 through 2.36.070 shall be transmitted to the board of trustees of the Statewide Pension System as evidence of an election of the city to join the system. (Ord. 144 §3, 1961).

**2.36.050 Retirement system – Prior service credit.**

The basis for prior service credit shall be 1.33 percent of final compensation, known as “Full Prior Service Credit.” (Ord. 144 §4, 1961).

**2.36.060 Retirement system – Social security coverage.**

The basis for Social Security coverage will be coordination. (Ord. 144 §5, 1961).

**2.36.070 Retirement system – Basis for contribution.**

The basis for contribution shall be all of the compensation of a member. (Ord. 144 §6, 1961).

**Chapter 2.40**

**COMPLIANCE WITH AMERICANS WITH DISABILITIES ACT**

**Sections:**

- 2.40.010 Appointment of responsible individuals.
- 2.40.020 Accessibility of public buildings.
- 2.40.030 Employment guidelines.
- 2.40.040 Local government administration.

**2.40.010 Appointment of responsible individuals.**

The following persons are directed to assure the city’s compliance with the following general ADA categories and are designated as ADA coordinators in the respective listed areas:

- A. Employment guidelines: Bingen city mayor;
- B. Police 911/emergency systems for hearing and speech impaired persons: Bingen chief of police;
- C. Fire 911/emergency systems for hearing and speech impaired person: Bingen fire chief;
- D. Program eligibility: Bingen city mayor;
- E. Accessibility of public buildings: director of public works. (Ord. 414 §1, 1992).

**2.40.020 Accessibility of public buildings.**

The director of public works shall complete a transition plan listing those structural changes necessary to comply with the Act, changes set forth in the Uniform Federal Accessibility Standards (UFAS) published in the Federal Register on August 7, 1984, codified in 49 CFR 31528 and set forth in the Architectural Barriers Act, 42 U.S.C. 4151-4157. The director shall complete a self-evaluation plan on or before

January 26, 1993, as set forth in Title II A of the Act. The plan shall set forth a schedule of needed structural changes on or before January 26, 1995.

The director or public works shall immediately examine city property for compliance with architectural barriers regulations. Where necessary, the director shall determine the probable cost of compliance for each particular project. The director shall complete the self-evaluation checklist, attached to the ordinance codified in this chapter as Exhibit "A", and on file in the city clerk's office, to determine which architectural barriers can be removed, or in the language of the Act, is "readily achievable."

A. Building access:

1. Are ninety-six inches wide parking spaces designated with a sixty-inch access aisle;
2. Are accessible parking spaces near the main building entrances;
3. Is there a drop-off zone at building entrances;
4. Is the gradient from parking to building entrance 1:20 or less;
5. Is the clearance of the entrance doorway at least thirty-two inches wide;
6. Is door handle easy to grasp;
7. Is door easy to open, less than eight pounds pressure.

B. Building corridors:

1. Is path of travel free of obstruction and wide enough for wheelchair;
2. Is floor surface hard and not slippery;
3. Do obstacles (phones, etc.) protrude more than four feet from the wall.

C. Restrooms:

1. Are restrooms near building entrance and/or personal office;
2. Do doors have lever handles;
3. Are doors at least thirty-two inches wide;
4. Are grab bars provided in toilet stalls;
5. Are sinks at least thirty inches high with room for a wheelchair to roll under;
6. Are sink handles easily reached and used;
7. Are soap dispensers, towels, etc., no more than forty-eight inches from the floor;

8. Are exposed hot water pipes located under sinks wrapped in insulation to avoid injury to those individuals using a wheel chair.

D. City departments that serve the general public:

1. Are doors at least thirty-two inches wide;
2. Is the door easy to open;
3. Is the threshold no more than one-half inch high;
4. Is the path of travel between desk, tables, etc. wide enough for wheelchairs;
5. Is the counter too high to serve individuals in wheelchairs. (Ord. 414 §2, 1992).

**2.40.030 Employment guidelines.**

The mayor, either individually or with the assistance of an appointed committee, shall review the following items to determine compliance with the employment provisions of the ADA, Title I and II of the Act.

- A. Review employment policies including recruiting, hiring, upgrading, promotion, tenure, demotion, transfer, layoff, termination, right of return from layoff and rehiring, to assure nondiscriminatory treatment to applicants and employees with disabilities.
- B. Review city contracts to make sure the city does not participate in disability discrimination.
- C. Review employment practices to assure nondiscriminatory treatment to applicants and employees with disabled friends or family members.
- D. Set a process to determine when a “reasonable accommodation” causes an “undue hardship” on the city.
- E. Establish a “reasonable accommodation” policy.
- F. Establish procedure to document decisions not to hire or promote because of “undue hardship.”
- G. Can hiring procedures be carried out in wheelchair accessible locations using accessible formats as a reader, tactile information, Braille, audio cassette, sign language interpreters and assistance for people with manual impairments.
- H. Eliminate disability questions from application.
- I. If use medical examination, is it related to the job requirements.
- J. Modify personnel policies to include recovering alcoholics and drug abusers, not currently using alcohol or drugs.
- K. Posting of equal employment opportunity notices in accessible format (i.e. Braille, audio cassettes).

- L. Examine employee benefits for nondiscriminatory treatment of people with disabilities.
- M. Implement a policy on contagious diseases. (Ord. 414 §3, 1992).

**2.40.040 Local government administration.**

The mayor shall complete the local government ADA administration self-evaluation checklist attached to the ordinance codified in this chapter as Exhibit “B” and on file in the city clerk’s office. (Ord. 414 §4, 1992).

**Chapter 2.44**

**WHISTLEBLOWER POLICY**

**Sections:**

- 2.44.010 Policy statement.
- 2.44.020 Definitions
- 2.44.030 Procedures for reporting.
- 2.44.040 Protection against retaliatory actions.
- 2.44.050 Responsibilities.

**2.44.010 Policy statement.**

It is the policy of the city to encourage reporting by its employees of improper governmental action taken by city officers or employees and to protect city employees who have reported improper governmental actions in accordance with the city’s policies and procedures(s). (Ord. 424 §1, 1994).

**2.44.020 Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

- A. “Emergency” means a circumstance that if not immediately changed may cause damage to persons or property.
- B. “Improper governmental action” means an action by a Bingen officer or employee:
  - 1. That is undertaken in the performance of the officer’s or employee’s official duties, whether or not the action is within the scope of the employee’s employment; and
  - 2. That (a) is in violation of any federal, state, or local law or rule, (b) is an abuse of authority, (c) is of substantial and specific danger to the public health or safety or (d) is a gross waste of public funds.

“Improper governmental action” does not include personnel actions, including employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of collective bargaining or civil service laws, alleged violations of labor agreements or reprimands.

- C. “Retaliatory action” means any adverse change in the terms and conditions of a city employee’s employment (Ord. 424 §2, 1994).

**2.44.030 Procedures for reporting.**

- A. Bingen employees who become aware of improper governmental actions should raise the issues first with their supervisor. If requested by the supervisor, the employee shall submit a written report to the supervisor, or to some persons designated by the supervisor, stating in detail the basis for the employee’s belief that an improper governmental action has occurred. Where the employee reasonably believes the improper governmental action involves his or her supervisor, the employee may raise the issue directly with the Bingen mayor or such other person as may be designated by the mayor to receive reports of improper governmental action. Persons outside the city to whom it is appropriate to report information are the Washington State Auditor, the Washington State Attorney General and the Klickitat County prosecuting attorney.
- B. In the case of an emergency, where the employee believes that damage to persons or property may result if action is not taken immediately, the employee may report the improper governmental action directly to the appropriate government agency with responsibility for investigation the improper action.
- C. The supervisor, the Bingen mayor or the mayor’s designee shall take prompt action to assist the city in properly investigating the report of improper governmental action. Bingen officers and employees involve in the investigation shall keep the identity of reporting employees confidential to the extent possible under law, unless the employee authorized the disclosure of his or her identity in writing. After an investigation has been completed, the employee reporting the improper governmental action shall be advised of a summary of the results of the investigation, except that personnel actions taken as a result of the investigation may be kept confidential.
- D. Bingen employees may report information about improper governmental action directly to the appropriate government agency with responsibility for investigating the improper action if the Bingen employee reasonably believes that an adequate investigation was not undertaken by the city to determine whether an improper governmental action occurred or that insufficient action has been taken by the city to address the improper governmental actions or that for other reasons the improper governmental action is likely to recur.
- E. Bingen employees who fail to make a good faith attempt to follow the city’s procedures in reporting improper governmental actions shall not receive the protection provided by the city in these procedures. (Ord. 424 §3, 1994).

**2.44.040 Protection against retaliatory actions.**

- A. City officials are prohibited from taking retaliatory actions against a Bingen employee because he or she has in good faith reported an improper government action in accordance with these policies and procedures.
- B. Employees who believe that they have been retaliated against for reporting an improper governmental action should advise their supervisor, the Bingen mayor or the mayor's designee. City officials and supervisors shall take appropriate action to investigate and address complaints of retaliation.
- C. If the employee's supervisor, the Bingen mayor or the mayor's designee, as the case may be, does not satisfactorily resolve a city employee's complaint that he or she has been retaliated against in violation of this policy, the city employee may obtain protection under this policy and pursuant to state law by providing a written notice to the Bingen council that:
  - 1. Specifies the alleged retaliatory action; and
  - 2. Specifies the relief requested.
- D. City employees shall provide a copy of their written charge to the mayor no later than thirty days after the occurrence of the alleged retaliatory action. The city shall respond within thirty days to the charge of retaliatory action.
- E. After receiving either the response of the city or thirty days after the delivery of the charge to the city, the city employee may request a hearing before a state administrative law judge to establish a retaliatory action occurred and to obtain appropriate relief provided by law. An employee seeking a hearing should deliver the request for hearing to the mayor within the earlier of either fifteen days of delivery of the city's response to the charge of retaliatory action, or forty-five days of delivery of the charge of retaliation to the city for response.
- F. Upon receipt of request for hearing, the city shall apply within five working days to the State Office of Administrative Hearings for an adjudicative proceeding before an administrative law judge:

Office of Administrative Hearings  
PO Box 42488, 4224 Sixth S.E.  
Rowe Six, Building 1  
Lacey, Washington 98504-2488  
(206) 459-6353
- G. The city will consider any recommendation provided by the administrative law judge that the retaliator be suspended with or without pay, or dismissed. (Ord. 424 §4, 1994).

**2.44.050 Responsibilities.**

The mayor is responsible for implementing the city's policies and procedures (1) for reporting improper governmental action and (2) for protecting employees against retaliatory actions. The city clerk is responsible for ensuring that this policy and these procedures (1) are permanently posted where all employees will have reasonable access to them, (2) are made available to any employee upon request, (3)

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are provided to all newly hired employees and (4) include a list of agencies responsible for enforcing federal, state and local laws and investigate allegations of improper governmental action. Officers, managers and supervisors are responsible for ensuring the procedures are fully implemented within their areas of responsibility. (Ord. 424 §5, 1994).

## **Chapter 2.48**

### **DRUG-FREE WORKPLACE POLICY**

#### **Sections:**

- 2.48.010 Policy statement.
- 2.48.020 Policy action for violations.
- 2.48.030 Procedure.

#### **2.48.010 Policy statement.**

Substance abuse in the workplace can affect job performance, decrease productivity, lower morale and create a hazardous workplace. The city shall publish a policy statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the city workplace and during working hours and further, notifying employees of the specific actions the city will take for violations of said prohibition. (Ord. 425 §1, 1994).

#### **2.48.020 Policy/action for violations.**

- A. The manufacturing, distribution, dispensation, possession and use of unlawful drugs on city premises by city employees is prohibited.
- B. Employees must notify the city within five days of any conviction for a drug violation in the workplace.
- C. The city will endeavor to accommodate an employee with a substance abuse problem in rehabilitative efforts; however, violations of this policy will result in disciplinary action, up to and including immediate termination of employment. Continued poor performance, or failure to successfully complete a rehabilitation programs, are grounds for dismissal.
- D. The city will strive through ongoing training to inform employees about the hazards of substance abuse, and about counseling and rehabilitation.
- E. The city will strive to assure confidentiality for employees seeking assistance or for employees reporting a suspected substance abuse program. (Ord. 425 §2, 1994).

#### **2.48.030 Procedure.**

- A. The city will provide a written copy of the drug policy as set forth in 2.48.020 to all employees and copy of this policy will be included in the orientation of all new employees.
- B. The city will sponsor ongoing drug awareness training for city employees in order to maintain a drug-free environment. Supervisors, where appropriate, will be given additional training to recognize, document and handle performance-related issues. (Ord. 425 §3, 1994).

