

# **JEFFERSON COUNTY**



# **PERSONNEL ADMINISTRATION MANUAL**

Draft January 2019

# TABLE OF CONTENTS

Chapter 1 – Subject.....	<a href="#"><u>16</u></a>
Section 1.0 – Introduction.....	<a href="#"><u>16</u></a>
Section 2.0 – Terms and Definitions.....	<a href="#"><u>27</u></a>
Section 3.0 – Affected Parties.....	<a href="#"><u>914</u></a>
Section 4.0 – References.....	<a href="#"><u>914</u></a>
Chapter 2-- Program Administration .....	<a href="#"><u>1217</u></a>
Section 1.0 – Purpose.....	<a href="#"><u>1217</u></a>
Section 2.0 – Scope.....	<a href="#"><u>1217</u></a>
Section 3.0 – Authority .....	<a href="#"><u>1318</u></a>
Section 4.0 – Equal Employment Opportunity .....	<a href="#"><u>1419</u></a>
Section 5.0 – Personnel Files .....	<a href="#"><u>1419</u></a>
Section 6.0 – Collective Bargaining .....	<a href="#"><u>1520</u></a>
Section 7.0 – Management Rights .....	<a href="#"><u>1520</u></a>
Section 8.0 – Administrative Directives .....	<a href="#"><u>1621</u></a>
Chapter 3 – Equal Opportunity and Affirmative Action.....	<a href="#"><u>1722</u></a>
Section 1.0 – Declaration of Policy .....	<a href="#"><u>1722</u></a>
Chapter 4 – Code of Ethics .....	<a href="#"><u>1823</u></a>
Section 1.0 – Declaration of Policy .....	<a href="#"><u>1823</u></a>
Chapter 5 – Standards of Conduct .....	<a href="#"><u>1924</u></a>
Section 1.0 – Rules of Conduct.....	<a href="#"><u>1924</u></a>
Chapter 6 -- Employee Benefits .....	<a href="#"><u>2025</u></a>
Section 1.0 – Health Insurance .....	<a href="#"><u>2025</u></a>
Section 2.0 – Vacation .....	<a href="#"><u>2621</u></a>
Section 3.0 – Personal Time Off.....	<a href="#"><u>2328</u></a>
Section 4.0 – Holidays .....	<a href="#"><u>2732</u></a>
Section 5.0 – Sick Leave.....	<a href="#"><u>2934</u></a>
Section 6.0 – Leaves of Absence .....	<a href="#"><u>3338</u></a>
Section 7.0 – Injuries/Illnesses.....	<a href="#"><u>4237</u></a>
Section 8.0 – Employee Assistance Program.....	<a href="#"><u>4237</u></a>
Section 9.0 –Training.....	<a href="#"><u>3742</u></a>
Section 10.0 – Retirement.....	<a href="#"><u>4045</u></a>
Section 11.0 – Other Pre-Tax Programs .....	<a href="#"><u>4045</u></a>
Section 12.0 – Reimbursement for Job-Related Travel Expenses.....	<a href="#"><u>4045</u></a>
Section 13.0 – Membership in Professional and Technical Societies.....	<a href="#"><u>4045</u></a>
Section 14.0 – Professional and Technical Registration.....	<a href="#"><u>4146</u></a>
Section 15.0 – Community Service Organizations .....	<a href="#"><u>4146</u></a>
Chapter 7 – Job Classification System.....	<a href="#"><u>4247</u></a>
Section 1.0 – Purpose.....	<a href="#"><u>4247</u></a>
Section 2.0 – Analysis.....	<a href="#"><u>4247</u></a>

Chapter 8 – Compensation Plan.....	<a href="#"><u>4348</u></a>
Section 1.0 – Salary Administration Policy .....	<a href="#"><u>4348</u></a>
Section 2.0 – Pay Administration .....	<a href="#"><u>4348</u></a>
Section 3.0 – Payment of Salary and Wages.....	<a href="#"><u>4348</u></a>
Section 4.0 – Overtime .....	<a href="#"><u>4449</u></a>
Section 5.0 – FLSA Exempt Personnel.....	<a href="#"><u>4449</u></a>
Section 6.0 – Travel Time.....	<a href="#"><u>4550</u></a>
Chapter 9 – Recruitment and Selection .....	<a href="#"><u>4651</u></a>
Section 1.0 – Job Announcement.....	<a href="#"><u>4651</u></a>
Section 2.0 – Application.....	<a href="#"><u>4651</u></a>
Section 3.0 – Eligibility .....	<a href="#"><u>4752</u></a>
Section 4.0 – Selection.....	<a href="#"><u>4752</u></a>
Promotion/Reclassification/Transfer Matrix .....	<a href="#"><u>4954</u></a>
Chapter 10 – Employee Status .....	<a href="#"><u>5055</u></a>
Section 1.0 – Appointment .....	<a href="#"><u>5055</u></a>
Section 2.0 – Orientation .....	<a href="#"><u>5156</u></a>
Section 3.0 – Seniority .....	<a href="#"><u>5156</u></a>
Section 4.0 – Trial Period .....	<a href="#"><u>5257</u></a>
Section 5.0 – Performance Evaluation.....	<a href="#"><u>5257</u></a>
Section 6.0 – Promotion.....	<a href="#"><u>5358</u></a>
Section 7.0 – Employee-Initiated Transfers.....	<a href="#"><u>5358</u></a>
Section 8.0 – Employer-Initiated Transfer.....	<a href="#"><u>5459</u></a>
Section 9.0 – Demotions .....	<a href="#"><u>5459</u></a>
Section 10.0 – Reduction in Force/Consolidation/ Reorganization.....	<a href="#"><u>5459</u></a>
Section 11.0 – Reclassification .....	<a href="#"><u>5560</u></a>
Section 12.0 – Separation from County Employment .....	<a href="#"><u>5661</u></a>
Chapter 11– General Policies.....	<a href="#"><u>5863</u></a>
Section 1.0 – Attendance .....	<a href="#"><u>5863</u></a>
Section 2.0 – Time Reporting .....	<a href="#"><u>5964</u></a>
Section 3.0 – Immigration Law Compliance .....	<a href="#"><u>5964</u></a>
Section 4.0 – Safety .....	<a href="#"><u>6065</u></a>
Section 5.0 – Alcohol and Drug Free Workplace .....	<a href="#"><u>6166</u></a>
Section 6.0 – Anti-Harassment Policy .....	<a href="#"><u>6166</u></a>
Section 7.0 – Violence in the Workplace.....	<a href="#"><u>6267</u></a>
Section 8.0 – Employee Identification Badges .....	<a href="#"><u>6267</u></a>
Section 9.0 – Firearms .....	<a href="#"><u>6368</u></a>
Section 10.0 – Whistleblower Protection.....	<a href="#"><u>6368</u></a>
Section 11.0 – Personal Data Changes.....	<a href="#"><u>6469</u></a>
Section 12.0 – Job Descriptions.....	<a href="#"><u>6469</u></a>
Section 13.0 – Nepotism Policy.....	<a href="#"><u>6469</u></a>
Section 14.0 – Outside Employment.....	<a href="#"><u>6469</u></a>
Section 15.0 – Volunteer Activities of Employees.....	<a href="#"><u>6570</u></a>
Section 16.0 – Use of Office and Telecommunications Equipment and Services .....	<a href="#"><u>6570</u></a>

Section 17.0 – Emergency Closures and Inclement Weather .....	<a href="#"><u>6772</u></a>
Section 18.0 – Department Rules.....	<a href="#"><u>6873</u></a>
Section 19.0 – Suggestions .....	<a href="#"><u>6873</u></a>
Section 20.0 – Personal Appearance and Dress .....	<a href="#"><u>6873</u></a>
Section 21.0 – Health and Fitness .....	<a href="#"><u>6873</u></a>
<a href="#"><u>Section 22.0 – Breastfeeding .....</u></a>	<a href="#"><u>74</u></a>
Section 23.0 – Smoking .....	<a href="#"><u>7075</u></a>
Section 24.0 – Bulletin Boards .....	<a href="#"><u>7176</u></a>
Section 25.0 – Employee Parking .....	<a href="#"><u>7176</u></a>
<a href="#"><u>Section 26.0 – Bidding on Surplus County Property Prohibited .....</u></a>	<a href="#"><u>77</u></a>
APPENDIX ‘A’ – Equal Employment Opportunity/Affirmative Action Policy and Procedures....	<a href="#"><u>7378</u></a>
Section 1.0 – Affirmative Action Statement .....	<a href="#"><u>7378</u></a>
Section 2.0 – Definitions.....	<a href="#"><u>7378</u></a>
Section 3.0 – Equal Employment Opportunity Statement .....	<a href="#"><u>7479</u></a>
Section 4.0 – Assignment of Responsibility .....	<a href="#"><u>7479</u></a>
Section 5.0 – Employment Process .....	<a href="#"><u>7580</u></a>
Section 6.0 – Complaint Process .....	<a href="#"><u>7580</u></a>
Section 7.0 – Evaluations .....	<a href="#"><u>7681</u></a>
Section 8.0 – Individual Acts.....	<a href="#"><u>7681</u></a>
APPENDIX ‘B’ – Code of Ethics Policy and Procedures .....	<a href="#"><u>7782</u></a>
Section 1.0 – Policy .....	<a href="#"><u>7782</u></a>
Section 2.0 – Definitions.....	<a href="#"><u>7782</u></a>
Section 3.0 – Affected Parties.....	<a href="#"><u>7883</u></a>
Section 4.0 – Conflicts of Interest Defined, Generally .....	<a href="#"><u>7883</u></a>
APPENDIX ‘C’ – Standards of Conduct Policy & Procedures .....	<a href="#"><u>8186</u></a>
Section 1.0 – Policy .....	<a href="#"><u>8186</u></a>
Section 2.0 – Definitions.....	<a href="#"><u>8186</u></a>
Section 3.0 – Immediate Discharge .....	<a href="#"><u>8287</u></a>
Section 4.0 – Other Disciplinary Actions .....	<a href="#"><u>8388</u></a>
Section 5.0 – Investigation.....	<a href="#"><u>8489</u></a>
Section 6.0 – Disciplinary Action.....	<a href="#"><u>8590</u></a>
Section 7.0 – Appeal Process.....	<a href="#"><u>8792</u></a>
APPENDIX ‘D’ – Travel & Transportation Policy & Procedures .....	<a href="#"><u>8893</u></a>
Section 1.0 – Introduction.....	<a href="#"><u>8893</u></a>
Section 2.0 – Definitions .....	<a href="#"><u>8893</u></a>
Section 3.0 – Affected Parties.....	<a href="#"><u>8994</u></a>
Section 4.0 – General.....	<a href="#"><u>8994</u></a>
Section 5.0 – Reimbursement Method .....	<a href="#"><u>9095</u></a>
Section 6.0 – Direct Payment to Vendors Supplying Meals or Lodging .....	<a href="#"><u>9095</u></a>
Section 7.0 – Basis for Reimbursement .....	<a href="#"><u>9196</u></a>
Section 8.0 – Reimbursable Meal Expenses .....	<a href="#"><u>9297</u></a>
Section 9.0 – Lodging Reimbursement .....	<a href="#"><u>9499</u></a>
Section 10.0 – Forms Used for Travel .....	<a href="#"><u>95100</u></a>

Section 11.0 – Travel Expense Reimbursement Claims .....	<a href="#"><u>95100</u></a>
Section 12.0 – Advanced Travel Funds .....	<a href="#"><u>96101</u></a>
Section 13.0 – Reimbursable Transportation Expenses .....	<a href="#"><u>97102</u></a>
Section 14.0 – Non-Reimbursable Expenses .....	<a href="#"><u>98103</u></a>
Section 15.0 – Use of Privately Owned Motor .....	<a href="#"><u>98103</u></a>
Section 16.0 – County-Owned Motor Vehicles .....	<a href="#"><u>99104</u></a>
APPENDIX ‘E’ – Alcohol & Drug Free Workplace Policy & Procedures .....	<a href="#"><u>1016</u></a>
Section 1.0 – Policy Statement .....	<a href="#"><u>1016</u></a>
Section 2.0 – Definitions.....	<a href="#"><u>1016</u></a>
Section 3.0 – Education and Training.....	<a href="#"><u>1027</u></a>
Section 4.0 – Required Alcohol and/or Drug Testing.....	<a href="#"><u>1027</u></a>
Section 5.0 – Alcohol or Drug Conviction .....	<a href="#"><u>1038</u></a>
Section 6.0 – Confidentiality .....	<a href="#"><u>1038</u></a>
APPENDIX ‘F’ – Anti–Harassment Policy and Procedures.....	<a href="#"><u>1049</u></a>
Section 1.0 – Policy .....	<a href="#"><u>1049</u></a>
Section 2.0 – Definitions.....	<a href="#"><u>1049</u></a>
Section 3.0 – Prohibited Conduct Under This Policy .....	<a href="#"><u>10510</u></a>
Section 4.0 – Retaliation.....	<a href="#"><u>10712</u></a>
Section 5.0 – The Complaint Process .....	<a href="#"><u>10813</u></a>
APPENDIX ‘G’ – Violence in the Workplace Policy & Procedures .....	<a href="#"><u>1138</u></a>
Section 1.0 – Policy Statement .....	<a href="#"><u>1138</u></a>
Section 2.0 – Definitions.....	<a href="#"><u>1138</u></a>
Section 3.0 – Reporting Procedures .....	<a href="#"><u>1149</u></a>
Section 4.0 – Risk Reduction Measures .....	<a href="#"><u>1149</u></a>
Section 5.0 – Dangerous or Emergency Situations.....	<a href="#"><u>11520</u></a>
Section 6.0 – Enforcement .....	<a href="#"><u>11520</u></a>
Section 7.0 – Counseling .....	<a href="#"><u>11520</u></a>
APPENDIX ‘H’ – Whistle Blower Protection Policy & Procedures.....	<a href="#"><u>11621</u></a>
Section 1.0 – Policy Statement .....	<a href="#"><u>11621</u></a>
Section 2.0 – Definitions.....	<a href="#"><u>11621</u></a>
Section 3.0 – <del>Protected Employees</del> <a href="#"><u>Right to Report Improper Governmental Action</u></a> .....	<a href="#"><u>11924</u></a>
Section 4.0 – Filing a Complaint .....	<a href="#"><u>12025</u></a>
Section 5.0 – <del>Time Lines for Complaints</del> <a href="#"><u>County's Response to a Complaint</u></a> .....	<a href="#"><u>1227</u></a>
<a href="#"><u>Section 6.0 – Rights of Complainant Who Claims Retaliatory Action Occurred.....</u></a>	<a href="#"><u>128</u></a>
<a href="#"><u>Section 7.0 – Rights of Respondents .....</u></a>	<a href="#"><u>130</u></a>

## **Chapter 1 – Subject**

### **Section 1.0 – Introduction**

This policy manual is designed to provide employees and Departmental Directors of Jefferson County with information about working conditions, employee benefits, and some of the policies affecting County employment. Employees should read, understand and comply with all provisions of this policy manual. It describes some of the expectations of County employees and outlines the policies, programs, and benefits available to eligible employees.

### **Section 1.1 – Brief History**

Jefferson County was created by the Oregon Territory Legislature in December of 1852. The County boundaries included a portion of Clallam County. The new County was named in honor of Thomas Jefferson. Lucius B. Hastings, Daniel F. Brownfield and Albert Briggs were appointed to serve as the first Board of Commissioners, with Henry C. Wilson as Sheriff and Alfred A. Plummer as Probate Clerk. When the Washington Territory was established in March of 1853 the County's boundaries were re-established to the size it is today. The areas taken away from Jefferson County became Clallam County.

The Olympic National Park which was established in 1889 runs through the middle of the County and divides it in half. No roads cross the Olympic Mountains through the Park. A trip to the “West End” by car requires traveling much of the way through Clallam County.

Most of Jefferson County's population lives on the east side of the County where the only incorporated city, Port Townsend, is located. Port Townsend, the County Seat, is located on the Quimper Peninsula which is surrounded on three sides by water. Jefferson County is bounded by the Pacific Ocean on the west; a portion of the Strait of Juan de Fuca, and Admiralty Inlet on the north; the Hood Canal on the eastern boundary; and Mason and Grays Harbor Counties to the south.

### **Section 1.2 – Jefferson County Courthouse**

The Jefferson County Courthouse majestically overlooks Port Townsend Bay and the entrance to Admiralty Inlet. Approved for construction in 1890 by the Jefferson County Commissioners, the Romanesque style courthouse, brainchild of Seattle architect W. A. Ritchie, was let out to contractors at an estimated cost of \$150,000.00. Reportedly \$117,600.00 was designated for the building and \$17,287.00 for the jail in 1892, which was located in the South half of the basement. John Rigby, Building Contractor, and C. P. Wakeman, Superintendent of Construction, were the contractors. The deep red, smooth bricks were shipped in from St. Louis, while some 786 tons of sandstone were brought in from Alaska.

The addition of automatic openers on the main entrance doors enabled the removal of an attached “woodshed” put up years before as a windbreak. The homely structure was known locally as the “Outhouse,” and with its removal the beautiful arched entry could again be viewed. The Courthouse Clock Tower was installed in the newly completed building in November 1892. Although the original plans, drawn by W. A. Ritchie, called for a tower 140 feet tall, according to an article in an

issue of the Port Townsend Morning Leader, the tower measures only 124 feet, 4 inches. No explanation can be found for the discrepancy.

Legend has it that the bell was pulled across the plains and the clock mechanism was shipped around the Horn. The bell was reportedly drawn into position by a white horse. The E. Howard Watch & Clock Company of Boston, MA, built both the bell and the clock mechanism of solid brass in 1891.

A project to strengthen the clock tower, repair the clock faces and mechanism, install sidewalks around the Courthouse -block, re-pave the back parking lot, and formal landscaping was completed at the Courthouse in 2007. The landscaping included moving the flag pole to a new paved gathering area on the northeast side of the building (near the Cass Street entrance) and installing seating in an area on the southeast side of the front of the building.

### **Section 1.3 – Other County Facilities**

In addition to the Courthouse, Jefferson County owns and/or operates approximately 32 public buildings including, but not limited to, 7 office buildings, 5 community centers, the County Jail and Sheriff's Offices, the medical facilities at the Health Department, a building at the Castle Hill Center for the Public Works Department, and the Sheriff's Office Annex in the West End. The County also owns and/or operates the Solid Waste Transfer station on Jacob Miller Road, garbage "drop box sites" at Quilcene and Clearwater, and 22 County parks facilities.

### **Section 1.4 – Organizational Chart**

The chart at the end of this manual illustrates the organization of the major subdivisions of Jefferson County government.

## **Section 2.0 – Terms and Definitions**

The intent of this section is to provide explanations of terms used throughout this manual. In sections where there are differing definitions, they apply only within those sections and are not meant to supersede the general meanings as defined below.

*Accrual:* The amount of time earned and then added to an employee's sick leave, vacation or PTO bank based on their length of eligible employment with Jefferson County

*Anniversary Date:* The date an employee is appointed to a position with the County. An employee may have a position anniversary date and an annual review date as well

*Annual Review Date:* The date an employee's performance review (and step increase on some salary matrices) is due each year

*Appointment:* The finalization of an offer of employment. Appointments may be trial, regular, temporary, provisional, or emergency (see Chapter 10, Section 1.2 Classes of Appointment)

*Career Ladder:* A job classification where the job descriptions provide for the progression to a more senior level position (e.g. Tech I to Tech II or Administrative Clerk I to Administrative Clerk II) when specific conditions have been met. See appropriate Labor Agreement

*Casual Labor:* See Clerk Hire

*Classification Plan:* See Job Classification System

*Clerk of the Board:* A position that is appointed by and serves as the clerk to the Board of County Commissioner's

*Clerk Hire:* A person who is hired to work on an intermittent or as needed basis for a limited number of hours per year (may also be known as Casual Labor)

*COBRA (Federal Consolidated Omnibus Budget Reconciliation Act of 1985):* This act requires employers to allow separated employees to remain covered under the employer's group health plan for 18 to 36 months after separation, normally at the employee's own expense

*Compensatory Time in Lieu of Compensation (also known as Comp Time):* Time that may be accrued by an employee in lieu of receiving monetary compensation for overtime according to FLSA Rules if an employee has signed a Compensatory Time Agreement

*Confidential Information:* Information that is exempt from public inspection and copying pursuant to RCW 42.17.310

*Conflict of Interest:* A situation in which a County employee or public official has, appears to have or potentially has a private or personal interest sufficient to override or influence, or appears to be sufficient to override or influence the employee's or public official's professional duties or judgment

*County:* Refers to the government offices of Jefferson County, State of Washington

[County Administrator: A position appointed by the Board of County Commissioners to handle County administration.](#)

*Date of Hire:* The first date that an employee starts working for the County. The date may change if an employee has a break in service

*Demotion, Disciplinary:* Placement of an employee in a lower paying position/classification due to reasons related to an employee's performance

*Demotion, Non-Disciplinary:* Placement of an employee in a lower paying position due to a position reclassification, reduction in force or other reason unrelated to an employee's performance

*Departmental Director:* An elected official, manager, or supervisor directly in charge of a specific

Adopted:



department (e.g., the County Treasurer is the Departmental Director of the Treasurer's Office)

*Departmental Personnel File:* A file on each County employee, kept in the department where the employee works which includes documentation of employee performance, written disciplinary actions, written commendations and other pertinent information

*Domestic Partner:* A person living with the employee as if in a marriage relationship

*Draw:* An advance of up to 40% of the employee's monthly earnings paid once a month on or before the 20<sup>th</sup> of the month

*Elected Official:* A person elected to an official capacity within the County who oversees the day-to-day operations of a specific department or responsibility within County government

*Employee:* Any person employed by the County who is compensated with a paycheck where federal, state, and/or local taxes are withheld. Independent contractors are not employees

*Employee Initiated Transfer:* The employee has applied to be considered for a vacant position during the in-house or outside recruitment

*Employer Initiated Transfer:* A decision is made to place an employee in a different position with the County. This may be due to budgetary constraints, disciplinary actions or for other reasons

*Employment Anniversary Date:* The date an employee is hired to fill a County position. Also known as original appointment date

*Employment Personnel File:* A file on each County employee, kept in the Commissioners' Office, that includes the employee's name, position and department to which the employee is assigned, job description, documents indicating employment status, performance evaluations, and records of training received

*Equal Opportunity Advisor:* A position appointed or designated by the Board of County Commissioners [or by the Board's designee](#) assigned the specific task of assisting all departments in implementing the Equal Opportunity Program

*Exempt Employee:* An employee may be exempt from the provisions of the Fair Labor Standards Act (See FLSA Exempt) or exempt from being a member of a Union (See also Union Exempt Employee)

*FLSA (Fair Labor Standards Act of 1938 also known as the Wage and Hour Law):* Regulates minimum wages, overtime, equal pay, record keeping and child labor for employees of enterprises engaged in interstate or foreign commerce and employees of state and local governments

*FLSA Exempt Employee:* An employee who is exempt from provisions of the FLSA and is not paid overtime wages. Exempt employees are usually salaried employees whose employment duties meet

Adopted:

the federal test in one of the following categories: administrative, professional, or executive

*FMLA (Family and Medical Leave Act of 1993):* Requires covered employers to provide up to 12 (twelve) weeks of unpaid leave to eligible employees for a variety of reasons related to family and medical care (see also Chapter 6, Section 6.5)

*Family Member:* Spouse, father, mother, brother, sister, son, daughter, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, or anyone who is financially dependent upon a public official or employee

*Full Time Employee:* Employees who regularly work a minimum of 30 (thirty) hours per week. Full time employees are eligible for 100% of the benefits as provided by the County

*Gift:* Anything of economic value, regardless of the form, that is given voluntarily and without compensation. It DOES NOT include the solicitation, acceptance, receipt or regulation of political campaign contributions regulated in accordance with provisions of federal, state or local laws governing campaign finances. (See also Chapter 4)

*Grade:* A group of positions sufficiently similar in duties, responsibilities and authority, and minimum qualifications to permit combining them under a single pay level, and to permit the application of common standards for compensation

*Grievance:* An alleged breach by the County of any express term of a labor agreement, or any complaint against the County or County personnel in violation of a specific policy or procedure

*Grievance Panel:* The three (3) County Commissioners hearing a grievance filed under the Whistle Blower procedure (see Chapter 11 and Appendix H)

*Health Insurance Portability and Accountability Act 1996 (HIPAA):* A federal Act to improve the efficiency of the nation's health care system and protect the security and confidentiality of health information

*Human Resource Manager (HRM):* A position appointed or designated by the Board of County Commissioners [or by the Board's designee](#) to handle personnel, staffing and other related matters

*In-House Recruitment:* An announcement of a vacancy to all appropriate, current County employees

*Insubordination:* A deliberate and inexcusable refusal to obey a reasonable order that relates to an employee's job function. It also includes public disrespect displayed by a County employee toward a Departmental Director or toward the County while on duty, and hostile or abusive language to any citizen, fellow employee, or Departmental Director

*Internal Recruitment:* A Departmental Director review of all qualified department personnel for possible appointment to a new or vacant position within the department. May or may not include an

Adopted:

announcement to determine interest in the position within the department

*Job Classification System:* A classification system that includes job description/titles indicating the level of responsibility and pay grade, and a wage or salary matrix that indicates grades and the steps within those grades

*Job Description:* A written summary of duties, responsibilities, and authority for the work an employee is hired to perform for the County. Also includes the necessary qualifications for the position and any special physical or environmental requirements of the job

*Medical Records File:* Records of employee disabilities or any other type of specific medical records kept separate from employment and departmental personnel files

*Non-exempt Employee:* This refers to employees who are not exempt from earning overtime as defined by the Fair Labor Standards Act

*Non-regular Employee:* An employee who is not designated as a regular employee

*Non-standard Work week:* Any workweek that does not begin on Monday and end on Friday

*Official Act or Action:* Any legislative, administrative, appointive, or discretionary act of any official or employee of the County or any agency, board, committee or commission thereof

*Open Enrollment Period:* The period during the first week of December each year when an employee may elect to join the PTO System to become effective January of the next year. Only applies to Exempt, non-represented employees who were eligible, but did not enroll in the PTO System upon implementation

*Order of Precedence:* Used when determining which laws or agreements are more applicable

*Original Appointment:* The date an employee begins employment with the County -- See also Employment Anniversary Date

*Ordinance:* A law of the County enacted by the Board of County Commissioners

*Occupational Safety and Health Act (OSHA):* A federal law establishing minimum standards for Industry which is administered in Washington State by a federally approved plan (see WISHA)

*Outside Recruitment:* An announcement of a vacancy to the public (advertised in the official County newspaper (at a minimum) and/or other area newspapers, professional journals and posted on County website

*Pay Status:* When an employee is working or when an employee is using any compensable time (i.e., vacation, sick leave, bereavement leave or approved Comp Time) as compensation for their fully

Adopted:

scheduled workday, they are considered to be on pay status.

*Personal Time Off Leave:* See PTO

*Personnel File:* Refers to both the employee's employment personnel file and the employee's departmental personnel file

*Position Anniversary Date:* The date an employee is appointed to a specific position (defined by a job description) which may be different from their Anniversary Date

*Promotion:* Appointment within a department of a current employee to a position with a higher level of responsibility and accountability

*Provisional Appointment:* Temporary appointment to a position in County service pending the completion of the selection process to fill the position (see Chapter 10, Section 1.1 Types of Appointment)

*Provisional Offer of Employment:* An offer of employment made before the County completes a background check

*PTO Bank:* The amount of accrued PTO an employee has to a specific maximum (See Maximum PTO Bank in Chapter 6, Section 3.4)

*PTO Minimum Increment:* The smallest amount of PTO that an employee can take at one time

*Public Employee:* Any person, holding a position by appointment or employment in the service of the County, whether paid or unpaid, including members of any County designated board, committee, or commission

*Public Official:* Any person holding a position by election, whether paid or unpaid, including members of any board, committee or commission thereof

*Quasi-employee:* A person acting on behalf of the county, with temporary rights and authority relevant to the situation as outlined by the quasi-employee's description of duties or verbal instructions provided by the Departmental Director, e.g., [volunteers](#), jurors, poll workers and advisory board members

*Revised Code of Washington (RCW):* The compilation of all permanent laws now in force in the State of Washington

*Reclassification:* A review of changes in job duties which results in a new title or classification

*Recruitment:* The process of notifying current employees and/or the public of position vacancies within the County. Recruitment may be internal, in-house and outside (see definitions of each)

Adopted:

*Reduction in Force (RIF):* Terminate employment due to budgetary constraints

*Regular Employee:* An employee (full or part time) who has successfully completed the initial trial employment period

*Resolution:* A resolution by the Board of County Commissioners that establishes a policy, procedure, or statement specific to Jefferson County

*Retire:* When an employee leaves County employment with full eligibility (meets age, years of service, etc.) to apply for benefits through a retirement plan

*Salary Administration Policy:* See Chapter 8, Section 1.0

*Scheduled workday:* The regularly scheduled workday of an employee

*Separation:* In terms of this Administration Manual, separation means an employee ceasing their employment relationship with Jefferson County (See also termination)

*Staffing Schedule:* A list of position titles and the number of hours for which they are funded as described in the annual budget

*Standard Paid Leave Accrual System:* The system identified in the Jefferson County Personnel Policy Manual for accrual of vacation, sick leave and floating holiday benefits before the establishment of the PTO accrual system

*Temporary Employee:* An employee who works for a fixed period generally not to exceed 4 (four) months as set by the Departmental Director and approved by the Board of Commissioners or designee. Such employee shall receive no benefits other than those conferred by state or federal statute

*Temporary Promotion:* When an employee of a lower classification is appointed to fill a higher classification due to the temporary absence of the employee normally in the higher classification

*Termination:* The voluntary or involuntary cessation of employment with the County

*Trial Appointment:* Appointment to County service or a new position for a specific amount of time called the Trial Period

*Trial Period:* (may also be referred to as the Probation Period) A time during which the County can judge the performance and potential of a new employee, or an employee in a new position

*Transfer:* Appointment of an employee to another position in County employment. The transfer may be employer or employee initiated

*Union Exempt Employee:* May also refer to employees not included in a Union bargaining unit, who may or may not also be FLSA exempt

*WAC (Washington Administrative Code):* The collection of administrative rules adopted by the Washington State executive branch agencies to carry out the duties given to them in state law by the Legislature

*Wage Classification System:* A system to review and evaluate job descriptions to group "like kinds" of work into classes. Classes represent a range of work activities that are substantially similar in type, responsibility, and authority (See Job Classification System above and Chapter 7)

*Whistle Blower:* A person who reports illegal or improper conduct, especially improper conduct on the part of the Whistle Blower's employer (see Chapter 11, Section 10.0 and Appendix H)

*WISHA (Washington Industrial Safety and Health Act):* Washington State's occupational safety and health program, established when the State Legislature passed the Washington Industrial Safety and Health Act in 1973

*Work day:* The number of hours during a 24 (twenty-four) hour period required of an employee to fulfill the job requirements as defined by the job classification and duties

*Workweek:* A fixed and regularly recurring period of 168 (one hundred sixty eight) hours. (i.e. 7 [seven] consecutive 24 [twenty four] hour periods)

### **Section 3.0 – Affected Parties**

All persons employed by the County (full time, part time, quasi-employees) and all persons who contract, sub-contract or volunteer for the County.

### **Section 4.0 – References**

This listing is not all inclusive.

#### **Section 4.1 – Federal**

- ADA - Americans with Disabilities Act
- ADEA - Age Discrimination in Employment Act
- COBRA - Federal Consolidated Omnibus Budget Reconciliation Act of 1985
- Drug Free Workplace Act of 1988
- HIPAA - Health Insurance Portability and Accountability Act (1996)
- IRCA - Immigration Recovery and Control Act
- FMLA - Family and Medical Leave Act of 1993
- FLSA - Fair Labor Standards Act

#### **Section 4.2 – Revised Code of Washington (RCW) Titles**

Adopted:

7.80	Civil Infractions
9.41.050	Carrying Firearms
9.41.060	Exceptions to Restrictions on Carrying Firearms
9.41.070	Concealed Pistol License
36.17.040	Payment of Salaries of Officers and Employees
38.40.060	Military Leave for Public Employees
41.06.250	Political Activities
42.56	Public Disclosure
42.56.310	Certain Personal and Other Records Exempt
42.23	Code of Ethics for Municipal Officers - Contract Interests
42.24.115	Municipal Corporations and Political Subdivisions -- Charge Cards for Officers' and Employees' Travel Expenses
42.52	Ethics in Public Service
49.12	Industrial Welfare
<a href="#">49.12.265 thru 49.12.295</a>	<a href="#">Family Care Act</a>
49.44.120	Labor Regulations - Requiring Lie Detector Tests
<a href="#">49.46</a>	<a href="#">Paid Sick Leave</a>
<a href="#">49.76</a>	<a href="#">Leave for Victims of Domestic Violence, Sexual Assault, and Stalking</a>
<a href="#">49.77</a>	<a href="#">Leave for Spouses of Military Personnel</a>
<a href="#">49.78</a>	<a href="#">Family Leave Act</a>
70.160	Washington Clean Indoor Air Act
<a href="#">50A</a>	<a href="#">Family and Medical Leave</a>

**Section 4.3 – Washington Administrative Code**

248-152	Prohibition of Smoking Tobacco in Certain Places
<a href="#">296-128</a>	<a href="#">Paid Sick Leave</a>
<a href="#">296-130</a>	<a href="#">Family Care Act</a>
<a href="#">296-135</a>	<a href="#">Leave for Victims of Domestic Violence, Sexual Assault, and Stalking</a>

**Section 4.4 – Jefferson County**

~~Resolution No. 87-86 Indemnification and Tort Representation of County Officials, Employees, and Their Marital Communities~~

Resolutions No. 85-93, 129-97 & 67-99

Jefferson County Loss Control and Countywide Safety Manual

Resolution No. 79-94 Authorizing Donation by County Employees of Accrued Sick Leave and Establishment of a Sick Leave Bank

Resolution No. 64-95 Computer Diskettes from Outside Being Used on County Computers

~~Resolution No. 120-95 Jefferson County Drug and Alcohol Testing Policy for Employees Who Hold a Commercial Drivers License as a Condition of Employment~~

Resolution No. 35-96 Establishing a Key Policy for the Offices and Buildings of Jefferson County

Resolution No. 40-96 Policy Governing Expenditures of Public Funds for Food and Beverages by County Departments

Resolution No. 17-98 Jefferson County Network, Internet, Intranet, E-mail and Voice Mail Use Policy

- Resolution No. 78-99 Prohibition Against Weapons in the Jefferson County Courthouse
- Resolution No. 81-03 Establishing a Paid Time Off (PTO) System and Offering that Alternative to Non-Represented Employees
- Resolution No. 13-04 Adopting a Policy Regarding Privacy of Health Information under the Health Insurance Portability and Accountability Act of 1996 (HIPAA)
- Resolution No. 25-05 Reimbursement to Certain County Officials for Use of Personal Vehicles
- Resolution No. 18-06 ADA Grievance
- Resolution No. 39-06 Jefferson County Records Access Policy
- Resolution No. 82-07 An Amendment to Chapters 1 and 6 of the Personnel Administration Manual
- Resolution No. 64-08 Use of Credit Cards on Behalf of Jefferson County
- Resolution No. 36-11 Risk Management Policy
- Resolution No. 01-14 Position Budgeting Guidelines
- Resolution No. 37-14 Allowing Employees to Receive up to Two (2) 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
- Resolution No. 37-15 Granting Longevity Pay and an Additional Floating Holiday, and Amending the Floating Holiday Accrual Schedule for FLSA and Union Exempt Employees
- [Resolution No. 37-18 Adopting an Updated Drug and Alcohol Testing Policy and Procedures Manual for Employees who hold a Commercial Driver's License as a Condition of Employment](#)
- [Ordinance No. 09-0806-18 An Ordinance Repealing and Replacing the Existing Resolution 87-86 Regarding Indemnification and Tort Representation of Jefferson County Employees and Officers and Amending the Existing Jefferson County Risk Management Policy in Resolution 36-11 and Chapter 2.05 JCC Indemnity of Employee Legal Defense Costs – Claims for Damages](#)



## Chapter 2 – Program Administration

### Section 1.0 – Purpose

The purpose of these rules, regulations, and policies is to facilitate comprehensive, accountable and efficient service to the public, and to provide a personnel management system within the County that deals with all employees in an equitable and uniform manner.

It is the intent of these rules to recognize that the County shall employ the most qualified persons available. The tenure of every employee shall depend upon the need for work performed, availability of funds, effective performance, and good conduct. Each employee shall be expected to perform at their optimum level to provide competent, efficient and courteous service to the public and the County.

None of these provisions shall be deemed to create a vested contractual right to any employee or to limit the power of the County to repeal or modify these rules. These policies are not to be interpreted as promises of specific treatment.

### Section 2.0 – Scope

This manual sets forth the minimum standards of performance and conduct for all employees in County service. Any department may establish its own standards for operation and rules of conduct, provided those standards and rules are in writing and are not in direct conflict with the policies of this manual, collective bargaining agreements, Civil Service rules, local ordinances or contracts, or state or federal statutes. Individual departmental procedures appear at the Departmental Procedures tab in this manual. Departmental Directors shall have the responsibility of informing employees of such procedures and of seeing that they are carried out uniformly and fairly.

The policies outlined in this manual are subordinate to any provision of operational collective bargaining agreements, Civil Service rules, local ordinances, or contracts, or state or federal statutes. In the event of conflict between a provision of this manual and state or federal statutes, collective bargaining agreements, Civil Service rules, local ordinances or contracts, the statute, agreement, rule, ordinance, or contract shall prevail.

#### Order of Precedence



- Federal Laws
- State Laws
- Operational Labor (bargaining) Agreements
- Civil Service Rules
- Local Ordinances, resolutions, or contracts
- Personnel Policy Manual

No provision of this manual purporting to grant any benefit that could result in a financial obligation of the County shall be effective until such obligation is specifically approved by the Board of County Commissioners and/or implemented by appropriate action, ordinance or resolution.

### **Section 2.1 – Revisions**

The Jefferson County Personnel Manual may be revised by resolution of the Board of County Commissioners with concurrence of the Elected Officials. (See Resolution 87-86 *Indemnification and Tort Representation of County Officials, Employees, and Their Marital Communities*)

### **Section 3.0 – Authority**

The Board of County Commissioners may delegate responsibility and authority for daily administration of personnel matters as follows:

#### **Section 3.1 – Departmental Director Responsibilities**

Departmental Directors are responsible for the following type of matters for employees within their assigned departments:

- a. Employee selection pursuant to the selection process
- b. Performance evaluation
- c. Retention of individual employment personnel files, which includes: employee evaluations, written employee communications, letters of support for and documentation of disciplinary actions
- d. Initiation of personnel actions
- e. Training and professional development
- f. Discipline
- g. Complaints about or between employees

#### **Section 3.2 – Human Resource Manager Responsibilities**

The Human Resource Manager (HRM) shall be responsible for insuring that the following type of activities are properly administered by the County:

- a. The recruitment process
- b. Affirmative Action Plan reporting
- c. Retention of employment records that include initial hiring documents, job descriptions for all County positions, employee evaluations, employee medical records, mandatory and cross departmental training records
- d. Classification and compensation plans
- e. Labor relations
- f. Comprehensive review, advice, monitoring and technical assistance for personnel actions
- g. Coordination of interdepartmental training programs
- h. Equal Opportunity Program, Affirmative Action Plan, Age Discrimination in Employment Act, Americans with Disabilities Act, and such other employment regulations or programs requiring centralized monitoring or implementation

Those persons delegated any of the responsibilities contained in this manual shall be accountable for equitable, efficient and impartial administration of these duties. The Human Resource Manager may utilize the services of other County employees or consultants in fulfilling the responsibilities for program administration.

## **Section 4.0 – Equal Employment Opportunity**

It is the policy of Jefferson County to attract and retain employees who are the most qualified regardless of race, creed, religion, color, national origin, sex, marital status, sexual orientation, political affiliation, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a disabled person.

Employees will be treated impartially and without prejudice regarding compensation, promotion, transfers, training and all other terms and conditions of employment, as their abilities warrant and as openings occur. The goal of the equal opportunity program is to maintain an environment ensuring recognition of each person's efforts, achievements, and cooperation. When necessary, reasonable accommodations shall be made.

Any alleged act or complaint of discrimination on the part of any County employee shall be reported to the County Equal Opportunity Advisor for appropriate investigation and action.

## **Section 5.0 – Personnel Files**

Two specific types of personnel files exist in the County system, employment personnel files and departmental personnel files. The Clerk of the Board shall ensure that official employment personnel files are maintained for each employee. The Departmental Director is responsible for individual employee departmental personnel files. All personnel files are a part of the ordinary business records of the County and are the property of the County. Personnel files shall only be available to County employees with a direct employment related need for access and the employee's Departmental Director unless otherwise directed by State law or court order.

Personnel files will not contain information regarding employee disabilities. Such information will be maintained in a separate medical file.

Only employment related information should be included in personnel files. An employee may inspect their employment or departmental personnel file at any reasonable time.

No portion of any personnel file shall be duplicated or reviewed by any person, other than those authorized by this policy, without the knowledge of the employee.

### **Section 5.1 – Employment Personnel Files**

The employment personnel file shall show the employee's name, position and department to which they are assigned and shall include the job description, any forms signed as required by any section of this policy or other County policies, documents indicating employment status, performance evaluations and training received.

### **Section 5.2 – Departmental Personnel Files**

Documentation of employee performance including written disciplinary actions, written commendations and other pertinent information shall be kept in the employee's departmental personnel file.

Adopted:

An employee may place any pertinent information in their departmental personnel file for purposes of explaining or refuting official records therein.

### **Section 5.3 – Confidentiality**

Certain portions of the personnel records of the County are public documents and are subject to disclosure under State law (RCW 42.17) and the Federal Right to Privacy Act. The County will attempt to maintain the confidentiality of personnel records to the extent permissible under State and federal statute.

### **Section 6.0 – Collective Bargaining**

Jefferson County recognizes the right of employees to join unions for the purpose of collective bargaining. Employees are required to join one of the unions listed below depending upon the department/division to which they are assigned.

#### ***United Food and Commercial Workers (UFCW) Local 21:***

Auditor	Public Health
Assessor	Juvenile Services
Clerk (Superior Court)	Parks and Recreation (division of Public Works)
District Court	Prosecuting Attorney
Community Development	Sheriff's Office Cook
WSU Extension	Treasurer
Central Services – Custodians	

#### ***International Brotherhood of Teamsters, Local Union No. 589:***

Central Services – Information Services, Facilities Maintenance, and ER&R/Fleet Services  
Public Works  
Sheriff's Office Command Staff, Deputies, and Administrative Staff

#### ***Fraternal Order of Police (FOP):***

Sheriff's Office Uniformed Support Services (includes Corrections/Civil/Animal Control)

### **Section 7.0 – Management Rights**

Nothing in these rules shall be construed as affecting or revoking the inherent exclusive right of the County with respect to matters of general legislative or managerial policy, including but not limited to the following:

1. To determine the mission of the County's constituent departments, commissions, and boards
2. To set standards for public service and accountability
3. To determine the procedures and standards of selection for employment, promotion, transfer, and dismissal
4. To direct and supervise all County employees
5. To take disciplinary action
6. To relieve employees from duty due to a reduction in force
7. To terminate employees for just cause
8. To maintain the efficiency of governmental operations

Adopted:

9. To determine the methods, means, and personnel by which government operations are to be conducted
10. To take all necessary actions to carry out the County's mission in emergencies
11. To exercise complete control and discretion over the County's organization and the technology of performing its work
12. To set staffing levels and hours of operation

### **Section 8.0 – Administrative Directives**

The HRM shall be responsible for the issuance of personnel-related administrative directives, procedures, and interpretations to supplement this Personnel Administration Manual. The Board of County Commissioners must approve such directives, procedures, and interpretations with concurrence of the County Administrator, and the Departmental Director, after which they will be distributed, followed and enforced in the same manner as the Personnel Administration Manual. Administrative directives and procedures will not conflict with the policies contained in this manual.

## **Chapter 3 – Equal Opportunity and Affirmative Action**

### **Section 1.0 – Declaration of Policy**

Jefferson County has established an Affirmative Action Policy to promote and afford equal treatment and service to all citizens regardless of race, creed, religion, color, national origin, sex, marital status, sexual orientation, political affiliation, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a disabled person. This policy shall apply to every aspect of employment practices, employee treatment, and public contact.

Acts of discrimination against any individual because of race, creed, religion, color, national origin, sex, marital status, sexual orientation, political affiliation, or the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a disabled person are wasteful in terms of lost skills and talents and are therefore in contravention of this policy.

Full details of the policy and procedures regarding equal opportunity can be found in the *Jefferson County Equal Opportunity/Affirmative Action Policy and Procedures Manual* that is Appendix A of this manual. A copy of which shall be provided to all offices and employees of the County, and an additional copy shall be readily available to members of the public.

## Chapter 4 – Code of Ethics

### Section 1.0 – Declaration of Policy

The proper operation of democratic government requires that public officials and employees be committed and bound by the following guidelines:

1. Independent, impartial, accountable and responsible behavior in duty to the County and its citizens
2. Governmental decision and policy making within the proper channels of the governmental structure
3. Public office not to be used for personal gain
4. Belief by the public in the integrity of its government based on the actions of its employees

In recognition of these goals, a code of ethics for all county officials and employees is adopted to supplement the provisions of [Chapter RCW 42.23](#) [RCW and 2 C.F.R 200](#). This policy shall be applicable to all elected officials, employees and quasi employees of the County.

Each employee is responsible for complying with the County's Code of Ethics Policy as a condition of employment. Full details of the policy and procedures regarding the Code of Ethics can be found in the *Jefferson County Code of Ethics Policy and Procedures Manual* that is Appendix B of this manual. A copy of which shall be provided to all offices and employees of the County, and an additional copy shall be readily available to members of the public.

## **Chapter 5 – Standards of Conduct**

### **Section 1.0 – Rules of Conduct**

It is the County's policy to place as few restraints on employee personal conduct as possible. The County relies on each employee's good judgment and sense of responsibility as the principal source of guidance for conducting day-to-day duties and responsibilities.

For the protection of the County's business interests, the public, and other employees, certain rules of conduct have been established. These rules are formalized for each employee's information and to minimize the likelihood of any employee, through misunderstanding or otherwise, becoming subject to disciplinary action.

Each employee is responsible for complying with the County's standards of conduct policy as a condition of employment. A full description of the policy and its applicable procedures can be found in the *Jefferson County Standards of Conduct Policy and Procedure Manual* that is Appendix C of this manual.



## **Chapter 6 – Employee Benefits**

### **Section 1.0 – Health Insurance**

Eligible employees may participate in the applicable health insurance plan provided in accordance with the provisions of the plan as published in the plan book. The programs and criteria for eligibility will be explained at the time the employee becomes eligible to join. The County reserves the right to make changes in the carriers and provisions of these programs when deemed necessary or advisable.

#### **Section 1.1 – Extended Health Benefits (COBRA)**

In compliance with the Consolidated Omnibus Budget Reconciliation Act (COBRA,) the County will offer continuing health care coverage on a self-pay basis to employees and their dependents following an employees' termination or reduction in hours, and to dependents upon the employee's death. These health benefits will be identical to the coverage's offered to full-time employees. For a terminated or reduced-hour employee, the coverage may last up to 18 (eighteen) months or until they becomes eligible for other health insurance coverage, whichever is earlier. In the event of the employee's retirement, divorce, spousal separation, or death, the coverage may last up to thirty-six (36) months for the employee's qualified beneficiary. The employee or the beneficiary will pay the full policy monthly premium plus applicable service fee to the County. The employee or beneficiary may waive all rights to continuation coverage. Notification procedures and time limits are outlined in the continuation coverage "Notification of Rights" letter, which may be obtained in the Auditor's Office.

#### **Section 1.2 – Health Insurance Portability Accounting Act**

The Health Insurance Portability and Accountability Act (HIPAA) requires group health plans to offer special enrollment rights to employees and their dependents. If a new employee has been covered by a health insurance plan prior to being hired by the County, the County's plan or issuer may not exclude coverage for any pre-existing condition for more than 12 (twelve) months (18 months for a late enrollee.) The employee can request a Certificate of Credible Coverage from their previous employer. If an employee cannot get a certificate of credible coverage from their previous employer, other types of information are acceptable including:

1. An explanation of benefit claims
2. Pay stubs showing payroll deductions
3. A health-insurance identification card
4. A telephone call from a representative of the plan to a third party verifying coverage

Their applicable health insurance provider will issue a County employee a Certificate of Healthcare Coverage under the following 3 (three) conditions:

1. When an employee ceases to be covered under a group health plan or becomes covered under COBRA
  2. When the employee ceases to be covered by COBRA
  3. When the employee requests a certificate within 24 months of the termination of coverage
- Employees are encouraged to keep records of important documents verifying employment and benefits. This includes the occasion when a change in job classification also changes the issuing health insurance company.

**Section 2.0 – Vacation**

Vacation time is intended to provide the employee with a period of relaxation away from work. Vacation time is scheduled at the convenience of the County, but every effort will be made to accommodate employees' requests. Vacations are authorized for all regular full-time and qualified regular part-time employees.

**Section 2.1 – Vacation Accrual**

Vacation will be accrued by the hour and calculated on a monthly basis beginning with an employee's date of employment. Vacation accrual shall be as follows:

Completed Years of Service (See Chapter 10, Section 3.0)	Completed Months of Service	Rate of Accrual per Straight Time Hour of Compensation	Maximum Hours Earned	Maximum Days Earned
0 thru <del>23</del>	0 thru 36	0.0385 Hours	80.0 Hours	10 Days
<del>34</del> thru <del>45</del>	37 thru 60	0.0462 Hours	96.0 Hours	12 Days
<del>56</del> thru <del>910</del>	61 thru 120	0.0577 Hours	120.0 Hours	15 Days
<del>101</del> thru <del>145</del>	121 thru 180	0.0615 Hours	128.0 Hours	16 Days
<del>156</del> +	181+	0.0770 Hours	160.0 Hours	20 Days

Only those days the employee is normally required to work shall be counted in computing the vacation period to which the employee is entitled. Holidays occurring with the employee's vacation period shall not count as vacation time taken.

Vacation schedules must be approved by the Departmental Director or their designee(s) and scheduled in accordance with departmental rules. Vacation preferences among employees shall be resolved by a combination of anticipated workload and seniority.

- 2.1.1 Additional Non-Accruable Vacation Days for Exempt/Non-represented Employees:  
In addition to the accrual chart in 2.1 above the following non-accruable vacation days will be available to Exempt/non-represented employees who were eligible to join the PTO system when it was implemented but chose not to join at that time or at any subsequent “open enrollment” as follows:

Completed Months of Employment	Completed Years of Employment	Non-Accruable PTO Days Per Calendar Year (based on FTE)
0 thru 36	0 thru <del>23</del>	1
37 thru 120	<del>34</del> thru <del>910</del>	2
121+	10+	3

The additional days available pursuant to this section shall be treated as floating holidays for the purpose of accruals (i.e. shall not be carried forward from one year to the next or be payable upon termination.)

**Section 2.2 – Vacation or PTO During an Employees’ Trial Period**

An employee on trial appointment status shall not be entitled to use any form of paid vacation (or PTO) leave during their 6 (six) month trial period, or any extended trial period. This does not however preclude a Department Head from allowing a new employee to take a pre-scheduled vacation or use additional days granted, if this arrangement was negotiated and agreed to by the County Administrator as part of the terms of their hire and approved prior to their hire date. Use of PTO during any trial period may be granted for a documented medical condition.

Unpaid leave may be taken if approved by the Departmental Director. Employees on trial appointment status shall accrue vacation or PTO credit, which shall become available upon appointment to regular employee status. Employees terminated during their trial period are not eligible for cash out of any accrued vacation or PTO credit.

A Departmental Director, with the approval of the County Administrator, may negotiate with a candidate for hire, to provide additional vacation or PTO days or allow a new hire to take a pre-scheduled vacation at a time before their trial period expires. The results of all such negotiations shall be put in writing and require pre-approval by the County Administrator. In no case will a new hire be granted more than five (5) additional days of vacation or PTO.

**Section 2.3 – Vacation Accrual While on Paid and Unpaid Leave Status**

Accrual of vacation leave is based upon an employee's regularly weekly work schedule including regular hours worked, authorized holidays, vacations, sick leave or bereavement leave and excluding overtime hours and other unpaid leave of absence periods.

**2.3.1 Paid Leave Status:**

Employees who are on vacation, recognized holidays, or paid sick leave shall continue to accrue vacation leave at the regularly prescribed rate during such absence.

**2.3.2 Unpaid Leave Status:**

An employee does not accrue vacation when they are on unpaid leave, e.g., personal leave, FMLA leave, Worker's Compensation, etc.

**Section 2.4 – Accumulated Vacation**

Carryover of accumulated vacation time shall not exceed 10 (ten) days at the beginning of any calendar year. Accumulated vacation time not exceeding the 10-day (ten) maximum will be automatically carried over. Any vacation earned that exceeds this maximum accumulation allowable shall be forfeited. Employees denied vacation requests due to office workload that results in accumulated vacation time exceeding the 10-day (ten) limitation may submit a request to the Board of County Commissioners or designee to be paid for the excess days. The request must be accompanied by a recommendation from the Departmental Director.

An employee may submit a written request to their Departmental Director for approval to carry over five (5) days of vacation in excess of the authorized 10 (ten) day maximum, due to circumstances beyond their control or when planning a significant vacation and/or event. Employee requests to carry over more than five (5) days of vacation in excess of the authorized 10 (ten) day maximum, must be approved by the employee’s Departmental Director and submitted in writing to the County Administrator for approval. The request must be submitted in writing as early as possible to the

projected vacation date and any approved carry over of vacation must be used within the first six months of the following calendar year or within the timeframe as determined by the County Administrator. Any approved carry over of vacation which is not used within the authorized timeframe shall be forfeited.

### **Section 2.5 – Termination**

Upon termination, an employee shall be paid for vacation accrued as of the termination date. Such time will be paid at the employee's current rate of pay. If, at termination, an employee has used more vacation than they have accrued, compensation for the amount of vacation taken above their accrual will be deducted from their final paycheck.

In the event of a regular employee's death, compensation for accrued vacation will be paid to the employee's designated beneficiary, if any, and if none, to the employee's heirs or estate in accordance with State law.

### **Section 3.0 – Personal Time Off**

The County ~~may~~established an alternate system for accrual of vacation and sick leave generally known as personal time off or PTO. This system has been adopted for all non-represented, exempt staff hired after January 1, 2004. (See Resolution No. 81-03 *Establishing a Paid Time Off System and Offering that Alternative System to Non-Represented Employees*)

In accordance with the Washington State Paid Sick Leave Law, effective January 1, 2018 all employees covered by the FLSA shall accrue at least one hour of paid sick leave for every 40 hours worked. State Paid Sick Leave accrual year is January 1 to December 31. Employees covered by the FLSA shall accrue State paid sick leave concurrently as part of and within the County PTO.

### **Section 3.1 – Personal Time Off (PTO)**

The personal leave benefit system is an alternative leave accrual system for exempt, non-represented employees to use for vacation, illness or injury, and personal business. It combines the standard paid leave accrual system (i.e. vacation, sick leave and floating holidays) into one flexible, personal time-off system. Employees will be eligible to earn and use PTO as described in this policy.

### **Section 3.2 – Purpose**

The PTO system is established to provide greater flexibility to employees in managing their time off benefits, to allow greater accumulation of paid time off, and to reduce employer exposure to ultimate benefit utilization.

### **Section 3.3 – Affected Parties**

All regular full time and part time County employees who are eligible to accrue paid leave because they have voluntarily, through their own action if offered, or through the action of their bargaining representative if negotiated, agreed to enroll in this alternative personal time off benefit (PTO) system.

### **Section 3.4 – Accrual**

The amount of PTO an employee receives each year increases with the length of their employment as

shown in the following schedule:

Completed Months of Employment	Completed Years of Employment	* PTO Yearly Accrual Maximum Hours /(days)	Maximum hours earned per straight time hour of employment. (PTO is earned hourly and posted monthly.)	PTO Bank Maximum Hours/(days)
0 thru 36	0 thru <del>23</del>	152/(19)	0.0731	240/(30)
37 thru 60	<del>34</del> thru <del>45</del>	168/(21)	0.0808	280/ (35)
61 thru 120	<del>56</del> thru <del>910</del>	192/(24)	0.0923	320/(40)
121 thru 180	<del>101</del> thru <del>145</del>	208/(26)	0.1000	360/(45)
181 thru 240	<del>156</del> thru <del>1920</del>	232/(29)	0.1115	400/(50)
241 thru 300	<del>201</del> thru <del>245</del>	Same	Same	440/(55)
301+	25+	Same	Same	480/(60)

\* Calculated based on a standard scheduled work week of 40 hours, maximum 2,080 hours yearly.

**Section 3.5 – Procedures**

The following procedures will be used in implementing the system for those employees who enroll in the PTO system.

3.5.1 - PTO Use and Minimum Increment

PTO shall be used for all authorized leave provisions pursuant to Chapter 6 Sections 2.0 and 5.0 of this Manual. The minimum increment of PTO use is four (4) hours for all FLSA exempt personnel.

3.5.2 - PTO Use During an Employee's Trial Period and Scheduling Use of PTO

No PTO may be used until successful completion of the trial period, except for a documented medical condition. PTO shall be scheduled pursuant to the sick/vacation leave provisions (See also Section 2.2) of this Policy.

3.5.3 - PTO Banking and Cash Out

The employee may bank and carry forward any accrued PTO up to the Maximum PTO Bank (see the schedule in the table in Section 3.4). Upon separation of employment for any reason, the employee will be cashed out for unused PTO not to exceed the PTO maximum pursuant to the table in Section 3.4. except that in the event an employee’s accrued PTO balance exceeds the Maximum PTO Bank due to extenuating circumstances, an employee may submit to their Department Director a written request to be cashed out for the excess PTO, with a statement documenting the extenuating circumstances. If all or a portion of the request is recommended for approval by the Director, the request and the Director’s written recommendation will then be submitted to the County Administrator for possible approval. In no event shall the PTO cash out exceed the sum of the PTO Bank Maximum plus the PTO Yearly Accrual Maximum, both as listed in the table in Section 3.4. Scheduled time off approved by the Department Head prior to submission of the required notice of resignation or retirement (See Chapter 10, Section 12.4 and 12.5) will be honored.

~~Requests to use PTO that are made after a notice of resignation or retirement has been submitted are not allowed.~~

3.5.4 - PTO Bank

Accrued PTO shall be credited to the employee's PTO bank up to the maximum allowed. Unless the employee has requested in writing and received approval to carry over excess accrued PTO pursuant to Section 3.5.5, any accrued PTO which exceeds this authorized bank limit will be credited to the employee's Catastrophic Sick Leave Bank (see also Section 3.5.6). When the employee uses accrued PTO and brings the available amount below the maximum cap pursuant to the table in Section 3.4, accrual to the PTO bank will begin again.

3.5.5 - PTO Carry Over

An employee may submit a written request to their Departmental Director for approval to carry over five (5) days of PTO in excess of the authorized bank limit, due to circumstances beyond their control or when planning a significant vacation and/or event. Employee requests to carry over more than five (5) days of PTO in excess of the authorized bank limit, must be approved by the employee's Departmental Director and submitted in writing to the County Administrator for approval. The request must be submitted in writing as early as possible to the projected vacation date and any approved carry over of PTO must be used within the first six months of the following calendar year or within the timeframe as determined by the County Administrator. Any approved carry over of PTO which is not used within the authorized timeframe shall be credited to the employee's Catastrophic Sick Leave Bank (see also Section 3.5.6).

3.5.6 - Catastrophic Sick Leave Bank

An employee's Catastrophic Sick Leave Bank shall only be accessible to the employee accruing the bank, and access shall only be allowed when all other paid leave, compensatory time or other Employer provided financial benefits are exhausted.

- A) Maximum Accrual - The maximum accrual in the catastrophic sick leave bank is 960 hours (120 days.)
- B) County Sick Leave Bank - Days accrued in the catastrophic sick leave bank may be donated to the County sick leave bank per Resolution 79-94.
- C) Separation from Employment: Upon separation from employment any accrual left in the employee's catastrophic sick leave bank is forfeited.

3.5.7 - PTO Cash Out

PTO is paid at the employee's base pay rate (computed as an hourly rate) at the time of use or cash out, [consistent with Section 3.5.3 - PTO Banking and Cash Out, above](#). ~~In no event shall PTO cash out exceed the PTO maximum pursuant to the table in Section 3.4.~~

3.5.8 - PTO Use During Illness or Injury or Workplace Injury

The use of PTO due to illness, injury or workplace injury shall follow the sick leave provisions of Chapter 6, Section 5.0.

3.5.9 - Conversion from Standard Paid Leave Accrual System to PTO

When an employee elects to enroll in the PTO System their paid leave balances will be handled as follows:

- A) Unused Sick Leave: Any sick leave an employee accrued under the standard sick leave system before enrolling in the PTO system will be banked in a separate account for the employee's benefit and may be used and/or cashed

out under the sick leave provisions of Chapter 6, Section 5.0. The employee will use the S/L designation on their time sheet if the time is to be taken from their sick leave bank.

- B) Unused Vacation Leave: Any vacation leave an employee accrued under the standard system will be converted to PTO when the employee chooses to enter the PTO system.
- C) Unused Floating Holidays: Any unused floating holiday for an employee will be retained as a non-accruing floating holiday.

3.5.10 - PTO Choice for Current Employees

PTO is offered as an alternate to the standard paid leave accrual system. Once an employee chooses to enter into the PTO system the employee will not be authorized to return to the standard paid leave accrual/use system unless the PTO system is no longer offered.

3.5.11 - Open Enrollment Period

Exempt, non represented employees who are eligible but chose not to enroll in the PTO System upon implementation will have an opportunity to make that choice during an open enrollment period the first week of December each year for implementation the following January.

3.5.12 - Leave Accruals from the Standard Paid Leave Accrual System

Once an employee enrolls in PTO any accrued leave over the limits established in the standard paid leave accrual system will be included in the amount rolled into their PTO bank.

3.5.13 - PTO for New Employees

The PTO system shall be applied to all non-represented employees hired.

**Section 3.6 – Responsibilities**

Employees under the PTO System will be responsible for managing the use of their PTO accrual to ensure that they have paid leave time available for all appropriate time off uses. Employees will need to be mindful of their PTO balance to assure that they have a balance available to cover traditional sick leave uses including their own illness/injury, medical or dental care, as well as the same uses for their dependents and certain family members (see Section 5.0 for eligible family members.)

**Section 3.7 – Provisions of Chapter 6, Section 5.0 and 6.5 Apply**

All of the provisions of the currently adopted Chapter 6, Section 5.0 and Section 6.5 or any future version of these sections that is adopted by the County regarding the use of accrued sick leave and Family Medical Leave, shall apply to the use of PTO when it is used for illness, injury or medical reasons.

3.7.1 - PTO Designated as Family Medical Leave (FMLA):

Employees and their Supervisors must identify and report in a timely manner the nature of the use of any PTO hours to be designated as FMLA for a qualified illness, injury, maternity leave, or other qualified use.

3.7.2 - Time Sheets:

The designation of 202 will be used for time to be used from a PTO Bank and the designation of 242 will be used for time that is eligible to be Family Medical Leave (FMLA) on County time sheets.



**Section 3.8 – Catastrophic Sick Leave Bank Balances**

When an employee's accrued PTO hours reach the maximum allowed, further accrual will be credited to the employee's Catastrophic Sick Leave Bank at the end of each year, unless carry over has been granted pursuant to Section 3.5.5. The Payroll Services Manager in the Auditor's Office will be responsible for oversight of the accrual, use, and tracking all individual employee Catastrophic Sick Leave Bank balances.

**Section 3.9 – Additional “Non-Accruable” PTO Days**

In addition to the accrual chart in Section 3.4 the following non-accruable PTO days will be available to employees on the PTO System as follows:

Completed Months of Employment	Completed Years of Employment	Non-Accruable PTO Days Per Calendar Year (based on FTE)
0 thru 36	0 <del>thru</del> 23	1
37 thru 120	24 <del>thru</del> 9	2
121+	10+	3

The additional days available pursuant to this section shall be treated as floating holidays for the purpose of accruals (i.e. shall not be carried forward from one year to the next or be payable upon termination.)

**Section 4.0 – Holidays**

Qualified regular employees shall be entitled to the paid holidays specified by the Board of County Commissioners. To be paid for a holiday, an employee must be on pay status the scheduled workday immediately preceding and immediately following the holiday. Employees are entitled to 10 (ten) specified holidays and 1 (one) floating holiday as shown below:

Holiday	Date	Holiday	Date
New Year's Day	January 1	Labor Day	1st Monday in September
Martin Luther King, Jr's Birthday	3rd Monday in January	Veteran's Day	November 11
President's Day	3rd Monday in February	Thanksgiving Day	4th Thursday in November
Memorial Day	Last Monday in May	Day after Thanksgiving Day	Friday after Thanksgiving
Independence Day	July 4	Christmas Day	December 25
One Floating Holiday		Date to be selected by mutual agreement of the employee and their Departmental Director	

**Section 4.1 – Holiday Pay During a Declared Emergency Budget Reduction:**

When an emergency budget reduction which includes voluntary furloughs for employees for a specific amount of time, is declared and implemented by the Board of County Commissioners through the appropriate budget process the requirement in Section 4.0 that an employee must be on pay status the scheduled workday immediately preceding and immediately following the holiday will be modified as provided below.



- 4.1.1 An Employee who has voluntarily agreed, and been approved, to take a specified number of furlough days (days without pay) may, with the approval of their Departmental Director, take a furlough day before **OR** after a recognized holiday and receive their regular holiday pay. Holiday pay will not be paid if the employee takes a furlough day before **AND** after the regularly paid holiday, however.

**Section 4.2 – Holiday Observed**

When the holiday falls on a Saturday, it will be observed on the preceding Friday. When a holiday falls on a Sunday, it will be observed the following Monday. If an employee is on an authorized leave with pay when a holiday occurs, the holiday shall be paid and not charged against any accumulated sick or vacation leave.

**Section 4.3 – Holidays and Overtime**

Holidays paid for, but not worked, shall be recognized as time worked for determining weekly overtime. Hourly employees who work on holidays shall be paid at the rate of 1 ½ (one-and-one-half) times the regular hourly straight time rate of pay for hours worked, in addition to regular holiday pay, in accordance with Chapter 11, or the employee's collective bargaining agreement. FLSA exempt employees are not entitled to overtime pay.

**Section 4.4 – Holidays and Non-standard Workweeks**

4.4.1 *Continuous Operations:*

County services that operate 24 (twenty four) hours a day and 7 (seven) days a week may implement alternative holiday observance and compensation systems, with approval of the County Administrator.

4.4.2 *Alternate Work Schedules:*

County Departments/Divisions that operate on a non-standard workweek will determine how holidays will be taken by mutual agreement with their Departmental Director.

**Section 4.5 – Holiday Benefits for Employees on Alternate Work Schedules**

The holiday benefit consists of up to 8 hours of pay per holiday.

4.5.1 *Hourly Employees:*

An hourly employee whose normal day off falls on an officially observed holiday shall receive another day off, with pay, during the same workweek in which the holiday occurs.

4.5.2 *Hourly employees on Compressed Work Week:*

An hourly employee on a full-time compressed workweek schedule will receive 8 hours of holiday pay per holiday and may charge the difference against an appropriate paid leave balance, be unpaid, or with supervisory approval, flex the time during the workweek in which the holiday occurs. Alternatively, the Departmental Director may approve a regular 8-hour-per-day, 5-days per week schedule during the pays periods that include a holiday.

4.5.3 *Part Time Employees:*

Part-time employees receive holiday pay pro-rated based on their work schedule.

### **Section 4.6 – Holidays of Faith and Conscience**

Under Washington law all employees of Jefferson County are entitled to receive up to two (2) 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.”

Note that a partial day off will count as a full day toward an employee’s yearly allotment of two (2) days. Note also that the law provides for unpaid leave, and there is no provision for substituting paid time off. Employees who wish to be compensated for the time off, must follow the policies for using accrued vacation leave or compensatory time or other paid time off.

Employees seeking to take a day off or partial day off under this law, must submit a written request using the “Unpaid Holiday Leave Request Form” located in P:\Public\Forms\Personnel Forms\, to their Department Director, with a copy to the Human Resources Manager, at least two weeks in advance. Untimely requests will only be considered if the employee can demonstrate that timely notice was not possible under the circumstances.

The request must include the following information:

1. Name of employee making the request, and
2. Date of request, and
3. The dates of the day(s) off or partial day(s) off being requested (Note that a partial day off will count as a full day toward an employee’s yearly allotment of two (2) days), and
4. A sufficient description of the reason for the leave so that the Departmental Director can determine if it qualifies for leave under the terms of the law, and
5. If the request is untimely, a written explanation of why it was not possible to submit the request in a timely manner

A request may be denied if:

1. It was not submitted in a timely manner, or
2. The reason for the requested leave does not qualify for leave under the terms of the law, or
3. The employee has already exhausted their allotment of two (2) days off under the law, or
4. The employee occupies a public safety position, such as police, fire, or dispatch, and granting the leave would result in the shift falling below necessary staffing levels, or
5. Granting the request would cause an undue hardship as defined by the Office of Financial Management.

## **Section 5.0 – Sick Leave**

### **Section 5.1 – Accruals**

[In accordance with the Washington State Paid Sick Leave Law, effective January 1, 2018 all employees covered by the FLSA shall accrue at least one hour of paid sick leave for every 40 hours worked. State Paid Sick Leave accrual year is January 1 to December 31. State paid sick leave will be accrued concurrently as part of and within the County paid sick leave.](#)

Regular employees shall accrue sick leave at the rate of 0.0462 hours for each full straight time compensable hour of service beginning with the date of employment to a maximum of 1,920 (one

thousand nine hundred and twenty hours) and accrual continues while an employee is on paid leave status (e.g., vacation, authorized holiday, or sick leave.) When an employee is on unpaid leave status, they do not accrue sick leave benefits.

Regular part-time employees shall accrue sick leave at the rate of 0.0462 hours for each full straight time compensable hour of service after two (2) consecutive years of employment pursuant to Chapter 10, Section 1.1.

### Section 5.2 – Eligibility

Employees shall be eligible for sick leave for the following purposes (See also Section 5.6):

1. Illness or injury (to include child bearing or related circumstances of the employee)
2. Medical or dental care
3. To care for their sick child under the age of 18 (eighteen)
4. As provided in ~~RCW 49.12.270~~ State law, an employee may use any or all of their choice of sick leave or other paid time off to care for:
  - (a) ~~A child of the employee with a health condition that requires treatment or supervision; or~~ A child, including a biological, adopted, or foster child, stepchild, or a child to whom the employee stands in loco parentis, is a legal guardian, or is a de facto parent, regardless of age or dependency status;
  - (b) ~~A spouse, parent, parent in law, or grandparent of the employee who has a serious health condition or an emergency condition which is verified.~~ A biological, adoptive, de facto, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child;
  - (c) A spouse;
  - (d) A registered domestic partner;
  - (e) A grandparent
  - (f) A grandchild; or
  - (g) A sibling.
5. An absence resulting from an employee's mental or physical illness, injury, or health condition; to accommodate the employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or an employee's need for preventive medical care;
6. To allow an employee to provide care for a family member with a mental or physical illness, injury, or health condition; care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or care for a family member who needs preventive medical care;
7. When an employee's place of business has been closed by order of a public official for any health-related reason, or when an employee's child's school or place of care has been closed for such a reason;
8. An absence that qualifies for leave under the Domestic Violence Leave Act, Chapter 49.76 RCW as follows:
  - (a) Seeking legal or law enforcement assistance or remedies to ensure the health and safety of employee's and their 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) Seeking treatment by a health care provider for physical or mental injuries caused by domestic violence, sexual assault, or stalking.
- (c) Attending health care treatment for a victim who is the employee's family member.
- (d) Obtaining, or assisting the employee's family member(s) in obtaining, services from: a domestic violence shelter; a rape crisis center; or a social services program for relief from domestic violence, sexual assault or stalking.
- (e) To 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.
- (f) Participating 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.

An employee who is absent from work due to medical reasons shall immediately report their absence to their Departmental Director in compliance with Chapter 11, Section 1.0.

### **Section 5.3 – Verification of Use**

#### **5.3.1 *Medical Certification:***

The County may require that the employee provide a medical certification to support a request for sick leave use that goes beyond 5 (five) consecutive working days. Employees have the right to assert that the verification requirement results in an unreasonable burden or expense on the employee. The County may also require that a second medical opinion be obtained. This evaluation is done at the County's expense and must be obtained from a health care provider who is not employed by the County. In the event of conflicting opinions, the County may ask for an opinion from a third and final provider at the County's expense to offer a binding decision.

#### **5.3.2 *Fitness for Duty:***

The County may require that an employee provide a medical certification of fitness for duty to return to work after a medical leave that extends beyond 10 (ten) consecutive working days and that involves a mental disability or substance abuse, or where the medical condition and the employee's job are such that the County believes the employee may present a serious risk of injury to him/herself or others if they are not fit to return to work.

### **Section 5.4 – Sick Leave Use and Carryover**

#### **Part-time, non-union represented employees:**

- Are eligible to use accrued sick leave 90 calendar days after starting their employment.
- May carryover up to 40 hours of unused paid sick leave to the following year. Any unused sick leave over 40 hours will be forfeited.
- Upon separation from employment, there will be no financial cashout or other reimbursement to the employee for accrued, unused paid sick leave at the time of separation.

- If rehired within 12 months of separation, any accrued, unused paid sick leave will be reinstated to the employee's paid sick leave balance. If an employee is rehired within 12 months of separation, the employee will not be required to wait another 90 days to use the accrued paid sick leave if the employee met that requirement during the previous period of employment. If an employee did not meet the 90-day requirement for the use of paid sick leave prior to separation, the previous period of time the employee worked for Jefferson County will count toward the 90 days for purposes of determining the employee's eligibility to use paid sick leave.

Regular employees and Regular Part-Time employees:

- Are eligible to use accrued paid sick leave upon accrual.
- May carryover unused paid sick leave to the following year in accordance with this policy and Collective Bargaining Agreements.
- Upon separation from employment, reimbursement for accrued, unused sick leave may be made pursuant to Chapter 10, Section 12.3.
- If rehired within 12 months of separation, any accrued, unused paid sick leave that was not paid out at separation will be reinstated to the employee's paid sick leave balance. If an employee is rehired within 12 months of separation, the employee will be able to use their accrued paid sick leave upon accrual.

**Section 5.4~~5~~ – Payments from Workmen's Compensation or Other State Mandated Plan**

If an employee is absent due to illness or injury for which he or she is receiving payment from a State Industrial Insurance, Law Enforcement Officers and Fire Fighters Retirement System (LEOFF), or other state mandated plan, the County will pay the difference between the employee's regular wages and the amount received from the State or other worker's compensation insurance plans. Sick leave will be deducted hour for hour from the employee's sick leave accrual for each hour that the employee is not at work. Employees shall never receive more compensation off the job than if working. LEOFF I employees may be required to submit claims to the LEOFF Disability Board rather than be awarded sick leave benefits, and LEOFF II employees may be subject to different regulations regarding use of sick leave when they are receiving Workers Compensation benefits.

**Section 5.5~~6~~ – Filling Vacancy created by Regular Employee on Sick Leave**

An employee promoted to fill a vacancy created by a regular employee on sick leave due to an injury or disability (including but not limited to maternity leave previously authorized in writing) shall hold such position subject to the return of the absent employee for up to 1 (one) year. See also Temporary Promotions, Chapter 10, Section 6.2.

~~**Section 5.6 – Use of Sick Leave for Relatives or Household Members**~~

~~For purposes of this section only "relatives" shall be limited to spouse, son or daughter eighteen years of age or over, grandchild or foster child, grandparent, parent, or parent-in-law of the employee. "Household members" means persons who reside in the same home, who have reciprocal and natural and/or moral duties to and do provide support for one another. The term does not include persons sharing the same general house when the living style is primarily that of a dormitory or commune. See also Section 5.2 and RCW 49.12.270.~~

### **Section 5.7 – Sick Leave Bank**

Jefferson County has established a sick leave bank to assist employees with a life threatening or major illness and have used all of their available sick leave. Such employee may apply for assistance through the sick leave bank. If approved, the employee will receive the difference between their request and any amount paid by a third party plan or from a County-provided insurance benefit. Requests must be submitted through the employee's Departmental Director. See Resolution No. 79-94.

### **Section 5.8 – Converting Authorized Leave to Sick Leave**

If an employee becomes ill while on authorized leave status (paid or unpaid), they may request to have the authorized leave converted to sick leave provided said illness is verified.

## **Section 6.0 – Leaves of Absence**

Employees may request a leave of absence for the purposes specified in this section. Unless otherwise stipulated, each request must be approved by the Departmental Director and the County Administrator after an evaluation of the request on its own merits and on the basis of the guidelines of this section, if not addressed by a collective bargaining agreement.

### **Section 6.1 – Bereavement Leave**

Three (3) days paid leave is granted for the death of an employee's immediate family member. For purposes of this section, "Immediate family" means spouse or domestic partner, child, parent, grandparent, sibling, including those relationships arising by marriage and/or adoption or domestic partner relationship. Bereavement leave may be approved beyond the allotted 3 (three) days for travel over 500 (five hundred) miles one way from the employee's home, but shall not exceed 5 (five) paid days unless approved by the County Administrator. For purposes of this section, a day is the employee's normal weekly straight time hours divided by 5 (five) resulting in the number of compensable hours in any 24-hour (twenty-four) period.

### **Section 6.2 – Jury Duty or Subpoenaed Witness**

If an employee is called for jury duty or is subpoenaed as a witness (in an action where the County is a party and the employee is not a Plaintiff), the employee shall not suffer any loss of regular compensation from such absence. However, they shall be required to remit to the County any compensation received from such duties, excluding compensation received for transportation and meals. An employee released from jury duty for part of a day shall report to work for the remainder of the day. If less than 2 (two) hours remain in the work shift, the employee shall call their Departmental Director for instructions.

### **Section 6.3 – Military Leave**

Military leave will be granted in accordance with RCW 38.40.060. Military leave shall be granted upon written application accompanied by a copy of bona fide orders to temporary active or training duty. ~~Military leave is unpaid time.~~

### [Section 6.4 – Leave for Spouses of Military Personnel](#)

[Leave for spouses of military personnel will be granted in accordance with RCW 49.77. Leave will be granted upon the employee providing notice to the employer within five \(5\) business days of](#)



receiving official notice of an impending call or order to active duty or of a leave from deployment.

Section 6.5 – Leave for Victims of Domestic Violence, Sexual Assault and Stalking  
Leave for victims of domestic violence, sexual assault, and stalking will be granted in accordance with RCW 49.76 and WAC 296-135. Leave will be granted upon the employee providing verification that:

- a) The employee or employee’s family member is a victim of domestic violence, sexual assault, or stalking; and
- b) The leave taken was for one of the purposes described in RCW 49.76.030 or that the safety accommodation requested under RCW 49.76.115 is for the purpose of protecting the employee from domestic violence, sexual assault, or stalking.

#### **Section 6.4 – Personal Leave Without Pay**

On a case-by-case basis, an employee may apply for leave without pay. Departmental Directors may grant requests for unpaid personal leave not to exceed 5 (five) working days. The County Administrator may, based on the recommendation of the Departmental Director, grant personal leave that exceeds 5 (five) working days but may not exceed 1 (one) year. The employee's request must be in writing, signed by the employee and submitted at least 2 (two) weeks in advance of the requested leave period. This notification may be waived in the event of an emergency situation when an employee has no other eligible accumulated leave. The employee shall not be guaranteed reinstatement to their previous position or to any position unless such agreement is made in writing before a personal leave begins. Leave without pay shall be granted only after an employee has exhausted all paid leave and compensatory time. Personal leave without pay may not be used for the purpose of outside employment.

#### **Section 6.5 – Family and Medical Leave**

The County complies with the federal Family and Medical Leave Act of 1993 (FMLA), and all applicable state laws related to family and medical leave. This means that, in cases where the law grants the employee more leave than the County’s leave policies provide, the County will give the employee the leave required by law.

##### **6.5.1 Eligibility:**

To be eligible the employee must have worked for the County for at least 12 (twelve) months, and for 1,250 (one thousand two hundred and fifty) hours over the 12 (twelve) months previous to the request for such leave. FMLA leave is granted for any of the following reasons:

1. To care for an employee’s child after birth or placement for adoption or foster care
2. To care for an employee’s spouse, son, daughter or parent who has a serious health condition
3. For a serious health condition that makes the employee unable to perform the essential functions of their job.

##### **6.5.2 Serious Health Condition:**

For purposes of this policy, a serious health condition is an illness, injury, or physical or mental condition involving in-patient care or more than 3 days of continuing treatment by a health care provider.

##### **6.5.3 Length of Allowable Leave:**

FMLA leave may be approved for a maximum of 12 (twelve) weeks in a 12 (twelve) month period. For purposes of this policy, the 12-month period shall be established as the 12-month period measured forward from the first date an employee takes FMLA leave. The next 12-month period would begin the first time FMLA leave is taken after completion of the prior 12-month period. ~~calendar year will be used to determine the 12-month period.~~ Leave to care for a child after birth or placement for adoption or foster care must be concluded within 12 (twelve) months of the birth or placement.

6.5.4 *Intermittent Leave:*

Under some circumstances, FMLA leave may be taken intermittently (taking leave in blocks of time) or by reducing the employee's normal weekly or daily work schedule. FMLA leave may be taken intermittently if medically necessary because of a serious health condition. If FMLA leave is for birth or placement for adoption or foster care, use of intermittent leave is subject to approval by the County Administrator with a recommendation from the Departmental Director.

6.5.5 *Requests that Exceed 12 Weeks:*

Requests for FMLA leave to exceed 12 (twelve) weeks will be reviewed in accordance with the circumstances of the request, considerations of work coverage, and the provisions of a collective bargaining agreement or the County's general policy on leave without pay.

6.5.6 *Requesting FMLA Leave:*

Requests are to be submitted to the employee's Departmental Director at least 30 (thirty) days prior to the leave, except in cases of emergency. Requests shall include a doctor's or other health care provider's documentation of the medical reason for the leave and the expected duration. The Departmental Director shall, if the request is approved, forward the leave request to the County Administrator for approval.

6.5.7 *FMLA to Run Concurrent with Other Leave:*

Family Medical Leave shall run concurrent with all available paid time off (vacation, personal, sick, and compensatory time, State Department of Labor and Industries (L&I) Workers Compensation, etc.) Paid leave and/or compensatory time shall be used in the beginning of the 12 (twelve) week total (e.g., if the employee requests 12 [twelve] weeks and has 2 [two] weeks of accrued vacation and 3 [three] weeks of accrued sick leave, the unpaid FMLA leave is authorized for 7 [seven] weeks.)

6.5.8 *Designating Leave as FMLA Leave:*

If an employee uses accrued leave for a purpose for which FMLA leave would be available, it is the County's policy to designate the employee's accrued leave as counting against their FMLA leave allowance. The employee is required to notify the County if they use accrued leave for a reason covered by the FMLA so that the County may properly account for the leave.

6.5.9 *Advance Notice and Medical Certifications:*

The County requires that the employee provide advance leave notice, with medical certification of the need for a leave related to a health condition, and with medical certification of the employees' fitness to return to duty after medical leave. Taking leave, or reinstatement after leave, may be denied if these requirements are not met:

1. The employee must give at least 30 days' advance notice of their request for leave if the reason for the leave is foreseeable based on an expected birth, placement for



adoption or foster care, or planned medical treatment. If 30 days' notice is not practicable, the employee must give the County notice as soon as practicable, usually within one or two business days of when the need for leave becomes known to the employee. If the employee does not give the County 30 days' advance notice, and if the need for the leave and the approximate date of the leave were clearly foreseeable by the employee, the County may deny the employee's request for leave until at least 30 days after the date the employee gives the County notice.

2. The County requires that the employee provide a medical certification to support a request for leave because of a serious health condition (the employee's own, or the child, spouse, or parent of the employee) whenever the leave is expected to extend beyond five consecutive working days or will involve intermittent or part-time leave. The County may require that a second medical opinion be obtained. This evaluation is done at the County's expense and must be obtained from a health care provider who is not employed by the County. In the event of conflicting opinions, the County may ask for an opinion from a third and final provider at the County's expense to offer a binding decision.
3. The County requires that the employee provide a medical certification of fitness for duty to return to work after a medical leave that extends beyond 10 consecutive working days and that involves a mental disability or substance abuse, or where the medical condition and the employee's job are such that the County believes the employee may present a serious risk of injury to themselves or others if they are not fit to return to work. Additional certification may be requested for any extension of a leave period beyond the dates originally approved.

6.5.10 *Periodic Reporting:*

If the employee takes leave for more than 2 (two) weeks, they are required to report to their Departmental Director at least every 2 (two) weeks on their status and intent to return to work.

6.5.11 *Continuation of Benefits:*

When an employee uses paid leave for FMLA leave, the employee's share of premiums must be paid by the method normally used during any paid leave. When FMLA leave is unpaid, the employer may require the employee make payment either to the employer or the insurance carrier directly.

The employee shall not accrue any sick or vacation benefits during the portion of the FMLA leave period that is unpaid.

6.5.12 *Completion of FMLA:*

Upon completion of the Family Medical Leave the employee shall be reinstated to their previous position or one that is generally equivalent in content and compensation, unless the position has been eliminated due to budgetary cutbacks, restructuring or a reduction in force.

In the event an employee fails to return to work on an agreed date at the end of leave or fails to receive approval for a leave extension, the continued absence will be viewed as a voluntary quit. In the event the employee quits employment during leave

or fails to return to work at the end of the leave period, the County is entitled to recoup from the employee any health insurance premiums paid for by the County for the employee's insurance coverage during their leave of absence.

## **Section 7.0 – Injuries/Illnesses**

### **Section 7.1 – On-the-Job Injuries/Illnesses**

#### *7.1.1 Compensation:*

Employees who are injured on the job or become ill because of the job (i.e. small pox vaccination required by job or from exposure to a toxic spill,) must see a physician to file a Worker's Compensation claim and may use accumulated sick and/or vacation time while the claim is being processed. If the claim is for an FMLA qualified injury or condition, FMLA leave will run concurrently with the Workers' Compensation time loss. If all other leaves are exhausted after the 12 (twelve) week FMLA period, employment status for purposes of accruing benefits such as retirement service credits, vacation, sick leave, and paid holidays are suspended and the employee is not considered on "paid leave" status.

#### *7.1.2 Insurance:*

An employee who is absent from work on unpaid leave due to injuries or illnesses may retain their insurance coverage on a self-pay basis as provided by COBRA (see Chapter 6 Section 1.1.) Any optional or employee-paid premiums will remain the responsibility of the employee.

### **Section 7.2 – Off-the-Job Injuries**

#### *7.2.1 Compensation:*

Employees who are absent from work due to off-the-job illnesses or injuries may use accumulated sick and/or vacation leave or accrued compensatory time (Comp Time,) and FMLA if applicable.

#### *7.2.2 Personal Leave Without Pay:*

Personal leave without pay may be granted for injuries/illnesses according to leave policies as explained in Sections 5.0 and 6.0.

## **Section 8.0 – Employee Assistance Program**

Jefferson County offers an Employee Assistance Program (EAP) to each employee and their dependents that are also covered by the employee's County or union-sponsored health insurance plan.

### **Section 8.1 – Eligibility**

Eligibility begins as soon as the employee is hired. The EAP is available 24 (twenty four) hours a day, 7 (seven) days a week for help with work stress, relationship problems, anger management, coping with change, family/parenting issues, anxiety or depression, alcohol or drug dependencies, and grief or bereavement issues. A brochure with contact information is provided upon hire. If an employee does not have this information, they may contact their Departmental Director.

## **Section 9.0 – Training**

**Section 9.1 – Mandatory Training for All Employees**

The following training is required for all employees. New employees will be required to take this training as soon after hire as a class is offered.

**Jefferson County Personnel Administration Manual**

<b>Type of Training</b>	<b>Who is Required to Take</b>	<b>How Often</b>
Defensive Driving	All employees who drive a County vehicle, or are paid mileage by the County for driving their own vehicle on County business.	<u>Upon hire and refresher</u> <del>E</del> every 3 years.
Blood Borne Pathogens	Potential Occupational Exposure (identified on job description)  Little or No Exposure	<del>When</del> <u>Upon</u> hired and annually thereafter.  Notified of Blood Borne Pathogens Policy <u>upon hire and refresher</u> every 2 years. <del>or as presented.</del>
Workplace Hazards "Right to Know"	All Employees	As presented.
Anti-Harassment	<del>New Employees</del> <u>All Employees</u>  <del>Continuing Employees</del>	<u>Upon hire and refresher every 2 years.</u> Notified of County Anti Harassment Policy <u>upon hire.</u>  <del>Refresher at least once every other year, or as needed.</del>
Diversity/ADA	All Employees	<del>As presented or</del> <u>Upon hire and refresher</u> every 2 years.
Public Records Act	Elected Officials, Department Directors, Records Officers and All Employees who are responsible for responding to Public Records Requests or who use or have access to County computers, computer networks, internet, electronic mail, and communication equipment.	Within 90 days of assuming duties of office.  Refresher at intervals no longer than 4 years (May be more frequent).
Open Public Meetings Act	Members of Governing Bodies (Board of County Commissioners/Advisory Boards/All Employees who provide support to Advisory Boards.	Within 90 days of assuming duties of office.  Refresher at intervals no longer than 4 years (May be more frequent).
Records Management and Retention	Elected Officials, Department Directors, Records Officers and All Employees who use or have access to County computers, computer networks, electronic mail, and communication equipment.	Within 90 days of assuming duties of office.  Refresher at intervals no longer than 4 years (May be more frequent).
Cash Handling	All employees who handle cash	Every 2 years.
Fire Extinguisher	All employees	As presented or every 3 years.
HIPAA	All employees  Required in Job Description	Notified of HIPAA Policy on hire.  As presented.
First Aid	If required in Job Description	Renew card every 3 years.
CPR	If required in Job Description	Renew card every 2 years.

### **Section 9.2 – Job Related Training**

The County may reimburse employees or pay for pre-authorized job related training. To be eligible, the employee must demonstrate all of the following:

1. The training is necessary for improving skills in the current position or to qualify for promotion
2. The money is budgeted in the operating budget
3. It is in the County's best interest to pay for the training
4. County services will be substantially improved by the authorization of the training.

For reimbursement from the County's Training Fund, an employee shall make their request in writing to the Departmental Director who shall forward it with comments and a recommendation to County Administrator for approval of the expenditure of funds. If the only training available is out of state, approval for the out of state travel is required prior to the training being scheduled.

### **Section 10.0 – Retirement**

All regular employees who meet the criteria established by state law are contributing members to one or more of the following plans:

1. Washington State Public Employees Retirement System (PERS)
2. Washington State Public Safety Employees Retirement System (PSERS)
3. Law Enforcement Officers and Fire Fighters Retirement System (LEOFF)
4. Social Security

### **Section 11.0 – Other Pre-Tax Programs**

In addition the County also offers voluntary programs that provide saving in income tax for employees. Employees may participate in the Deferred Compensation program offered through the County payroll deduction program for retirement savings as well a Section 125 program for childcare and medical expenses. Interested employees should contact the Auditor's Office for more information. Other programs may be offered, at the discretion of the employer, as they become available to public employees.

### **Section 12.0 – Reimbursement for Job-Related Travel Expenses**

Travel must be approved by the employees' Departmental Director to be reimbursed for job-related travel expenses. See the Jefferson County Travel and Transportation Policy and Procedures that is Appendix D of the manual, for complete guidelines, which must be followed to ensure proper approval of travel and reimbursement of related expenses.

### **Section 13.0 – Membership in Professional and Technical Societies**

County employees are encouraged to be active in the technical and professional societies of their respective disciplines that are related to their position with the County. These activities are considered a benefit both to the County and to the employee because of additional knowledge or personal associations gained through the membership. Departmental Directors, through the budgeting process, will select what fees and dues it will pay for employees' membership in technical and professional societies. Any organization for which the County pays the dues, the County address

shall be used on all mail. The County will pay only basic national and local dues. The County will not pay voluntary program contributions for these professional and technical societies.

### **Section 14.0 – Professional and Technical Registration**

The County encourages professional and technical registration by providing the necessary experience under the direction of registered professionals and assumes that each qualified individual will want to achieve professional status at the earliest opportunity. The County will pay fees for professional and technical certificates and licenses for its employees if determined by the Departmental Director, with concurrence of the County Administrator, to be of benefit to the County. Such fees are to be included in and approved with the department's annual budget request.

### **Section 15.0 – Community Service Organizations**

While the County encourages employees to be involved in community service organizations (i.e., Kiwanis, Rotary, Soroptomists), membership fees in such organizations are the sole responsibility of the employee and are not reimbursable by the County.

## **Chapter 7 – Job Classification System**

### **Section 1.0 – Purpose**

The Job Classification System consists of a job description and a grade and step wage matrix for all positions except elected officials (see Section 1.3), along with an organizational chart for each department.

#### **Section 1.1 – Classifying Employment Positions**

The purposes of the Job Classification System include:

1. Establishing qualification standards for employment eligibility
2. Maintaining internal and external equity of compensation for similar positions
3. Developing standards of work performance
4. Establishing directions of career advancement
5. Providing a means of analyzing organizational relationships of positions
6. Assisting in determining budget requirements
7. Identifying individual training needs
8. Providing flexibility in the utilization and assignment of human resources

#### **Section 1.2 – Departmental Directors and Managers**

Classifications for exempt Departmental Directors and management personnel are based on the above-referenced model.

#### **Section 1.3 – Elected Officials**

Salaries for Elected Officials are established by Resolution of the Board of County Commissioners. The provisions of the Revised Code of Washington (RCW) define duties for Elected Officials.

### **Section 2.0 – Analysis**

The Board of County Commissioners shall establish, maintain, and revise a Job Classification System throughout the County. This system may include a wage classification plan for a unit of employees adopted pursuant to a collective bargaining agreement, a wage classification plan adopted by the Board of County Commissioners for a specific department or unit, and/or a wage classification plan adopted by the Board of County Commissioners for a group of first line management and senior management employees.

When a new position is created and the staffing schedule has been approved, the Departmental Director will prepare a description of duties and responsibilities which will be analyzed and evaluated by the County Administrator, or a staff member designated by the County Administrator, for the allocation of the position to the appropriate grade within an appropriate wage schedule.

#### **Section 2.1 – Reclassification**

A Departmental Director may request a change in classification when the duties and responsibilities of a position have substantially changed. See Chapter 10, Section 11 for more information on the procedures for reclassifications.

## **Chapter 8 – Compensation Plan**

### **Section 1.0 – Salary Administration Policy**

The County's compensation plan shall, prudent financial considerations permitting, be competitive with other comparable employers in similar job markets. Salary ranges of each classification shall be representative of the skills and the responsibilities required and shall be reflective of levels of authority and responsibility in the organization. The Board of County Commissioners is responsible for the development, maintenance and revision of an equitable compensation plan which provides minimum and maximum rates of pay for each classification not covered by a labor agreement with intermediate steps as deemed appropriate.

All salaries established in accordance with the provisions of this manual are subject to the Board of County Commissioners' final approval of the County's annual budget. The Board of County Commissioners shall have the responsibility for the development, administration, and amendments, as required of a uniform and equitable plan, which will generally provide equal pay for equal work.

Pursuant to RCW, the Board of County Commissioners shall approve any changes in any employee's compensation level, whether such change may increase or decrease.

### **Section 2.0 – Pay Administration**

#### **Section 2.1 – Salary Adjustments**

Employee salary adjustments shall be pursuant to the County Salary Administration Policy (See Section 1.0), Labor Agreement, or County Resolution. Once determined the appropriate Payroll Status Change Form shall be completed by the Departmental Director and appropriately routed. The form is available in the following directory: P:\Public\FORMS\Personnel Forms\.

#### **Section 2.2 – Compensation for an Appointee**

Upon initial appointment to full-time, regular part-time or temporary positions, the Departmental Director will recommend the employee's salary at the minimum rate of the range provided for that classification. A Departmental Director may recommend an initial rate of pay beyond the minimum of a salary range if an appointee is exceptionally well qualified for, or experienced in, the position. The County Administrator shall approve all pay actions.

### **Section 3.0 – Payment of Salary and Wages**

Employees are paid once each month. Employees will normally receive their pay by the 5<sup>th</sup> (fifth) day of the following month but not later than the 15<sup>th</sup> of the following month (RCW 36.17.040) and shall receive an accounting of that month's earnings, federal, state or locally mandated deductions or garnishments, and voluntary deductions. Employee may elect to receive a draw against their monthly pay. See Section 3.3

#### **Section 3.1 – Pay Days**

If the 5<sup>th</sup> (fifth) or the 20<sup>th</sup> (twentieth) of the month falls on a Saturday or Sunday or holiday, then the employee will receive their wages on the Friday before the 5<sup>th</sup> (fifth) or the 20<sup>th</sup> (twentieth) or the day



before the holiday if the holiday falls during the week.

### **Section 3.2 – Direct Deposit**

Direct Deposit is available to employees upon hire and will be implemented after the appropriate paperwork is completed and filed with the Auditor's Office. Unless an employee banks with a small bank or Credit Union, the money should be in their account by payday, which is the 5<sup>th</sup> (fifth) of every month, but no later than the 15<sup>th</sup> (fifteenth) of the month; or by the 20<sup>th</sup> (twentieth) if an employee has established a mid-month draw.

### **Section 3.3 – Mid-Month Draw on Pay**

Employees may receive a monthly draw on their pay. A draw is an advance of up to 40% of the employee's monthly earnings and is paid on the 20<sup>th</sup> (twentieth) day of each month. Employees are encouraged to set up their draw requests with the Auditor's Office for the entire year; however, changes may be made if absolutely, necessary. [Clerk Hires shall not receive draw checks.](#)

## **Section 4.0 – Overtime**

Overtime work shall be compensated and administered in accordance with the Fair Labor Standards Act (FLSA), as amended, and 29 CFR 500-1899. Overtime consists of all hours worked in excess of 40 (forty) hours of the employees' regularly scheduled workweek as defined by the Department. PRIOR to overtime being worked, the employee's Departmental Director must authorize it.

### **Section 4.1 – Compensatory Time in Lieu of Overtime**

A non-exempt employee may request Compensatory Time Off (Comp Time) in lieu of overtime. Any employee wishing to accumulate Comp Time in lieu of overtime must have a valid Compensatory Time Agreement on file in their departmental personnel file. Overtime, whether taken as overtime pay or as Comp Time, shall be compensated at the rate of one and one-half hours for each hour worked unless provided otherwise by the employee's collective bargaining agreement. An employee's request to use earned Comp Time shall be granted within a reasonable time unless to do so would be unduly disruptive to the work of the department

### **Section 4.2 – Maximum Comp Time Accrual**

Comp Time earned and not taken may be accrued to a maximum of 40 (forty) hours unless the County Administrator authorizes additional accrual. When the maximum is reached, any subsequent overtime hours must be paid in cash. Whenever possible, employees should be encouraged to request, and Departmental Directors to permit, the use of Comp Time hours within 90 (ninety) days of earning it.

#### *4.2.1 Comp Time Records*

Each Department shall maintain the following records for compensatory time for each employee: 1) the number of compensatory hours earned and used by pay period, and 2) The number of compensatory hours converted to and paid in cash, the amount paid and date of the work period in which they were paid.

## **Section 5.0 – FLSA Exempt Personnel**

Any employee of the County who is exempt from the application of the Fair Labor Standards Act shall be responsible for working the number of hours per month required to accomplish the goals of the department. The County will not record Compensatory Time Off or any other accumulation of

Adopted:

Chapter 8

hours exempt personnel work beyond 40 (forty) hours a week. FLSA Exempt personnel will not record time off in increments of less than 4 hours.

### **Section 6.0 – Travel Time**

Jefferson County will pay for authorized travel and other incidental business expenses as specified in the Jefferson County Travel and Transportation Policy and Procedures Manual that is Appendix D of this manual.

## Chapter 9 – Recruitment and Selection

### Section 1.0 – Job Announcement

A job announcement may be made for any vacant position within the County service and will be initiated upon request of the Departmental Director to the Clerk of the Board except in the case of Civil Service positions, which will be initiated by the Civil Service Commission. The announcement will include the title and beginning wage or salary for the position, the nature of duties performed, a summary of the qualifications required, a time and place to apply and the selection process to be used, when appropriate.

#### Section 1.1 – Internal Recruitment

When there is a job opening in a Department, the Departmental Director shall review the qualification of the Department's current staff members to determine if there are any staff qualified to move into the position. If there are qualified staff and the Departmental Director ~~feels~~ believes it is in the best interest of the County to offer the position to one of the current employees, that offer may be made. If the Departmental Director determines that it is in the best interest of the County to solicit a larger number of applicants for the position, the in-house recruitment process will be utilized.

#### Section 1.2 – Recruitment In-House

Job announcements subject to in-house posting will be distributed to each department for posting internally for 4 (four) working days prior to, or concurrent with, outside advertising. The purpose of the in-house announcement is to allow interested and qualified employees to acknowledge to their Departmental Director their desire to be transferred into the vacant position if they are in the same department or to apply for the position if they are in a different department. Employees should review Chapter 10 Section 7.0 to understand how an employee initiated transfer may affect certain benefits before submitting their application. See also Section 4.5 Promotion/Reclassification/Transfer Matrix.

#### Section 1.3 – Recruitment - Outside (Public)

Job announcements will be posted a minimum of 10 (ten) working days prior to the closing date, unless otherwise approved by the County Administrator.

### Section 2.0 – Application

All persons applying for advertised positions within County service will complete an employment application in the form approved by the County Administrator. Civil Service applicants, in addition to completing the standard County application form, will complete the selection process approved by the Civil Service Commission.

#### Section 2.1 – Distribution of Employment Applications

County departments will not accept applications for employment with the County directly, and any person desiring to make application will be referred to the office of the Board of County Commissioners. All completed applications will be returned to the office of the Board of County Commissioners and will then be forwarded to the appropriate Departmental Director.

### **Section 2.2 – Potential Applicant Pool**

The Departmental Director will return all of the applications for persons who were not hired to the County Commissioners Office where they will be kept on file for a period of 6 (six) months for consideration by other County departments if similar positions are advertised.

### **Section 2.3 – Applications Only Accepted for Advertised Positions**

The Clerk of the Board will not accept applications for employment, unless such application is pursuant to an announcement for a position that has been approved through the County budgeting process by the Board of County Commissioners.

### **Section 3.0 – Eligibility**

All applicants must meet the minimum qualifications described in the job announcement and the job description for the position at the time of application. Applicants who do not meet the minimum qualifications will not be considered.

### **Section 4.0 – Selection**

The selection method will include evaluation of job related knowledge, skills, abilities, experience, education, training, certification, and when appropriate, aptitude and character. The selection method may require formal written or oral examinations. When appropriate, a specific selection process shall be outlined in the job announcement.

Selection criteria shall be based on the requirements of the position. Copies of the selection criteria and process results will be reviewed to insure compliance with applicable law and kept on file with the Clerk of the Board.

#### **Section 4.1 – Employment Reference Checks**

An applicant's performance in previous positions may be checked by the County prior to the hiring decision being made. That information may come from a variety of sources including performance evaluations, performance related documentation and references from current or past supervisors and co-workers.

#### **Section 4.2 – Provisional Offer of Employment**

##### **4.2.1 Starting Pay Rate:**

Vacant positions are typically hired at step 1 of the current grade of the position. Department Directors have authority to offer a starting step up to 5% above step 1, provided there is adequate funding in their departmental budget. If a Department Director proposes to hire at a starting step that is more than 5% above step 1, it has significant budget impacts, and is subject to County Administrator approval prior to making an offer to the candidate (See Resolution No. 01-14). Except as previously noted, internal employee transfers or promotions, shall be handled pursuant to the policies outlined in Chapter 10, Employee Status.

Prior to appointment, but after a provisional offer of employment, applicants are required to submit to a background check.

4.2.2 *Background Checks:*

A criminal background check will be conducted. A DOL (Washington State Department of Licensing) Abstract of Complete Driving Record shall be submitted to the Human Resource Manager. The Driver's License Offices will issue this Abstract for a fee, which is the responsibility of the applicant.

4.2.3 *Other Checks:*

Applicants may also be required to submit to a credit check, a physical examination, psychological examination, fingerprinting and job-related fitness testing, depending on the position for which they are being considered. Deputy Sheriffs may also be required to submit to a polygraph test in accordance with RCW 49.44.120.

**Section 4.3 – Results of the Hiring Process**

Notice of the results of the hiring process will be forwarded to all final candidates for the job by the hiring department. The hiring department will also coordinate the paperwork necessary for appointment of the new employee to County service. A copy of all paperwork will be forwarded to the office of the Board of County Commissioners.

**Section 4.4 – On-the-Job Training Positions**

Persons may be accepted for State and federally funded on-the-job training (OJT) programs (i.e. State Department of Labor and Industries retraining programs, Disabled Veteran retraining programs, or the State "Work First" program) where a portion or all of their wages are paid by a grant. These positions will be allowed in departments where there is sufficient guidance and supervisory personnel to develop employee potential. The Departmental Director shall determine the existence of such positions.

**Section 4.5 – Promotion/Reclassification/Transfer Matrix**

See below:

**Jefferson County Personnel Administration Manual**

Section 4.5 -- Promotion/Reclassification/Transfer Matrix						
ACTION	PROMOTION	RECLASSIFICATION	TRANSFER			
			Employee Initiated		Employer Initiated	
			Same Department/Office/Bargaining Unit	Different Department/Office/Bargaining Unit	Same Department/Office/Bargaining Unit	Different Department/Office/Bargaining Unit
	<i>Within Department Only</i>	<i>Within Department Only</i>				
<b>Recruitment - Internal</b>	Yes	N/A	N/A	N/A	N/A	N/A
<b>Recruitment - In-House</b>	If not filled through internal recruitment	N/A	Yes	Yes	N/A	N/A
<b>Recruitment - Outside (Public)</b>	If not filled through in-house recruitment	N/A	Yes	Yes	N/A	N/A
<b>Date, Position Anniversary</b>	Establishes new date (effective date of promotion)	No Change	Establishes new date	Establishes new date	May Change	May Change
<b>Date, Annual Review</b>	Establishes new date (effective date of promotion)	No Change	Establishes new date	Establishes new date	May Change	May Change
<b>Date, S/L &amp; Vacation Accrual</b>	Original Appointment Date	No Change	Original Appointment Date	Original Appointment Date	Original Appointment Date	Original Appointment Date
<b>Comp Time, Balance Accrued</b>	Accrual must be used or cashed out, if promoted to Exempt position.	May require use or cash out if employee moves from Union to Exempt position.	If transferred to Exempt position accrual must be used or cashed out.	Does not transfer. Must be used or cashed out.	If transferred to Exempt position accrual must be used or cashed out.	Does not transfer, Must be used or cashed out.
<b>Union Initiation Fee</b>	If required, employee responsibility	No Change	If required, Employee responsibility	If required, Employee responsibility	If required, EMPLOYER responsibility	If required, EMPLOYER responsibility
<b>Union Dues</b>	Rate may change	If applicable, rate may change	May Change - Employee responsibility	May Change - Employee responsibility	May Change - Employee responsibility	May Change - Employee responsibility
<b>Health Insurance Benefits</b>	May change, If change <u>and</u> trust/provider does not w.aive w.aiting period - EMPLOYER pays COBRA is Employee responsibility	May change, If change <u>and</u> trust/provider does not w.aive w.aiting period - EMPLOYER pays COBRA is Employee responsibility	May change, If change <u>and</u> trust/provider does not w.aive w.aiting period - COBRA is Employee responsibility	May change, If change <u>and</u> trust/provider does not w.aive w.aiting period - COBRA is Employee responsibility	May change, If <del>does</del> change <u>and</u> trust/provider does not w.aive w.aiting period - EMPLOYER pays COBRA	May change, If <del>does</del> change <u>and</u> trust/provider does not w.aive w.aiting period - EMPLOYER pays COBRA
<b>Trial Period</b>	Yes	N/A	Same as New Hire	Same as New Hire	N/A	N/A
<b>Wage Change</b>	Must be 1% or greater.	May change (up or down) or stay same.	Same as New Hire	Same as New Hire	May change (up or down) or stay same.	May change (up or down) or stay same.

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## Chapter 10 – Employee Status

### Section 1.0 – Appointment

All appointments are made by the Departmental Directors with the concurrence of the County Administrator for the Board of County Commissioners.

#### Section 1.1 – Types of Appointment

Full-Time Employee: An employee who regularly works a minimum of 30 (thirty) hours per week. Employees working a 30 (thirty) hour workweek are eligible for 100% (one hundred) of the benefits as provided by the County.

Part-Time Employee: An employee working in a position that is authorized and scheduled to be filled at a rate of less than 30 (thirty) hours per week. Employees filling these positions shall receive no benefits other than those conferred by state or federal statute or a contract of employment or as provided in a collective bargaining agreement. Part time employees shall receive a pro-rated share of holiday, vacation and sick leave benefits after completing 2 (two) consecutive years of regular part-time employment (see Chapter 6, Section 5.1) Time spent as Clerk Hire, Casual or Temporary employees shall not be used in calculating consecutive years of employment.

Casual Labor: An employee who is hired to work on an intermittent or as-needed basis and may or may not be on a predetermined schedule. This position may also be known as "Clerk Hire" in some departments.

Clerk Hire: Positions that are not guaranteed any duration of employment, number of hours assigned or other scheduling of work, and may be terminated at any time with or without cause. Clerk Hire positions are not entitled to any benefits that are based on seniority or regular employee status unless otherwise stipulated by state or federal law or statute. Clerk Hire positions have no standing to apply for an opening in a County department during the "in house" posting period.

County Administrator: [A position appointed by the Board of County Commissioners to handle County administration.](#)

Temporary Employee: An employee, who works for a fixed period generally not to exceed 4 (four) months as set by the Departmental Director and approved by the County Administrator. Such employee shall receive no benefits other than those conferred by state or federal statute. Temporary employees have no standing to apply for an opening in a County department during the "in house" posting period.

Exempt Employee: An employee who holds an administrative, professional or executive position which is defined as exempt from overtime under the Fair Labor Standards Act.

Union Exempt: Employees not included in a Union bargaining unit, who may or may not also be FLSA exempt.

Non-Exempt Employee: An employee who is not employed in an exempt administrative, professional or executive position as defined by the Fair Labor Standards Act.

Adopted:

Regular Employee: An employee who has successfully completed the initial trial employment period and has received an appointment as a regular employee. Regular employees are credited with continuous service retroactive to the date of hire. Regular employees may be full-time or part-time.

Non-Regular Employee: A non-regular employee is an employee not appointed or designated as a regular employee.

### **Section 1.2 – Classes of Appointment**

Trial Appointment: All appointments, including original appointments and appointments made by employee initiated transfer or promotion shall be trial appointments. Employees shall remain in that status until certified to regular employment as specified in Section 4 of this Chapter or discharged.

Regular Appointment: An employee shall receive a regular appointment after a) successful completion of their trial period, b) concurrence by the Departmental Director, and c) concurrence of the County Administrator.

Temporary Appointment: Positions with duration of 4 (four) months or less.

Provisional Appointment: Appointment to a position pending the submission of required documentation. Such appointment shall not exceed 2 (two) weeks in duration, unless an extension due to extenuating circumstances is approved by the County Administrator. Positions subject to Civil Service Rules may be appointed provisionally to County service pending the results of the selection process to fill such a position. Such appointments shall not exceed 4 (four) months unless approved by the Civil Service Commission (See Civil Service Rules.)

Emergency Appointment: Appointments made for a limited duration to meet an extraordinary need or to prevent public injury, as defined by the Board of County Commissioners, not to exceed 3 (three) months.

## **Section 2.0 – Orientation**

The Departmental Director is responsible for conducting orientation sessions within their department. Upon appointment, employees shall receive an orientation session by their Departmental Director or the Departmental Director's designee who will provide information regarding the County's structure, policies and procedures. Orientation shall include, but is not limited to, organization and services of the County, work rules, personnel policy and procedures, departmental rules and procedures, completion of payroll forms and introduction to other County personnel.

## **Section 3.0 – Seniority**

Seniority shall be based on this section, except as may be provided in employment or collective bargaining agreements.

### **Section 3.1 – For Purposes of Calculating Vacation and Sick Leave**

Seniority will be on the basis of continuous employment with the County.

Adopted:



**Section 3.2 – For Task Assignments, Vacation Scheduling, etc.**

For task and other assignments, selection shall be based on the employee's performance and ability in that classification. Where employees exhibit substantially equal performance and ability, seniority will generally govern the assignment.

**Section 3.3 – Trial Period Employees**

During their trial period, an employee has no seniority status. At the end of the trial period, seniority will be credited from the date of most recent appointment.

**Section 3.4 – Regular Part Time Employees**

Regular part-time employees shall accrue seniority after 2 (two) years of consecutive regular part-time employment on the basis of full-time equivalency. One (1) year of seniority shall be accrued for every 1,820 (one thousand eight hundred twenty) part-time hours worked.

**Section 3.5 – Casual, Temporary, Non-regular, Provisional or Emergency Employees**

Seniority is not accrued by casual, temporary, non-regular, provisional, or emergency employees.

**Section 4.0 – Trial Period**

The trial period is a time during which the County can judge the performance and potential of a new employee, and the new employee may evaluate the County as an employer. This period is applicable to every employee, including current employees who are promoted or have initiated a transfer request. It also applies to former County employees who return to their previous position after a voluntary break in service of greater than 1 (one) year.

**Section 4.1 – Length of Trial Period**

The trial period is for six (6) continuous calendar months, except for Civil Service positions, which have a twelve-month (12) period. In the event extenuating circumstances interrupt the trial period or result in unsatisfactory completion, the Departmental Director may extend the trial period for up to an additional 6 (six) months with concurrence of the County Administrator. Employees may be terminated without notice and without cause during the trial period or at its completion. An employee may also leave their position during this period without prior notice to the County.

**Section 4.2 – Performance Reviews During Trial Period**

Performance of an employee will be evaluated in writing by their Departmental Director at least once every 3 (three) months during the 6 (six) month trial period. The Departmental Director shall review the performance of the employee at the end of the trial period and may recommend certification of the employee for regular appointment to the County Administrator by submitting a Payroll Status Change Form. If the County Administrator approves the Payroll Status Change Form will be placed in the employee's employment personnel file. Until such certification has occurred, all employees shall be deemed trial employees, even though the trial period may have expired.

**Section 5.0 – Performance Evaluation**

Departmental Directors will evaluate performance of regular employees in writing at least once every 12 (twelve) months. Performance evaluations will become a part of the employee's employment personnel file and will be considered in any future personnel actions.

Adopted:

Departmental Directors will use the performance evaluation process to identify training needs and potential for advancement. If an employee's performance is substandard, the Departmental Director will inform the employee of the necessary improvement expected. Employees who fail to meet the required performance level will be terminated from County service.

## **Section 6.0 – Promotion**

A promotion is an appointment of an employee within a department to a higher classification (grade) with a higher salary range that is not part of a career ladder. Promotions to vacant positions within a department shall be made after an evaluation of all department employees who meet the minimum qualifications for the position. Cross training of County employees is deemed to be in the best interests of the County and expected whenever it is possible, but in and of itself does not justify promotion and does not constitute an automatic consideration for promotion. (See Chapter 9, Section 4.5 - Promotion/Reclassification/Transfer Matrix.)

### **Section 6.1 – Placement in New Wage Grade/Step**

Upon promotion, an employee will be placed in the new wage grade at a step commensurate to their knowledge, skills and qualifications that results in at least a 1 (one) percent increase to their base wage rate. If a Department Director proposes placement at a starting step that is more than 5% above step 1, it has significant budget impacts, and is subject to County Administrator approval prior to making an offer to the employee (See Resolution No. 01-14). An employee promoted within the Department will serve a 6 (six) month trial period within the higher classification, during which time they may be demoted without appeal if determined not qualified for the new position. After discussion with the Departmental Director, the employee may request to return to their previous position, displacing a less senior employee. For step increase purposes only (refer to applicable salary matrix), when an employee receives a promotion their position anniversary date changes to the effective date of the promotion.

### **Section 6.2 – Temporary Promotion Due to Vacancy Created by Sick Leave**

An employee promoted to fill a vacancy created by a regular employee on sick leave due to an injury or disability (including but not limited to maternity leave previously authorized in writing) shall hold such position subject to the return of the absent employee for up to 1 (one) year.

#### **6.2.1 Documented Agreement Required:**

An agreement for the regular employee's return will be completed prior to the expiration of the employee's FMLA benefit and will outline the conditions for return including that the returning employee shall be restored to the position they held previously or any other equivalent position in pay and status, if available, provided they return within 1 (one) year.

The temporarily promoted employee shall return to their original position, or a comparable position, if available. Otherwise, the employee shall be permitted to exercise their qualifications and seniority to displace a less senior employee. All of this action is subject to appropriate funding and positions provided for in the current operating budget.

## **Section 7.0 – Employee-Initiated Transfers**

Adopted:

For purposes of this policy an employee-initiated transfer occurs when an employee in a County department makes application to be considered for hire to a vacant position in another County department during the in-house and/or outside (public) posting period for the vacant position (see Chapter 9.)

Vacant positions are typically hired at Step 1 of the current grade of the position. Department Directors have authority to offer a starting step up to 5% above step 1, provided there is adequate funding in their departmental budget. If a Department Director proposes to hire at a starting step that is more than 5% above step 1, it has significant budget impacts, and is subject to County Administrator approval prior to making an offer to the employee candidate (See Resolution No. 01-14). While the employee retains seniority/longevity with the County for determining vacation and sick leave benefits, they will forfeit position seniority for the purpose of collective bargaining agreements and wage classifications. (See also Section 8.0 for information regarding employer-initiated transfers and Section 4.5 the Promotion/Reclassification/Transfer Matrix at the end of Chapter 9.

### **Section 8.0 – Employer-Initiated Transfer**

Occasionally the County may find it necessary to transfer an employee between departments. If the transfer requires that the employee also transfer to a new collective bargaining unit, the County will pay for the employee's COBRA health insurance premiums until the employee completes the applicable waiting periods, as well as the employee's union initiation fees. See also Section 4.5 the Promotion/Reclassification/Transfer Matrix at the end of Chapter 9.

### **Section 9.0 – Demotions**

A demotion is the placement of an employee in a lower paying position/classification which may or may not be due to reasons related to performance.

#### **Section 9.1 – Non-disciplinary Demotions**

A non-disciplinary demotion occurs when an employee is placed in a lower paying position due to position reclassification, reduction in positions due to budget impacts or reorganization, or other circumstances/reasons unrelated to an employee's performance. When an employee experiences a non-disciplinary demotion, their salary shall be set at a place in the new salary range so that no decrease in base pay results. If such an employees' previous position is reinstated within 1 (one) year, the demoted employee will have first option for reinstatement to that position.

#### **Section 9.2 – Disciplinary Demotions**

A disciplinary demotion occurs when an employee is placed in a lower paying position due to reasons related to performance. When an employee is demoted for performance or disciplinary reasons, they may be placed in a lower classification and their salary will be set at a place in the new salary range which results in a decrease in base salary of at least 5 (five) percent.

### **Section 10.0 – Reduction in Force/Consolidation/ Reorganization**

Departmental Directors may request that positions in their departments be cut back in work hours or eliminated that will result in a lay off of employees due to changes in the duties of the organization, lack of work, lack of funds or for other reasons. Prior to such action, reasonable efforts will be made to place an employee in another available position within the department or in another department by

Adopted:

transfer. When layoffs are required, the Departmental Director will use the following parameters, in the priority listed, to come to a decision:

1. The needs of the department
2. Employee performance
3. Seniority

Employees covered by collective bargaining agreements shall utilize the layoff procedures outlined in the current agreement.

### **Section 10.1 – Notices**

#### **10.1.1 Initial Notice:**

Affected employees will be given 2 (two) weeks' notice of layoff, during which time the employee shall be allowed reasonable time off with pay to pursue other employment.

#### **10.1.2 Consideration for Rehire:**

If a laid off employee has filed a written request for reconsideration the County shall consider them for rehire within one (1) year of the layoff date if a suitable position becomes available. Qualifications and abilities being equal in the judgment of the Departmental Director, seniority will be given preference for recall to available work. The employee will retain his previous accrued hours for determining vacation and sick leave benefits. For other benefits, such as health and retirement plans, employees should consult the program's summary plan description, the HRM, or their Union representative.

### **Section 11.0 – Reclassification**

An employee is reclassified if, based on performance of duties, an employee's position has changed in accordance with Chapter 7, Section 2.1 of this manual. Cross training does not constitute an automatic consideration for reclassification. The employee's classification and salary shall be adjusted on the employee's anniversary date. If the reclassification places the position in a higher salary range, the employee's rate will be adjusted to the step that provides an increase of no less than ½ (one-half) of 1 (one) percent. [If a Departmental Director proposes placement at a starting step that is more than 5% above step 1, it has significant budget impacts, and is subject to County Administrator approval prior to making an offer to the employee \(See Resolution No. 01-14\).](#) If the reclassification places the position in a lower salary range, the employee's rate of pay will be adjusted to the pay in the new range that is nearest, but not lower, than the employee's former pay.

#### **Section 11.1 – Criteria**

A Departmental Director may request a change in classification when the duties and responsibilities of a position have substantially changed and such changes are adequately documented pursuant to the criteria listed below. The County Administrator or their delegate, shall review the reclassification request and make a determination based on the position and its relationship to the organization without regard to the personal characteristics and abilities of the employee holding the position. The County Administrator shall make a determination as to the appropriate grade or pay level for

Adopted:

employees who have been submitted for reclassification.

The Board of County Commissioners has outlined examples of criteria that will be evaluated in considering reclassifications:

1. Any documented requirement of an employee to increase their level of formal education.
2. The requirement to substantially increase one's level of supervision over other employees.
3. Any substantial change in an employee's exposure to personal liability because of actions taken in the course of their employment.
4. Such other criteria as is deemed in the County's interest by the Board of County Commissioners.

If the employee is performing the work of a classification that does not exist, the Departmental Director will complete the Position Analysis Questionnaire to determine if a new classification needs to be created and submit the completed questionnaire to the HRM with a recommendation that the classification be established and added to the staffing schedule.

## **Section 12.0 – Separation from County Employment**

Separation in employment occurs when:

1. An employee voluntarily ends their employment relationship with the County through resignation or retirement.
2. The employee is released from their employment relationship due to performance issues, RIF, etc.
3. The employee has not reported for work in 3 (three) days without notification to their Departmental Director.

### **Section 12.1 – Return of County Property**

Regardless of the manner in which separation of employment occurs, all County property, including but not limited to credit cards, uniforms, equipment (including but not limited to communication devices and computers), identification badges, and keys must be returned to the County before the employee's last day of employment.

### **Section 12.2 – Final Pay Check**

A separated employee shall receive their final paycheck on the regular payday following the last day of employment. If the employee uses direct deposit, the final paycheck will be issued through the direct deposit program.

Final paychecks shall not be provided until all County property in the employee's possession is returned to the Departmental Director. Final paychecks shall account for any advances, deductions, garnishments, or any other miscellaneous deductions as required by law or written agreement by the employee with the County. Consequently, the employee should be aware when making a draw that they could end up owing money back to the County for monies received, but not earned.

### **Section 12.3 – Sick Leave Cash Out**

If an employee retires through one of the State retirement plans provided for County employees or if separation from employment is a direct result of the employee's death or disability, the employee (or

Adopted:

employee's beneficiary) may cash out their accumulated sick leave at the rate of 1 (one) hour of pay at their regular rate of pay for each 4 (four) hours of accrued sick leave to a maximum of 1,920 hours at the time of separation.

The sick leave cash out provisions do not apply if the employee resigns or leaves employment with the County and does not retire through one of the State retirement plans. Represented employees should refer to their respective labor agreements.

#### **Section 12.4 – Resignation**

A written resignation notice stating the employee's intention to leave County employment should be submitted to the employee's Departmental Director at least 10 (ten) working days prior to the effective date.

The Departmental Director will notify the HRM of any resignation and the HRM shall insure that the employee has an opportunity for an exit interview.

#### **Section 12.5 – Retirement**

An employee who is eligible for retirement through one of the State provided programs, should submit a notice of retirement to their Departmental Director at least 30 (thirty) days in advance of their retirement date. In order for an employee to retire from County employment, they must meet all of the eligibility requirements of one of the following plans:

1. Washington State Public Employees Retirement System (PERS)
2. Law Enforcement Officers and Fire Fighters Retirement System (LEOFF)

The Departmental Director will notify the Clerk of the Board of the employee's retirement and the HRM shall insure that the employee has an opportunity for an exit interview.

## Chapter 11 – General Policies

### Section 1.0 – Attendance

To maintain a safe and productive work environment, the County expects employees to be reliable and to be punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and on the County. Poor attendance and excessive tardiness are disruptive. Either may lead to disciplinary action, up to and including termination of employment.

Employees shall work a complete designated workday. An employee shall not be absent from work without making prior arrangements with their Departmental Director. In the rare instances when employees cannot avoid being late to work or are unable to work as scheduled, they shall notify their Departmental Director, within 1 (one) hour of their start time, providing the reason for and the anticipated duration of the absence.

Any unauthorized absence, including tardiness, will be considered an absence without pay. Departments will maintain records of employee attendance.

### Section 1.1 – Workday and Workweek

A workday is the number of hours during a 24-hour (twenty-four) period required of an employee to fulfill the job requirements as defined by the job classification and duties. A workweek is a period of 7 (seven) consecutive 24 (twenty-four) hour periods within which occurs a specified number of workdays. The standard workweek consists of the period from midnight Sunday to 11:59 p.m. on the following Saturday.

Departmental Directors will determine the workday and workweek for personnel providing law enforcement or fire fighting services.

### Section 1.2 – Hours of Operation

The County's normal hours of operation are from 8:00 a.m. to 5:00 p.m. each day, Monday through Friday, except on days designated as County holidays.

### Section 1.3 – Normal workweek

A normal workweek for full time employees of the County shall be at least 30 (thirty) hours. The standard workday shall fall between the hours of 8:00 a.m. to 5:00 p.m. with 1 (one) hour for lunch.

### Section 1.4 – Alternate Work Schedules

Due to the nature of the work, some departments may have different schedules, as determined by the Departmental Director and certified by the County Administrator. The Departmental Director, with the concurrence of the County Administrator, may terminate an alternate work schedule when the schedule ceases to meet the business needs of the Department and/or County.

No alternate work schedule will result in more and/or less benefit to the employee than the normal workweek provides. Examples of alternate work schedules are:

#### 1.4.1 Compressed workweek:

Any schedule which allows a full time employee to work a 40 (forty) hour workweek



in less than 5 (five) work days.

- a) 4/10 workweek - a work schedule which allows employees to work 40 straight time hours per workweek in 4 (four) 10 (ten) hour days.
- b) 9/80 workweek - a work schedule which allows employees to work 80 straight time hours per pay period over a 9 day period.

1.4.2 Flex Time:

A work scheduling system which allows employees to alter their own work hours within parameters set by the Departmental Director and with prior approval of the employee's supervisor.

1.4.3 Job Sharing:

An alternative work arrangement by which the responsibilities and job duties of a single full-time position are shared by 2 (two) part-time employees.

1.4.4 Written Agreement:

The terms and conditions of individual alternative work schedules shall be set forth in a written agreement signed by each participating employee and authorized prior to implementation by the Departmental Director and County Administrator.

### Section 1.5 – Work Breaks

County employees are entitled to a 15 (fifteen) minute break during each 4 (four) hour shift. Employees working less than the standard workday are entitled to a 30 (thirty) minute lunch break for every 5 (five) hours of work. Breaks for all personnel should be taken in areas so designated by Departmental Directors and/or departmental directive. Consistent with Departmental operation needs, managers are encouraged to allow employees to flex schedules to fit physical activities into their work day during regular employee break times. Employees are encouraged to incorporate physical activity into their work day.

Physical Activity in the work place is encouraged providing it does not have a negative impact upon public service and does not impede Jefferson County from accomplishing its mission in an efficient and cost effective manner.

### Section 2.0 – Time Reporting

Maintaining accurate time records is essential in computing employee pay, ensuring compliance with laws and regulations, and providing accurate cost information for the County. Each employee is responsible for completing their own time sheet if required. The Departmental Director is responsible for ensuring that the payroll worksheets are maintained. Falsification of any claim for pay will be grounds for disciplinary action, including discharge. Falsification may also be a crime against the County and may result in criminal prosecution.

#### Section 2.1 – FLSA Exempt

County employees who are considered exempt from overtime under the Fair Labor and Standards Act are expected to maintain an attendance pattern that ensures completion of assigned tasks. FLSA exempt employees will not record absences from work of less than 4 hours.

### Section 3.0 – Immigration Law Compliance

The Immigration Recovery and Control Act (IRCA) makes it unlawful to knowingly hire, recruit,



refer for a fee, or continue to employ any person not authorized to work in the United States. The act also prohibits an employer's use of contract or day labor or subcontracting arrangements designed to circumvent the law; therefore, knowingly obtaining the services of an unauthorized alien. Similarly, an employer can be charged with "knowledge" on the basis of indirect and/or circumstantial evidence.

### **Section 3.1 – Employment Eligibility**

The employment eligibility of all County employees shall be verified within 3 (three) working days after hire or, in cases of an employee hired for 3 (three) or less days, verification shall be completed before work on the first working day. On his or her first day of employment, each employee must complete Section 1 of the Employment Eligibility Verification (Form I-9). An otherwise eligible employee unable to locate documents may be given up to 90 (ninety) additional days to provide such documents if the employee presents a receipt for application for obtaining the document within 3 (three) business days of the first date of employment.

The I-9 Form must be completely filled out. Attaching photocopies of the documents cannot be substituted for completing the form; however, it is recommended that photocopies be retained in addition to the completed form. **If an employee refuses to sign, they will not be employed.** When an employee's work authorization expires, that person must be re-verified or employment shall be terminated.

In order to avoid discrimination issues, I-9 documents will be retained in separate files in the Auditor's office and not as a part of an employee's personnel file.

### **Section 4.0 – Safety**

The County will use reasonable efforts to provide a safe working environment that protects employees and the public from injury. Departmental Directors are responsible for the development and maintenance of departmental safety programs. Such programs shall include basic information regarding published safety regulations and controls, equipment maintenance programs and training programs. Employees shall be responsible for working in a safe manner and reporting unsafe working conditions. Employees shall exercise caution in the performance of duties and shall follow and adhere to published safety regulations and controls.

If an accident occurs while an employee is performing their assigned duties, the employee shall immediately notify the Departmental Director and the Risk Manager who shall ensure that the employee seeks and is provided appropriate medical attention and that all necessary forms are completed. If a County vehicle or mobile equipment is involved in the accident, the law enforcement agency, Departmental Director, Risk Manager and Fleet Services Division must be promptly notified and an accident report form shall be completed. Refer to the County's Safety Manual for complete safety and health policies and procedures.

The County maintains specific policies regarding blood borne pathogens and hazardous chemicals. Employees working in departments handling blood or hazardous chemicals will receive training specific to their work areas. Refer to Resolution No. 85-93 (amended by 129-97 and 67-99) County's Loss Control and Countywide Safety Manual

## Section 5.0 – Alcohol and Drug Free Workplace

Jefferson County recognizes that the maintenance of an alcohol and drug free workplace is essential to the safety and welfare of its employees and, therefore, supports the requirements of the State of Washington and the United States Drug Free Workplace Act of 1988. Each employee is responsible for complying with the County's alcohol and drug free workplace policy as a condition of employment. A full description of the policy and its applicable procedures can be found in the Jefferson County Alcohol and Drug Free Workplace Policy and Procedures Manual that is Appendix E of this manual.

The following is a brief summary of some of the provisions of the County's Alcohol and Drug Free Workplace Policy.

- In the event of an altercation, accident, near-miss accident, or other incident, the Departmental Director may direct an employee to a designated medical facility for a chemical dependency evaluation as part of the investigation of the incident.
- Any possession, distribution, dispensing, use or manufacture of illegal drugs, or any illegal or unauthorized possession, distribution, dispensing or use of alcoholic beverages or legal prescription drugs shall be grounds for immediate termination.
- Any employee reporting to work under the influence of drugs, alcohol or in an otherwise unfit condition to work may be subject to suspension without pay, referral for testing, termination or other action as deemed appropriate by the employee's Departmental Director.
- In the event an employee is convicted for an alcohol or drug-related offense or the status of their Drivers License becomes other than valid, the employee is responsible for reporting the conviction, revocation, or status change to the HRM within 3 (three) working days.
- If an employee voluntarily seeks help regarding a drug or alcohol problem, they shall be referred to the HRM on a confidential basis. The HRM shall refer the employee to an appropriate counseling or medical facility for assistance.

## Section 6.0 – Anti-Harassment Policy

Each employee is responsible for complying with the County's anti-harassment policy as a condition of employment. All employees must review and understand this section and all provisions in the Jefferson County Anti-Harassment Policy and Procedures Manual that is Appendix F of this manual. For further clarification, questions, or concerns, an employee should contact their Departmental Director or the HRM.

### Section 6.1 – Work Environment

Jefferson County is committed to a work environment in which all individuals are treated with respect and dignity. ~~Each individual has the right~~ Jefferson County is committed to work in a professional atmosphere that promotes equal employment opportunities, ~~and prohibits without~~ discriminatory practices, ~~including or unlawful~~ harassment. In keeping with this commitment, Jefferson County does not tolerate any form of unlawful harassment or unlawful discrimination against County employees by anyone, including Departmental Directors, other employees, vendors, clients, or customers. All employees are expected to avoid any behavior or conduct that could reasonably be interpreted as unlawful harassment or unlawful discrimination of employees, the public, or persons who do business with the County.

### **Section 6.2 – Reporting**

The County encourages reporting of all reasonably perceived incidents of discrimination or harassment. It is the policy of the County to investigate such reports. Retaliation against any individual who reports discrimination or harassment or participates in an investigation of such reports is prohibited.

### **Section 6.3 – Individuals and Conduct Covered**

These policies apply to all applicants, public officials, employees, quasi-employees, vendors, consultants, and/or customers, whether related to conduct engaged in by fellow employees or someone not directly connected to the County.

Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings and business-related or County sponsored social events.

## **Section 7.0 – Violence in the Workplace**

~~To ensure a safe workplace and to reduce the risk of violence, a~~All employees are responsible for complying with the County's violence in the workplace policy as a condition of employment. All employees must review and understand this section and all provisions in the Jefferson County Violence in the Workplace Policy and Procedures Manual that is Appendix G of this manual. For further clarification, questions, or concerns, employees should contact their Departmental Director or the HRM.

### **Section 7.1 – Reporting Potentially Violent Situations**

Any potentially dangerous situation must be reported immediately to a Departmental Director or the HRM. All reported incidents will be investigated.

### **Section 7.2 – Individuals and Conduct Covered**

These policies apply to all applicants, public officials, employees, quasi-employees, vendors, consultants, and/or customers, whether related to conduct engaged in by fellow employees or someone not directly connected to the County.

### **Section 7.3 – Enforcement**

In ~~order~~an effort to ensure the safety of Jefferson County employees, ~~every effort will be made~~it is a County objective to create and maintain a safe workplace. ~~In addition, a~~All illegal activities on County property and/or against County employees ~~will~~may be prosecuted to the full extent of the law. Non-employees engaged in violent acts on County property will be reported to the proper authorities and may be fully prosecuted.

## **Section 8.0 – Employee Identification Badges**

The County is concerned with the overall safety and security of its facilities and employees and has an interest in providing security for its employees, visitors and property. An ID badge system creates a system for identifying who is authorized to be in the various areas within County facilities. To assist in accomplishing these goals, employees, volunteers, temporary workers and sometimes visitors and/or contractors, will be issued official County identification badges.

### **Section 8.1 – Use of ID Badges**

Employees are required to wear their County ID badges when on County property during normal working hours, and when attending training sponsored by the County. “Working hours” does not include approved breaks away from County facilities. Employees conducting County business away from County property must have their badge with them. The County ID badge can be used as identification when traveling on County business to secure the “government rate” which represent a savings to the County.

### **Section 8.2 – Exceptions to Wearing ID Badges**

Exceptions will be made to this requirement when wearing the ID badge would cause a safety risk. In such circumstances, employees are still required to have their ID badge on their person for display if necessary. Departmental Directors must pre-approve all exceptions to this policy.

### **Section 8.3 – Replacement of ID Badges**

If an employee needs a new badge due to loss, wear, name or other personal information change, job title/department change, or a significant change in appearance (e.g. change in hair color or drastic change in hair style) they should contact the Commissioner's Office.

## **Section 9.0 – Firearms**

Only those County employees authorized to carry firearms including Jefferson County Sheriff's Officers and other State and municipal employees as defined in RCW 9.41.060 are exempt from the policy described in this section.

Pursuant to RCW 9.41.300 and Jefferson County Resolution No. 78-99, weapons are prohibited throughout the entire Jefferson County Courthouse. Except as noted in RCW 9.41.300, any person, including County employees, who has a weapon (including a licensed concealed weapon) must, before entering the Courthouse, secure their weapon in the lock box located near the East side entrance to the Courthouse.

### **Section 9.1 – Employees with a Concealed Weapons License**

Pursuant to RCW 9.41.050 any employee with a concealed weapon must have their concealed weapon license in their immediate possession at all times and shall display the same upon demand to any law enforcement officer or to any other person when and if required by law to do so. Any violation is cause for a Class 1 civil infraction under chapter 7.80 RCW and shall be punished accordingly pursuant to chapter 7.80 RCW and the Infraction Rules for Courts of Limited Jurisdiction.

## **Section 10.0 – Whistleblower Protection**

Each employee is responsible for complying with the County's whistleblower protection policy as a condition of employment. Any employee having information regarding the wrongdoing of an employee or official shall not be discriminated against for "Blowing the Whistle" on such wrongdoing provided the procedures explained in Jefferson County Whistleblower Protection Policy and Procedures Manual are followed.

For purposes of this Section, employees represented by a Union may seek representation through this reporting procedure or report the alleged improper government action through the Union. The Union Adopted:

will follow reporting procedures according to the collective bargaining agreement with the County, or, in the absence of Whistle Blower Protection procedures within the agreement, the procedures outlined in the Jefferson County Whistleblower Protection Policy and Procedures Manual that is Appendix H of this manual.

The identity of a reporting employee shall be confidential except as required to properly evaluate, investigate or otherwise process the reported inappropriate action.

### **Section 11.0 – Personal Data Changes**

Employees are required to report any changes in name, address, or phone number to their Departmental Director. It is important that the County have accurate information, particularly should the employee or family members need to be contacted in case of emergency. Additionally, changes in marital status, withholding allowances and any other pertinent data should be reported to the payroll department as soon as possible in order to avoid payroll errors.

### **Section 12.0 – Job Descriptions**

All positions within the Compensation Classification System have job descriptions that have been approved by the Human Resource Manager. (Refer to Chapter 7 for further information on the Classification System.) All employees within the Classification System are entitled to a copy of the job description for their position. Job descriptions are available from the office of the Board of County Commissioners.

### **Section 13.0 – Nepotism Policy**

In keeping with the County's Code of Ethics, the County has established a nepotism policy. In this section, "relative" is defined as any family relationship resulting from birth, marriage, adoption, or domestic partner relationship.

Relatives will not be hired if such employment would immediately result in one relative supervising or auditing another. If one employee becomes related to another employee as defined above, and a supervisory or audit relationship exists, one of the affected employees must transfer or terminate employment.

### **Section 14.0 – Outside Employment**

Employees engaged in outside or "other" employment, authorized in writing by the County, must agree and comply with the following restrictions. The outside or other employment:

1. Will not be conducted during the employee's hours of employment with the County
2. Will not distract from the efficiency of the employee while performing County duties
3. Will present no conflict of interest with County business
4. Will not take preference over extra duty required by County employment
5. Will create no liability for the County. The County may require evidence of a written contract between the parties showing respective liability of each party.

In order to maintain public confidence in the performance of individual offices and departments, Departmental Directors may develop, in addition to those listed above, certain other criteria for how,

when and under what circumstances employees may engage in outside employment.

Any employee engaged in outside or other employment that conflicts with the requirements of this section shall resign from such outside or other employment or shall be terminated upon refusal to resign.

Any outside or other employment that could potentially interfere with emergency call-out situations must be reported to the Departmental Director. If, after accepting outside or other employment, situations arise which could interfere with the employee's job as provided in Subparagraph 1 above, the employee shall immediately report that situation to their Departmental Director.

If an employee is unsure of the criteria or effect of outside or other employment, the employee should contact the Departmental Director to obtain clarification.

## **Section 15.0 – Volunteer Activities of Employees**

The County recognizes that its employees may engage in volunteer activities for the County (on behalf of, on work time, or as a representative of the County). To assure that employees are paid for work when it is required, these guidelines are provided to help determine what is volunteer activity and what is work.

### **Section 15.1 – Volunteer Activity**

For hourly employees, volunteer activity is any work performed at the employee's own initiative, outside of normal working hours, that is not consistent with the employee's normal job duties with the County.

### **Section 15.2 – When Employees must be paid for Volunteer Activities**

An employee is normally entitled to compensation under the following circumstances:

- \* The work is performed for the County, a department of the County, or an event sponsored by the County; or
- \* The work involves performance of the same type of duties that the employee normally performs in their regular position with the County; or
- \* The work benefits another public agency and has been approved by the employee's Departmental Director.

The County reserves the right to determine the work performed and the compensation for such work.

### **Section 15.3 – Authorization to Do Volunteer Work**

Employees should obtain authorization from their immediate supervisor prior to performing volunteer work for the County. If an employee believes that he or she should be paid for the work, a request for compensation should be sent to the Departmental Director.

## **Section 16.0 – Use of Office and Telecommunications Equipment and Services**

### **Section 16.1 – Private Use of County-Owned Telephones (Including Cellular Telephones)**

Employees should practice discretion when making personal calls from County-owned telephones. Personal use of the telephone for long-distance and toll calls is allowed in the case of an

Adopted:



“emergency.” Employees should charge emergency long distance calls to their personal calling card or credit card. If a personal long distance call is made and billed to a County telephone, the employee will submit payment for the call when the bill is issued. The County may deduct the cost of any unpaid personal calls from an employee's paycheck.

Employees working out in the field, away from their assigned offices, should make every effort to make emergency personal calls from a regular telephone.

Any County employee who is issued a cellular telephone because of their position and who makes non-business or personal telephone calls from it, shall review the cellular telephone bill each month, identify the non-business or personal calls, and submit payment for their portion of the bill at that time. They must also sign a “Cellular Telephone Charge Reimbursement Agreement” in which they agree that the County shall have a lien against any salary payable or that will be payable , to the employee for the amount of any unpaid personal calls.

#### **Section 16.2 – Business Use of County-owned Cellular Telephones**

Employees are discouraged from using cellular phones while driving alone in a County owned vehicle, but if they must, these guidelines should be followed:

- If you receive a call while driving, let voice-mail answer it and/or find a safe area to stop and call back
- Never dial while the vehicle is moving
- Never use the cell phone in heavy traffic or bad weather
- Use speed dialing as much as possible
- Use a hands-free phone if possible
- Never look up phone numbers while driving
- Never have stressful conversations while driving
- Keep your eyes on the road while on the phone

#### **Section 16.3 – Computer Diskettes, Files and Software**

Due to the susceptible nature of networked personal computers to virus outbreaks, all employees shall comply with the following procedures:

- 1 Any diskettes brought into the work place, whether from the outside or from other parties, must be scanned by Information Services or a person designated by Information Services, prior to use on any personal computer owned by the County.
2. Any files downloaded from the Internet, a Bulletin Board Service, or any other on-line provider should, if possible, be downloaded to a diskette and that diskette scanned for viruses before the file is accessed on a County computer. If it is not feasible to download directly to a diskette, then the hard drive on which the file was placed should be scanned immediately following the download.

Refer to Jefferson County Network, Internet, Intranet, E-mail and Voice Mail Use Policy, Resolution No. 17-98.

#### **Section 16.4 – Computers, Internet/Intranet Access, E-Mail, and Voice Mail**

Refer to Jefferson County Network, Internet, Intranet, E-mail, and Voice Mail Use Policy, Resolution No. 17-98.

**Section 16.5 – Miscellaneous Office Equipment**

Use of the fax machine, copier or other office equipment may be authorized by the Departmental Director provided the employee is charged the same fee as the public would be charged when requesting the same service.

**Section 16.6 – Use of County Owned Vehicles**

Employees who use County owned vehicles, as part of their job duties must maintain the following throughout their employment or be subject to possible disciplinary action.

A valid Washington State Driver's License

Proof of valid insurance coverage

Acceptable Driving Record

Certification of completion of the County's Defensive Driver's Training Course or a comparable course approved by the County

The County reserves the right to restrict an employee's use of a County vehicle based on their driving record.

**Section 16.7 – Personal Equipment**

Certain job assignments require that employees furnish personal equipment. If an employee is required to furnish any items, their Departmental Director will provide a list of the necessary items. The County is not responsible for lost or stolen personal property (employees must be careful to secure such equipment) or money, or valuables employees bring to the workplace.

**Section 17.0 – Emergency Closures and Inclement Weather**

It is the policy of the County that all County offices and activities shall be open and in operation during established working hours. Because many County services are of primary importance during emergency conditions, all employees should make every effort to report for work on a timely basis. Should emergency or inclement weather conditions prevail which would prevent County employees from reporting to work, it will be the responsibility of the employee to contact their Departmental Director to indicate an anticipated absence from work or late arrival to work and the reason for such absence or tardiness.

**Section 17.1 – Time Loss If Employee Is Unable to Report to Work**

Any employee unable to report to work will be given the option of having pay deducted for the time lost or for applying vacation credits or compensatory time, if such has been accrued, to offset any loss of pay, subject to the approval of the employee's Departmental Director.

**Section 17.2 – County Ordered Curtailment of Operations**

Should conditions prevail that require the Board of County Commissioners to announce curtailment of County operations for the safety and welfare of County employees, no pay shall be deducted for time lost during the first 2 (two) days of such curtailment of operations, nor shall employees be required to use vacation or compensatory time for the first 2 (two) day period, unless the employee had already scheduled the time as vacation or compensatory time off. This provision does not apply to essential service personnel.



In announcing the curtailment of County operations, the Board of County Commissioners shall, by resolution, prescribe specifically which County operations and/or facilities are affected. Any operation and/or facility not specifically mentioned in the resolution will not be affected by the closure.

### **Section 18.0 – Department Rules**

Departmental Directors may establish rules and procedures that regulate the work activities and the conduct of employees within their specific departments. Departmental rules and procedures will not conflict with the policies contained in this manual, collective bargaining agreements or state and federal laws or statutes, and will be binding only upon the employees of that department, and only to the extent of those regulations.

### **Section 19.0 – Suggestions**

All employees are encouraged to make suggestions that will improve the efficiency of County operations or employee job satisfaction without fear of reprisal. Ideas for other departments of the County are also helpful. Suggestions may be written or verbally given to the employee's Departmental Director at any time. The Departmental Director will then discuss the idea with the appropriate person or group.

### **Section 20.0 – Personal Appearance and Dress**

Employees shall wear appropriate attire for their positions and departments. Departmental Directors may issue rules regarding appropriate attire. Appropriate attire shall mean clothing and accessories (i.e., jewelry) that are suitable for the requirements of the job being performed, with attention given to the type of equipment the employee will be operating. Employees shall present a clean and neat appearance, and should not be considered offensive or provocative to members of the public.

#### **Section 20.1 – Uniforms**

Should uniforms be required for non-represented employees, the employee will be treated the same regarding the purchase and cleaning of the uniforms as bargaining unit employees of the appropriate union.

### **Section 21.0 – Health and Fitness**

Employees are expected to maintain the physical and mental health necessary to effectively perform the essential duties of their positions. If an employee's health status appears to affect the performance of their job duties, the Departmental Directors may require the employee to undergo a physical examination. The examination will be confined and directly related to the employee's ability to perform the duties of the job adequately and safely. The County will pay the costs of such examination which exceed any payment made by the employee's health insurance, and will pay the employee's regular salary during the time necessary to complete the examination.

If the examination results indicate that the employee is not capable of continuing to perform the job duties, the County will attempt to restructure the job to accommodate the employee's condition in accordance with the requirements of the Americans with Disabilities Act. If restructuring proves unreasonable, the County will attempt to place the employee in another position they are capable of performing and for which they are qualified by education and/or experience. Failing a reasonable

effort to accommodate the employee, they will be placed in layoff status due to lack of work suited to the employee pursuant to Chapter 10, Section 10.0 of this manual.

### Section 21.1 – Physical Activity Encouraged

Jefferson County recognizes the role of physical activity in the maintenance of good health and wellbeing. Jefferson County encourages a workplace culture where regular physical activity is valued.

Physical activity includes any bodily movement that expends energy, including, but not limited to activities such as walking, taking stairs, using public transit and active transportation. The benefits of physical activity include increased energy levels, weight management, stress relief, productivity and social connectedness.

Jefferson County encourages a physically active working environment through a variety of means, which may include: promoting local physical activity opportunities, encouraging commuting via public transit and active transportation, encouraging the use of stairs, posting announcements of employee health insurance incentive events and gym membership flyers, and other means.

Consistent with Departmental operation needs, managers are encouraged to allow employees to flex schedules to fit physical activities into their work day during regular employee break times. Employees are encouraged to incorporate physical activity into work day, identify walking paths and promote them with signs and route maps, consider participation in walking meetings, Initiate/develop social support among colleagues for walking two or three times per week at set times for 30 minutes each, spend less time sitting, change positions, stand for some tasks, walk more.

Physical activity in the work place is encouraged providing it does not have a negative impact upon public service and does not impede Jefferson County from accomplishing its mission in an efficient and cost effective manner.

This policy shall not be construed as creating a term, condition, or privilege of employment, and Jefferson County retains sole discretion to modify or revoke this policy in whole or in part at any time. Jefferson County is not responsible for damage to personally owned clothing or equipment.

### Section 22.0 – Breastfeeding

#### Breastfeeding support in the workplace

In 2010, the Fair Labor Standards Act was amended to include protection for breastfeeding employees. It states that employers shall provide breastfeeding employees with “reasonable break time” and a private, non-bathroom place free from intrusion to express breastmilk during the workday, up until the child’s first birthday. Jefferson County is committed to being a breastfeeding – friendly workplace by creating an environment that makes it comfortable and easy for mothers to continue breastfeeding when they return to work after delivering their baby.

**Schedule Flexibility:** With their managers’ approval, female employees, who are exclusively breastfeeding their infants age 0 through 12 months, may be granted the ability to return to work with

a schedule that meets the needs of the employer and allows flexibility to continue exclusively breastfeeding. Staff can use scheduled breaks and lunch to pump and breastfeed. Any additional time other than scheduled break time may be approved by the supervisor.

**Private Space:** Jefferson County will provide a room for nursing mothers to breastfeed their infant or express milk. This space is shielded from view and free from intrusion, provides a place to sit and a flat surface, other than the floor, to place breast pump and a sink with running water close by for hand washing and rinsing out breast pump parts. The room shall have a door that can be locked. Staff is allowed to store breastmilk in a breakroom refrigerator/freezer in clearly marked containers.

**Lactation Support:** If interested, employees may schedule an appointment, during their personal time, with a knowledgeable and experienced member of the Jefferson County Public Health maternal-child health team. This person who has specialized skills in breastfeeding management and care, will work upon employee request to arrange a consult. This consult by phone or set appointment time is to address questions or concerns regarding meeting employee breastfeeding goals.

This policy shall not be construed as creating term, conditions, or privilege, and Jefferson County retains sole discretion to modify or revoke this policy in whole or in part at any time.

According to RCW 49.60.030 and 49.60.215 Breastfeeding mothers are protected under state anti-discrimination law, and can breastfeed their children in public places such as restaurants, pools, theaters, government buildings, museums, libraries, busses, or parks. No one, including business owners or employees can tell a mother to leave, go to the restroom, or cover the child.

## **Section 223.0 – Smoking**

~~Non-smoking employees of the County shall have the right to work in a smoke-free environment. WAC 248-152 and RCW 70.160 provide for non-smoking in open public offices and other public areas. If a conflict arises in the normal work environment of both smokers and non-smokers, the rights of the non-smokers shall prevail.~~

~~In order to ensure that non-smoking employees of the County have the right to work in a smoke-free environment, smoking is not allowed in County-owned vehicles.~~

~~Designated smoking areas must be used if they are available for employees' use.~~

Jefferson County Public endorses a smoke free, tobacco-free workplace, which supports our Jefferson County Health priority of preventing and mitigating the impact of chronic disease. Employers have the responsibility to provide a safe and healthful work environment for their employees and to comply with the Smoking in Public Places (formerly Washing Clean Indoor Air Act) Chapter 70.160 RCW and the Jefferson County Board of Health Ordinance 04-0216-06, Smoking in Public Places). It is the policy of Jefferson County to discourage tobacco use.

### Definitions

**Tobacco:** Tobacco includes all tobacco products, i.e. chewing tobacco, cigarettes, cigars, hookahs,

pipes, snuff, etc.

**Battery-powered vaporizer:** Battery powered vaporizers include e-cigarettes and vapor pens (“vapes” and “mods”) that heat liquid nicotine (aka e-liquid, e-juice, or smoke juice) to a temperature that causes the liquid to vaporize; the vapor is than inhaled in the same fashion as tobacco smoke.

Smoking of any substance whether it be by heat inducement or battery powered vaporization (including electronic or e-cigarettes) will not be allowed inside the Jefferson County workplaces, its vehicles or at its service sites. Smoking is prohibited within 25 feet of Jefferson County site entrances or windows that open. This policy does not preclude the use of tobacco or battery-powered vaporizers during rest or lunch periods in accordance with WAC 296-126.

- All Jefferson County buildings, outside areas within 25 feet of Jefferson County building entrances and windows that open, service sites, and Jefferson County owned vehicles are designated tobacco-free and battery powered vaporizer free areas.
- All meetings sponsored by Jefferson County are smoke-free, tobacco-free and battery – powered vaporizer free.
- Jefferson County may provide employees who wish to stop tobacco use, various incentives and support as approved by Jefferson County. Such support may include: participation in health insurance tobacco cessation programs, free use of Jefferson County space for participation in tobacco cessation classes or support groups, and self-help materials.

## **Section 234.0 – Bulletin Boards**

There are bulletin boards located in each County facility which are to be used as follows.

### **Section 234.1 – Legal Notice Bulletin Board**

The bulletin board to the right of the main entrance doors (as you enter the building) to the Courthouse is for legal notices (i.e. hearing notices, land use documents that must be posted, and notices of Sheriff’s sales.) Check with the Clerk of the Board before posting anything on this bulletin board.

### **Section 234.2 – Official County Bulletin Board**

Each County facility shall have an official bulletin board to keep employees informed of various items of interest such as information pertaining to personnel policies and procedures, department work rules, announcements required by law, and official postings such as safety information and other notices. Each County department shall notify employees of the location of the facility bulletin board.

## **Section 245.0 – Employee Parking**

Except for reserved spaces, parking is on a first come, first served basis around County buildings. When parking, employees should not occupy more than one parking space per vehicle. Employees are expected to be courteous, watch vehicle doors, and drive safely in County parking lots. The County assumes no responsibility for vehicles or their contents in these parking areas.

Employees are requested not to park along Jefferson Street that runs in front of the Courthouse or in the parking lot on the east side (Cass Street) of the Courthouse to allow ample parking for visitors.

**Section 26.0 – Bidding on Surplus County Property Prohibited**

All County Departmental Directors and employees or their spouse and/or dependent children are prohibited from bidding on County surplus equipment.

## APPENDIX 'A' – Equal Employment Opportunity/Affirmative Action Policy and Procedures

### Section 1.0 – Affirmative Action Statement

It is the policy of Jefferson County to be fair and impartial in all of its relations with employees and to recognize the dignity of the individual. In furtherance of this policy, the County maintains an environment ensuring recognition of each employee's efforts, achievements and cooperation.

Treatment of any employee who wants to advance in the organization will be fair, impartial, and without prejudice, as openings occur and the employees abilities warrant.

This policy is established to promote and afford equal treatment to all employees and applicants for employment regardless of race, creed, religion, color, national origin, sex, age, marital status, sexual orientation, political affiliation, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a disabled person. Acts of discrimination are wasteful in terms of lost skills and talents. This policy shall apply to every aspect of employment practices, employee treatment and public contact.

### Section 2.0 – Definitions

The following definitions will be used for the purposes of these policies and procedures.

*Clerk of the Board:* An appointed position in the office of the Board of County Commissioners.

*Complainant:* An individual that brings a complaint.

*County Administrator:* [A position appointed by the Board of County Commissioners to handle County administration.](#)

*County Equal Opportunity Board (CEOB):* The CEOB is composed of three County management personnel appointed by the County Administrator to assist in the resolution of grievances that are filed by employees under the Equal Employment Opportunity procedures.

*County Risk Manager:* A position appointed or designated by the Board of County Commissioners [or by the Board's designee.](#)

*Departmental Director:* An elected official, manager or supervisor directly in charge of a specific department (e.g., the County Treasurer is the Departmental Director of the Treasurer's Office; the Public Works Director is the Departmental Director of the Public Works Department.)

*Equal Opportunity Advisor:* A position appointed or designated by the Board of County Commissioners [or by the Board's designee](#) assigned the specific task of assisting all departments in implementing the Equal Employment Opportunity Program.

*HRM*: Human Resource Manager, a position appointed or designated by the Board of County Commissioners [or by the Board's designee](#) to handle personnel, staffing and other related matters.

### **Section 3.0 – Equal Employment Opportunity Statement**

Jefferson County is an Equal Employment Opportunity employer. It is against the County's policy for an employee to discriminate against an applicant for employment or another employee on the basis of race, creed, religion, color, national origin, sex, marital status, sexual orientation age, political affiliation, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a disabled person. Furthermore, no employee of the County is to discriminate against any applicant or fellow employee with the status of disabled veteran or veteran of the Vietnam era. The County will make reasonable accommodations, including modification of County policies and procedures in appropriate cases for qualified individuals with disabilities if it can do so without undue hardship.

This policy applies to all employment practices as they pertain to any position for which an applicant or an employee is qualified.

All personnel actions including transfers, promotions, compensation, benefits, education, training, and all other terms and conditions of employment will be administered with the objectives of this policy of non-discrimination.

A copy of this Equal Employment Opportunity Policy and Procedures document shall be provided to all offices and employees of the County, and an additional copy shall be readily available to members of the general public.

### **Section 4.0 – Assignment of Responsibility**

The office of the Board of County Commissioners shall bear the general responsibility of carrying out this equal employment opportunity program and shall strive to meet the goals outlined in this document.

The Human Resource Manager (HRM) is designated as the Equal Opportunity Advisor by the Board of County Commissioners and will be assigned the specific task of assisting all departments in implementing the Equal Employment Opportunity Program.

In addition, a County Equal Opportunity Board (CEOB) which shall be composed of three (3) County management personnel shall be appointed by the County Administrator as needed. The CEOB will assist in the resolution of grievances that may be filed by employees who believe they may have been treated unfairly in employment because of race, creed, religion, color, national origin, age, sex, marital status, political affiliation, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a disabled person, [or any protected class](#).

Finally, all Departmental Directors shall be responsible for creating an employment environment that provides equal opportunities to all applicants and employees in their respective division, department

Adopted:

Appendix A – Equal Employment Opportunity/  
Affirmative Action Policy & Procedures



or work area.

## **Section 5.0 – Employment Process**

### **Section 5.1 – Recruitment**

After a County Department has received approval to hire through the proper procedure, a job announcement will be forwarded to the Human Resource Manager. Announcements for positions available for public application will be posted on the bulletin board located outside the County Commissioners Offices located on the lower level of the Courthouse where copies of the job description, information on the recruitment procedure and application for employment will be made available.

Advertisements for applicants will not indicate a preference for a male or female, unless there is a bona fide gender requirement as determined by an Elected Official and consistent with law.

Announcements of job openings will be placed only with those employment agencies that strictly adhere to equal employment practices.

### **Section 5.2 – Selection**

Application forms will be revised to eliminate questions that may discriminate or induce bias contrary to law and policy.

Interviewers shall base employment decisions only on valid job-related factors as set forth in position requirements.

Selection will be based initially upon the possession of the required skills and qualifications as outlined in the approved job description. The Departmental Director's evaluation of those skills, as well as interpersonal skills possessed by the candidate, will also be an important element of the process. The candidate that is deemed to be the best overall match to the County's needs, based on the above criteria, will be selected.

## **Section 6.0 – Complaint Process**

The success of the Equal Employment Opportunity program depends largely on the attitude of the community as well as the employee. Opinion as to what constitutes fair and equal opportunity and treatment may vary widely, and grievances may result. The following steps shall be taken immediately for any grievance arising from the employee-supervisor and County-community relationships:

### **Section 6.1 – Reporting the Grievance**

The employee, applicant, or citizen (complainant) shall bring their grievance [regarding unlawful harassment or discrimination in an employment decision](#) to the attention of the Departmental Director who will investigate as necessary to determine the cause of the complaint and work with the complainant to affect an equitable solution. Every effort shall be made to resolve the difficulty at this level. When a grievance is against a Departmental Director, the complainant may file the complaint directly with the Clerk of the Board. Departmental Directors will keep the County Risk Manager informed of potential liability issues.

Adopted:

Appendix A – Equal Employment Opportunity/  
Affirmative Action Policy & Procedures



### **Section 6.2 – Investigation**

At the option of either party, the Equal Opportunity Advisor shall interview both parties and conduct additional investigations when necessary. Reports and recommendations shall then be made ~~through the County Administrator~~ to the Board of County Commissioners or to the Board's designee for resolution.

### **Section 6.3 – Resolution of Grievance**

In the event that mutual agreement cannot be achieved and binding resolution is required by the County, signed statements detailing the grievance and specific investigation action shall be obtained by the Equal Opportunity Advisor from the complainant, County employees and the Departmental Director. The Equal Opportunity Advisor shall forward these statements, along with their own investigation report and recommendations, to ~~the County Administrator and~~ the Board of County Commissioners or the Board's designee for resolution.

### **Section 6.4 – CEOB**

The Board of County Commissioners or the Board's designee may elect, as deemed necessary and as circumstances so dictate, to refer the grievance to the County Equal Opportunity Board (CEOB). Members of the CEOB directly involved in the grievance shall not be voting members of this board and shall be temporarily replaced. Proceedings of the CEOB shall be documented, and their decision shall be final and binding, subject to review only by the State Human Rights Commission or through the Federal Equal Employment Opportunity Commission. The Equal Opportunity Advisor as a matter of permanent record shall maintain all reports, decisions and other documentation generated by the grievance procedure.

### **Section 6.5 – Confidentiality**

Confidentiality will be maintained to as high a level as possible given the nature of the matter and the needs of the County and its employees to process the grievance.

### **Section 7.0 – Evaluations**

Annual evaluations by the HRM will be made to ensure effectiveness of the Equal Employment Opportunity program. The Board of County Commissioners or Board's designee will direct changes in staff efforts as necessary to ensure successful implementation of the program.

### **Section 8.0 – Individual Acts**

Jefferson County hereby repudiates the acts of any employee or Departmental Director that are inconsistent with the policies enumerated in this document. Such acts, if committed, are the acts of an individual who is then solely responsible for any repercussions resulting from such activities. The County has provided a grievance procedure for use by persons who believe they are injured by such acts. Injured parties are encouraged to use this grievance procedure.

## Appendix 'B' – Code of Ethics Policy and Procedures

### Section 1.0 – Policy

Jefferson County maintains a Code of Ethics to guide employees against improper activities that could damage the County's reputation and otherwise result in serious adverse consequences to the County and to the individuals involved. This code's purpose is the establishment of ethical standards of conduct for all Jefferson County employees.

#### Section 1.1 – Guidelines

An employee's actions under this policy are significant indications of the individual's judgment and competence. Accordingly, insensitivity to or disregard of the principles of this policy will be grounds for appropriate disciplinary action.

Employees must be committed and bound by the following guidelines:

1. Public belief in the integrity of government based on the actions of the government's employees
2. Independent, impartial, accountable and responsible behavior in duty to the County and its' citizens
3. Governmental decisions and policies made within the proper channels of the governmental structure
4. Public office is not to be used for personal gain

### Section 2.0 – Definitions

The following definitions will be used for the purposes of these policies and procedures.

*Business entity:* Any corporation, general or limited partnership, sole proprietorship or individual (including a private consulting firm), joint venture, unincorporated association or firm, institution, trust, foundation, or other organization, whether or not organized for profit

*Complainant:* The individual bringing a complaint

*Confidential information:* All information, whether transmitted or transcribed orally, written or encoded electronically, which is of such a nature that it is not, at that time, a matter of public record or public knowledge

[County Administrator: A position appointed by the Board of County Commissioners to handle County administration.](#)

*Departmental Director:* An elected official, manager or supervisor directly in charge of a specific department (e.g., the County Treasurer is the Departmental Director of the Treasurer's Office; the Public Works Director is the Departmental Director of the Public Works Department)

*Family member:* Includes spouse, father, mother, brother, sister, son, daughter, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, persons living in the same household, or anyone otherwise financially dependent upon an employee

Adopted:

Appendix B – Code of Ethics  
Policy & Procedures

*Gift:* A voluntary transfer of any item of economic value from one person or entity to another made without cost and does not result in any kind of legally enforceable contract. It does not include the solicitation, acceptance, receipt or regulation of political campaign contributions regulated in accordance with provisions of federal, state or local laws governing campaign finances

*HRM:* Human Resource Manager, a position appointed or designated by the Board of County Commissioners [or by the Board's designee](#) to handle personnel, staffing and other related matters

*Interest:* Direct or indirect monetary or material benefit accruing to an employee as a result of a contract, transaction, zoning decision or other matter that is, or may be the subject of, an official act or action by or with the County except for such contracts, transactions, zoning decisions, or other matters that by their terms and by the substance of their provisions confer the opportunity and right to realize the accrual of similar benefits to all other persons and/or property similarly situated

*Nominal Retail Value:* A value of less than \$25.00 (twenty-five)

*Official act or action:* Any legislative, administrative, appointive or discretionary act of any employee of the County or any agency, board, committee or commission thereof

*Personnel File:* Refers to both the employee's employment personnel file and the employee's departmental personnel file

*Public employee:* Any person, holding a position by appointment or employment in the service of the County, whether paid or unpaid, including members of any board, committee or commission thereof  
*Public official:* Any person holding a position by election, whether paid or unpaid, including members of any board, committee or commission thereof

*Remote Interest:* An interest that is: (1) That of a non-salaried officer of a nonprofit corporation; (2) That of an employee or agent of a contracting party where the compensation of such employee or agent consists entirely of fixed wages or salary; (3) That of a landlord or tenant of a contracting party; or (4) That of a holder of less than one percent of the shares of a corporation or cooperative which is a contracting party

*Respondent:* The individual named in a complaint allegedly causing harm.

### **Section 3.0 – Affected Parties**

This policy shall be applicable to all employees and quasi employees of the County. (Elected Officials and qualifying Public Officials refer to RCW 42.23 and 42.52.)

### **Section 4.0 – Conflicts of Interest Defined, Generally**

Employees are expected to use good judgment, adhere to high ethical standards, and avoid situations that create an actual or perceived conflict between their personal interests and those of the County. Jefferson County requires that the transactions employees participate in are ethical and within the law, both in letter and in spirit. Whenever employees are in doubt, they should consult with their

Adopted:

Appendix B – Code of Ethics  
Policy & Procedures

supervisor, Departmental Director or the Human Resource Manager.

Jefferson County recognizes that different organizations have different codes of ethics. However, just because a certain action may be acceptable by others outside of Jefferson County as “standard practice” that is by no means sufficient reason to assume that such practice is acceptable as an employee of Jefferson County.

While it is not possible to develop a comprehensive detailed set of rules to cover every situation, the County does adhere to and will strictly enforce any and all state laws or regulations relating to conflicts of interest, appearance of fairness and ethics that are applicable to the employees and officials of this County. The statutes provide detailed outlines of what constitutes ethical and appropriate behavior while employed with the County.

If an employee or someone, with whom the employee has a close personal relationship, has a financial or employment relationship with a vendor, potential vendor, or any person or business entity doing business or wishing to do business with the County, then the employee has an “interest,” as that term is defined in Section 2.0. In such circumstances the employee is considered to have an “interest” that mandates disclosure of that “interest” and eventual resolution in accordance with this Code.

For purposes of this policy, an employee shall be deemed to have an interest in the affairs of:

1. The employee's spouse or domestic partner, or dependent children
2. Any person or business entity with which a contractual relationship exists with the employee
3. Any business entity in which the employee is an officer, director, member or employee
4. Any business entity in which the employee owns or controls an interest either directly or indirectly.

The employee must disclose this “interest” in writing to their Departmental Director. The Departmental Director with the help of the County Administrator and the Human Resource Manager will determine what course of action, if any, must be taken to resolve any conflict he or she believes may exist.

#### **Section 4.1 – Examples of Conflict of Interest**

A conflict of interest may arise, by way of example only, if an employee:

- Accepts non-nominal (greater than \$25 in value) gifts from vendors, potential vendors or any third-party who does business with the County;
- Accepts ANY form of remuneration or non-business related entertainment from a third-party who does business with the County;
- Sells to third parties any information, products, or materials acquired from the County;
- Engages in outside business activities in such a way or to such an extent that the outside business activities adversely affect the County or the employees’ job performance;
- Performs outside work for a vendor of the County or any third-party that does business with the County; (See Chapter 11, Section 14.0 on Outside Employment.)
- Engages in any outside employment or any other business undertaking to his or her personal gain that is, or can ALSO be, perceived to be prejudicial to the best interest of Jefferson

- County;
- Uses proprietary and/or confidential information for personal gain or to the County's detriment; uses assets or labor for personal use unless the use is as specified in Chapter 11.

If the conflict is severe enough Jefferson County may be forced to ask the employee to tender his or her resignation or may, at its sole discretion, no longer transact business with that third-party.

Jefferson County has the sole discretion to:

- a) determine whether such a conflict of interest exists and
- b) determine the course of action to be taken to remove or end the conflict.

Employees are encouraged to seek assistance from their supervisor or Departmental Director with any legal or ethical concerns. However, Jefferson County realizes this may not always be possible. As a result, employees may contact the Human Resource Manager to report anything that they cannot discuss with their supervisor or Departmental Director.

#### **Section 4.2 – Political Activities**

Employees shall comply with provisions of RCW 41.06.250 as the same exists or is hereafter amended, which generally prohibits compulsory assessment or involuntary contributions and solicitation on public property for any partisan political purposes. If an employee, an employee's spouse, or the parent or guardian of an un-emancipated minor employee is elected to the Board of County Commissioners, the employee shall be deemed to have resigned from County employment upon the date of certification of the results of the election, if required by State law. This provision shall not apply to persons employed as unskilled day laborers earning less than \$100.00 (one hundred) per month or to public officers exempt from prohibition of RCW 42.23.

## APPENDIX 'C' – Standards of Conduct Policy & Procedures

### Section 1.0 – Policy

In the interest of Jefferson County and the public, it is desirable that an employee's conduct reflects favorably on the employee, their fellow employees and the County at all times, whether off-duty or on-duty. Off-duty misconduct may result in discipline when it renders an employee less capable of performing their duties and responsibilities or when it reflects unfavorably upon an employee's continuing qualifications for employment. Employees may be transferred, demoted, terminated or have other action taken as a result of on-duty or off-duty conduct that results in a loss of public confidence in the employee as a member of the County staff.

It is the County's policy to place as few restraints on employee personal conduct as possible. The County relies on each employee's good judgment and sense of responsibility as the principal source of guidance for conducting day-to-day duties and responsibilities; however, for the protection of the County's business interests and other employees, certain rules of conduct have been established and must be followed. These rules are to minimize the likelihood of any employee, through misunderstanding or otherwise, becoming subject to disciplinary action. The listed rules in this document are not all inclusive.

### Section 2.0 – Definitions

The following definitions will be used for the purposes of these policies and procedures.

*Conflicts of Interest: Engaging in any acts prohibited by RCW 42.23.030, RCW 42.23.070 or 2 CFR Section 200.318(c), as they now exist or may be amended in the future, including but not limited to:*

- (a) Holding or seeking to hold a beneficial interest, directly or indirectly, in any contract which may be made by, through or under the supervision of the person, in whole or in part, who holds or seeks to hold a beneficial interest in violation of RCW 43.23.030, as it now exists or may be amended.
- (b) Holding or seeking to hold a beneficial interest, directly or indirectly, in any contract made for the benefit of the person's office in violation of RCW 43.23.030, as it now exists or may be amended.
- (c) Accepting, directly or indirectly, any compensation, gratuity, favor, reward or anything of monetary value in connection with any contract from any person beneficially interested in the contract which may be made by, through or under the supervision of the person from any other person beneficially interested in violation of RCW 43.23.030, as it now exists or may be amended, unless otherwise authorized by law.
- (d) Using a position at the County to secure special privileges or exemptions for himself, herself, or others.
- (e) Directly or indirectly, giving or receiving or agreeing to receive any compensation, gift, reward, or gratuity from a source except the County, for a matter connected with or related to the person's services for the County, unless otherwise provided for by law.

- (f) Accepting employment or engaging in business or professional activity that the person might reasonably expect would require or induce the person by reason of the person's official position to disclose confidential information acquired by reason of the person's official position.
- (g) Disclosing confidential information gained by reason of the person's position, or using such information for the person's personal gain or benefit.
- (a)(h) For purposes of this section, an indirect beneficial interest includes an interest by any member of the person's immediate family, the person's partner, or an organization which employs or is about to employ the person, any member of the person's immediate family, or the person's partner.

County Administrator: A position appointed by the Board of County Commissioners to handle County administration.

*Departmental Director:* An elected official, manager or supervisor directly in charge of a specific department (e.g., the County Treasurer is the Departmental Director of the Treasurer's Office; the Public Works Director is the Departmental Director of the Public Works Department).

*Disciplinary Action Form:* Any written document (memo, letter, specific form, etc) which the employee is asked to sign that includes the employee's name, job classification and department and describes the nature of the misconduct.

*Discharge Committee:* A committee appointed to conduct a pre-discharge meeting. The membership of the committee is 1) a Departmental Director from a department other than the department of the discharged employee, 2) the Human Resource Manager, and 3) the Clerk or Deputy Clerk of the Board.

*HRM:* Human Resource Manager, a position appointed or designated by the Board of County Commissioners or by the Board's designee to handle personnel, staffing and other related matters.

*Personnel File:* Refers to both the employee's employment personnel file and the employee's departmental personnel file.

### **Section 3.0 – Immediate Discharge**

There are certain kinds of actions that cannot be permitted to occur because of their impact on other employees, the public and the County. Such offences may result in immediate dismissal. The following are examples of such offenses that may result in immediate termination and this list is not all-inclusive:

- Theft, misappropriation or removal of County property or the property of other employees, clients, customers and citizens
- Acknowledged, intentional or repeated falsification of any application for employment or any report, record, time sheet or County record
- Soliciting and/or accepting payment, gifts, or any item of value for services performed during the regular work day, whether or not the services are performed on behalf of the County and whether or not County vehicles or equipment are used

Adopted:

Appendix C – Standards of Conduct  
Policy & Procedures



- Willful alteration, destruction or waste of County property, facilities, records or equipment, wherever located, or the destruction of another employee's or citizen's property
- Possession and/or use of alcohol, narcotics or other controlled substances on County property, in County vehicles, or during any occasion which is associated either directly or indirectly as work performed for the County (except when such possession is pursuant to the employee's employment duties)
- ~~Giving or taking a bribe of any nature as inducement for obtaining or retaining a County job or position~~ [Engaging in any Conflict of Interest as defined in Section 2.1.](#)
- Serious or repeated disorderly conduct, horseplay or insubordination. [This](#) includes, but is not limited to:
  - a. Neglect of duty or refusal or failure to obey orders or instructions in the line of duty
  - b. Public disrespect displayed toward any citizen, fellow employee or supervisor while performing work for the County
  - c. Hostile or abusive language to any citizen, fellow employee or supervisor
  - d. Threatening, intimidating, coercing or interfering with the work routine of supervisors or other employees
  - e. Physical confrontation and/or deliberate attempts to cause bodily harm
  - f. Sleeping during working hours (except regularly scheduled breaks if not in public view)
  - g. Unauthorized possession of firearms, explosives or any dangerous weapons while performing County work
  - h. Participating in a work stoppage or slowdown
  - i. Recklessness resulting in an accident while on duty, whether on County property or while driving a County vehicle
  - j. Racial or sexual harassment directed toward another person, including but not limited to demands for sexual favors in exchange for employment, retention of job, promotion or other employment benefits

#### **Section 4.0 – Other Disciplinary Actions**

There are certain types of actions that should not occur, but normally it is the recurrence of the action rather than the first occurrence of the action that results in discharge. For such actions, a regular employee will normally receive a written or verbal warning, be suspended without pay or placed on disciplinary probation prior to discharge, depending upon all the facts and circumstances presented in each instance. The following are examples of such offences and is not intended to be all-inclusive:

- Ignoring safety rules or common safety practices
- Engaging in disorderly conduct, horseplay, insubordination, or conduct that would be of detriment to the image of the public employee
- Using uncivil, insulting, vile or obscene language
- Failure to report occupational injuries or accidents, including motor vehicle accidents, promptly to the employee's supervisor
- Engaging in activities other than assigned work during working hours and/or while operating County equipment, without approval in advance by an employee's Departmental Director
- Acting in an insulting, rude, insolent or uncivil manner toward any customer or other person while working for the County, or while operating County equipment, or on County premises
- Failure to exercise the care and attention to one's work required by the circumstances

Adopted:

Appendix C – Standards of Conduct  
Policy & Procedures



- Smoking in restricted or prohibited areas, whether on County property or otherwise
- Accepting employment or engaging in business for profit with another employer without written authorization from the Departmental Director or County Administrator (for appointed managers)
- Acting in any manner inconsistent with rules of conduct necessary to the welfare of the citizens, the County or its' employees
- Un-excused or excessive absences or tardiness
- Leaving work before the end of the shift or not being ready to begin work at the start of the shift or working overtime without permission of the employee's supervisor
- Loafing or spending unnecessary time away from the job
- Unauthorized possession or use of any County property, equipment or materials
- Carrying an unauthorized passenger in a County vehicle
- Contributing to unsanitary or unsafe conditions
- Use of County property or time for personal financial gain or financial gain of another person

## Section 5.0 – Investigation

As soon as a Departmental Director becomes aware of a possible ~~infraction~~violation of the standards of conduct the employee should be interviewed and an investigation started.

### Section 5.1 – Employee Interview

As soon as possible after the event, an interview should be conducted with the employee suspected of the misconduct. The employee's Departmental Director should conduct the interview in private. If the misconduct is serious, the Departmental Director should have another management representative present in case a witness is needed to verify what occurred during the interview. The employee may also request to have another employee present during the interview.

The employee should be given a chance to explain what happened and why it happened, and be encouraged to identify any other employees who may have knowledge of the incident. The Departmental Director must inform the employee that they will be contacted after the investigation has been completed. ~~In the case of a serious infraction, t~~The Departmental Director may decide to suspend the employee with or without pay during the course of the investigation.

### Section 5.2 – Investigation

As soon as a Departmental Director becomes aware of a possible ~~infraction~~violation of the standards of conduct, they should immediately assign a non-involved County official or employee to conduct a preliminary investigation. An essential requirement of the investigator is that they be capable of objectively evaluating the facts and the persons involved ~~and be perceived by the involved employees as someone who is fair and objective~~. The investigator should conduct interviews with all witnesses as soon as possible after the event and detailed notes should be taken. ~~If the incident involves a serious infraction, t~~The interviewer ~~should~~may obtain signed statements from the witnesses.

The investigation should determine the following:

1. Whether or not the incident occurred.
2. Who was involved in the incident.
3. Names of any witnesses and signed statements, if appropriate.

4. A statement describing the specific nature of the incident and when it occurred.
5. A statement describing any consequences of the incident such as injuries, reduced productivity, damage to County property, etc.

~~In the case of minor infractions,~~ a simplified version of the above process may be followed.

## Section 6.0 – Disciplinary Action

Once an investigation has been conducted and it has been determined that ~~an infraction~~ violation has occurred, one or more of the following disciplinary actions may be taken. The County may skip steps in this sequence whenever, in its judgment, circumstances require an abbreviated disciplinary procedure. A review of the employee's employment and departmental personnel files will be conducted to identify circumstances that would support either increasing or reducing the imposed disciplinary action.

The employee's Departmental Director must complete a written disciplinary action form. The employee's name, job classification and department should be identified on the form. In describing the nature of the misconduct, the following information should be provided:

1. The date and time of the ~~infraction~~ violation.
2. A brief description of the events.
3. A list of rules or policies that were violated.
4. The effective date and nature of the disciplinary action. If the discipline is a final warning, it should be clearly stated that a future offense will result in immediate termination.

The employee must be allowed to review the disciplinary action form and must ~~also understand~~ be told exactly what action will be taken should another violation occur. The employee should be asked to sign the disciplinary form. ~~If the employee refuses to sign,~~ the Departmental Director should attempt to have the employee sign a notation that they refused to sign the disciplinary action form. In the event the employee refuses to sign the notation, the Departmental Director should have another Departmental Director verify the employee's refusal.

It is important that detailed notes are kept of this meeting and to have another person present to witness the proceedings.

### Section 6.1 – Oral Warning

Oral warnings may be given for minor offenses or to bring to the attention of an employee potential work performance problems. Oral warnings may include an explanation of the violation or problem and requests for corrective action on the part of the employee. A notation of each oral warning should be placed in the employee's departmental personnel file and maintained by the Departmental Director for future reference. In addition, the offending employee may be given a written notation of the warning.

### Section 6.2 – Written Warning

A written warning may be given for a more serious offense or when the employee, who has received one or more oral warnings for minor offenses or problems in their work performance, repeats them or fails to take corrective action. A copy of the written warning is to be signed by and given to the employee and a copy entered into the employee's departmental personnel file.

Adopted:

Appendix C – Standards of Conduct  
Policy & Procedures

### Section 6.3 – Suspension/Final Warning

A suspension may be given for serious ~~infractions~~ violations of employee rules of conduct for which immediate discharge is not appropriate for repeated offenses, or for failure to correct an action for which a written warning was previously given. A suspension is time off without pay for disciplinary reasons.

#### 6.3.1 Non-Exempt Employees:

The number of days of suspension is dependent upon the nature of the violation and the employee's record.

#### 6.3.2 FLSA Exempt Employees:

In the case of exempt employees, time off without pay shall be for the entire pay period.

In each case of disciplinary suspension, a written memo will be prepared. After review with the employee, a copy will be given to the employee, and a signed copy will be entered into the employee's departmental personnel file.

### Section 6.4 – Discharge

When the Departmental Director ~~feels~~ believes that the nature of a violation warrants discharge or if the discharge is a result of the disciplinary procedure where the desired corrective action was not achieved by one or all of the steps above (written warning, suspension, etc.), the Departmental Director will prepare a written report and submit it to the HRM.

#### 6.4.1 Pre-discharge Meeting:

A pre-discharge meeting will be conducted by the Discharge Committee, which is composed of one (1) Departmental Director from a department other than the department of the discharged employee, (2) the HRM or designee, and (3) the Clerk or Deputy Clerk of the Board, who will act as secretary of the meeting. The County Administrator shall make appointments to the discharge committee as needed. The discharge committee may use the services of legal council or consultants as required.

#### 6.4.2 Not a Public Meeting:

The pre-discharge meeting shall not be a public meeting unless required by law. The employee shall be provided with a written notice of the charge or grounds for termination and a summary of the County's evidence. The employee shall be given an opportunity to respond to these charges, either orally or in writing, and to explain why the County should not go ahead with the discharge.

No employee who has completed a trial period shall be terminated for any reason without a pre-discharge meeting of the Discharge Committee.

Although the Departmental Director's explanation of the County's evidence should be sufficient to inform the employee of the basis for discharge, this procedure shall not be construed to limit the County at any subsequent hearing or proceeding, from presenting a more detailed and complete case including the presentation of witnesses and/or documents not introduced at the pre-discharge meeting. Should the discharge committee determine to proceed with the discharge or some alternative disciplinary action, the County will give the employee written notice of discipline without

undue delay.

### **Section 7.0 – Appeal Process**

An appeal may be made by the employee within five (5) business days of the disciplinary action meeting. The appeal must be submitted in writing to the ~~HRM~~[County Administrator or designee](#).

The ~~HRM~~[County Administrator or designee](#) will review the investigation notes and the employee's employment and departmental personnel files to ensure that the disciplinary action is fair and consistent within five (5) business days of receipt of the appeal.

If the employee is subject to a collective bargaining agreement, the employee shall follow the process as outlined in their union contract.

## APPENDIX 'D'- Travel & Transportation Policy & Procedures

### Section 1.0 – Introduction

Jefferson County has established a system for control of travel that provides for reimbursement of travel expenses incurred by employees while on authorized travel. In order to ensure reimbursement, employees must follow the procedures explained in this manual prior to travel. All travel requests are submitted to the employee's Departmental Director or authorized designee who is responsible for approving travel and for ensuring that appropriate funds are available for official travel.

These procedures are designed to ensure that any payments made under this section are reasonable, accurate, and necessary for the conduct of the County's business.

### Section 2.0 – Definitions

The following definitions will be used for the purposes of these policies and procedures.

[County Administrator: A position appointed by the Board of County Commissioners to handle County administration.](#)

*Departmental Director:* Elected Official, Department Head or authorized designee acting as the manager for that department.

*Official Workstation:* The place where an employee is assigned to work the majority of their work schedule.

*Quasi-employee:* A person acting on behalf of the County in a public service capacity as if they were an employee of the County.

*Single Day Meal Reimbursement:* The reimbursement for meals for an employee when the travel does not include an overnight stay.

*Three Hour Rule:* An employee has been in travel status for three (3) hours beyond his/her regularly scheduled work day. The three hours may be any combination of time before and/or after the scheduled working hours on the day in question. (See 8.2.2)

*Travel Status:* An employee is considered to be on Travel Status when they leave their home or official workstation, whichever is closer to their destination, for a destination outside Jefferson County on official County business.

*“West End.”* The common term for the area of Jefferson County that is separated from the eastern portion of the County by the Olympic National Park and is not accessible by Highway without traveling out of Jefferson County. For purposes of travel expense reimbursement, traveling to the West End is considered travel “outside” the County.

### **Section 3.0 – Affected Parties**

Unless otherwise provided by law, these regulations are applicable to all employees and all quasi-employees. If specific travel circumstances arise which are not covered in this policy, the State of Washington Travel Regulations will be used as guidance in determining acceptable practices and expenditures.

### **Section 4.0 – General**

#### **Section 4.1 – Care When Incurring Travel Expenses**

Travel funds are an important public resource and should be spent wisely and judiciously. It is assumed and expected that expenses incurred under this policy will be appropriate to the circumstances, and consistent with the best interests of the County and its desire to minimize travel costs. An employee traveling on official County business is expected to exercise the same care in incurring expenses and accomplishing the purposes of the travel that a prudent person would exercise if traveling on personal business. Employees are responsible for excess costs and any additional expenses incurred for personal preference or convenience.

#### **Section 4.2 – Travel Itinerary**

The travel itinerary of an employee is to be planned to eliminate unnecessary travel in the performance of work assignments. Whenever it is feasible for two or more employees to travel on official County business in one vehicle, they are to do so.

#### **Section 4.3 – Health and Safety of Travelers**

The health and safety of employees is a top priority in the conduct of travel related activities. It is considered advantageous to the County for travel plans and itineraries to be established and altered with consideration of hazardous inclement weather and other situations that could threaten the health and safety of County personnel.

#### **Section 4.4 – Incapacitating Illness or Severe Inclement Weather**

An employee shall contact their supervisor as soon as possible if the alteration of travel plans and itineraries will result in extra travel expenses (including meal and/or lodging costs) due to emergencies such as a sudden onset of incapacitating illness or because of severe inclement weather. Notation on the Travel Expense Voucher must include the name of the supervisor who approved the alteration and the approval date and a short description of the reason for the change.

#### **Section 4.5 – Compliance with the Americans with Disabilities Act (ADA)**

All County personnel are to be afforded equal opportunity to travel for official business even if the travel costs for disabled travelers will exceed what would normally be most economical to the County, unless costs would create undue hardship on the County as allowed by the ADA. Travel authorizations and travel claims should be annotated that the extra costs were required to comply with the ADA.

## **Section 5.0 – Reimbursement Method**

Employees are to exercise prudent judgment in incurring travel expenses on official County business. Excessive or unnecessary expenses will not be reimbursed. When an employee is traveling on official County business, the Departmental Director will determine whether it is more economical to require the employee to return to the official station or residence daily or on weekends.

### **Section 5.1 – Authorization for Travel Reimbursement**

Authorizations for travel shall be exercised through the Departmental Director from properly authorized BARS travel line item of the Department budget. For travel outside the State of Washington, the Out of State Travel Request Form, which requires pre-approval by the County Administrator, will be used.

### **Section 5.2 – Use of County Issued Credit Cards for Travel**

Travel expenses may be paid with a credit card issued to a County Department (See also Resolution 64-08 regarding County credit cards.) Employees using County credit cards must retain and submit expenditure receipts for all expenses that are charged to the card. The employee shall submit an accounting of all charges within 10 (ten) calendar days following return from travel. All charges for which receipts are not submitted or which are not eligible for reimbursement will be disallowed and the employee shall remain personally liable for such charges. Any disallowed charges shall immediately be paid to the County by check or cash.

If for any reason disallowed charges are not repaid within 10 (ten) days following return from travel, the County shall have a lien against and a right to withhold any salary payable to or that will be payable to the employee up to an amount equal to the disallowed charges plus interest at the same rate as charged by the company which issued the charge card. If an employee has not repaid any disallowed charges, he or she shall not be allowed to use a charge card for subsequent travel. If the employee still has custody of the card, he or she shall surrender the card upon demand by the County Administrator, ~~or~~ County Treasurer [or County Auditor \(Auditing Officer\)](#).

## **Section 6.0 – Direct Payment to Vendors Supplying Meals or Lodging**

On occasion a department may negotiate meal or lodging rates directly with a vendor or vendors in a specific area (i.e. the west end of the County) in order to accommodate travel arrangements for several employees at the same time and/or to receive a cost savings.

### **Section 6.1 – Approval and Documentation for Direct Payment to Vendors**

Approval of the Departmental Director must be obtained prior to authorizing direct billing to the County and direct payment by the County. Any payments made according to this section are to be supported by documentation consisting of:

- a) A list of employees and their respective departments.
- b) An invoice from the vendor detailing the number of meals served and price per meal.
- c) The details of the lodging information including date(s) of occupancy, room number, room rate and name(s) of persons occupying the room.
- d) Payments to vendors for lodging expenses may not exceed the limits stated in Sections 8.3 and 9.1.

Adopted:

Appendix D – Travel and Transportation  
Policy & Procedures



**Section 6.2 – Travel by Commercial Carrier (Airline, Train, Bus)**

**6.2.1 Advance Bookings:**

Whenever it is determined that savings in travel costs will result by taking advantage of discounts offered by a commercial carrier for advance bookings, payments are authorized to pay for airline or other commercial carrier tickets prior to a scheduled trip if the County retains physical custody of the ticket. Tickets should be delivered to employees in a timely manner in advance of travel to avoid last minute problems.

**6.2.2 Most Cost Effective Route:**

Air and train transportation is to be by Tourist or Economy Class and by the most direct or cost-effective route.

**6.2.3 Meals:**

If a vendor has been paid directly for meals, the employee will not be reimbursed for meal expenses even if the employee is on travel status.

**Section 7.0 – Basis for Reimbursement**

All travel expenses eligible for reimbursement shall be reimbursed from actual receipts or on a per diem basis as follows.

**Section 7.1 – Lodging**

The reimbursement for lodging expenses incurred on official County business shall be on an actual expense basis ONLY.

**Section 7.2 – Meals**

The reimbursement for meals incurred while an employee is on Travel Status for official County business may be made on the basis of one of the following methods to be determined by the Employee's Departmental Director when the travel request is submitted:

**7.2.1 ACTUAL EXPENSE Basis**

Actual Expense Basis (except if the meals have been prepaid according to Section 6.2.3). Detailed receipts listing all of the items purchased must be obtained for each meal that may qualify for reimbursement. Reimbursement for meal costs based on actual expense shall not exceed the limits listed in the Washington State Office of Financial Management (OFM) Per Diem "Meal Rates" table which includes the basic cost of the meal, and any applicable sales tax and any customary tip or gratuity, provided such tip or gratuity does not exceed 15% (fifteen) percent of the cost of the meal.

**7.2.2 PER DIEM Basis**

A Per Diem basis with the approval of the employee's Departmental Director. The Washington State Office of Financial Management (OFM) Per Diem "Meal Rates" table shall serve as the meal cost reimbursement schedule which includes the basic cost of the meal, and any applicable sales tax and any customary tip or gratuity, provided such tip or gratuity does not exceed 15% (fifteen) percent of the cost of the meal.



### **Section 7.3 – Lodging and/or Meal Reimbursement NOT AUTHORIZED**

Reimbursement for lodging and/or meals shall not be authorized under any of the following conditions:

- The employee does not incur expenses for lodging and/or meals.
- The County furnishes them directly.
- The County furnishes them through the payment of the registration or conference fees.
- An employee does not incur lodging expenses at a commercial facility.
- Reimbursement for spouses, guests or other persons not authorized to receive reimbursement under this policy or State regulations.
- The County will not reimburse an employee for the cost of any alcoholic beverages.

**REIMBURSEMENT FOR ALCOHOLIC BEVERAGE IS PROHIBITED.**

## **Section 8.0 – Reimbursable Meal Expenses**

### **Section 8.1 – General Guidelines**

The cost of meals incurred WITHIN the County (except the West End) are non-reimbursable because ordinary meals are the responsibility of the employee. However, reimbursement is authorized if made in accordance with the Resolution No. 40-96 Policy Establishing Criteria for the Expenditure of Public Funds for Eating and Drinking.

### **Section 8.2 – Reimbursement for Cost of Meals While on Travel Status**

Employees must be on travel status to collect payments for meals. The following two criteria must be met for an employee to receive meal reimbursement:

#### **8.2.1 Single Day Travel:**

Meal reimbursements for single day travel are considered taxable fringe benefits by the IRS subject to all employment taxes and will be included in annual taxable gross wages. Employees are required to complete the “Single Day Meal Reimbursement” form and attach detailed receipts for submittal to the Jefferson County Auditor’s Office. The form is available in the following directory: P:\Public\Forms\Travel Forms\.

#### **8.2.2 Three-Hour Rule:**

An employee may be reimbursed for meal expenses only after they have been in travel status for three (3) hours beyond his/her regularly scheduled work day. The three hours may be any combination of time before and/or after the scheduled working hours on the day in question. For example, an employee working an 8 hour day must be traveling 11 hours to meet this rule while an employee working a 10 hour day must be traveling 13 hours. The traveler may not stop for a meal just to meet the three-hour rule.

**8.2.3 Travel Status During Entire Meal Period**

Travelers must be on travel status during the entire meal period(s) in order to qualify for reimbursement of the cost of a specific meal or meals.

**8.2.3.1 Alternate Work Day Meal Periods:**

For employees scheduled to work up to 9 hours per day, the meal periods are as follows:

*Breakfast - 6 a.m. to 8 a.m.*

*Lunch - Noon to 2 p.m.*

*Dinner - 6 p.m. to 8 p.m.*

8.2.3.2 For employees scheduled to work over 9 hours per day the following will be used to determine the meal period:

*Breakfast* - 2 hours prior to the start of the scheduled workday;

*Lunch* - 4 to 6 hours after the start of the scheduled workday;

*Dinner* - 2 hours after the end of the scheduled workday.

**8.2.4 Reasonable Cost**

The reasonable cost of the employee's own meal may be reimbursed if the cost of each meal does not exceed the limits listed in the Washington State Office of Financial Management (OFM) Per Diem “Meal Rates” table.

**8.2.5 More than One Employee on a Claim**

Reimbursement may be claimed by one person for several employees eating together, as long as all the names are listed on the reimbursement claim.

**8.2.6 Per Day Reimbursement**

If an employee is being reimbursed on a Per Diem basis and is eligible to receive reimbursement for all 3 (three) meals in a day, the per meal limits do not apply as long as the reimbursement for all 3 meals does not exceed the “Total Meal Allowance Per Day” as listed in the Washington State Office of Financial Management (OFM) Per Diem “Meal Rates” table.

**8.2.7 Excess Amounts Not Reimbursed**

Any amount paid for meals in excess of those amounts listed in the Washington State Office of Financial Management (OFM) Per Diem “Meal Rates” table will not be reimbursed.

**Section 8.3 – Meal Cost Reimbursement Schedule**

For employees who meet all of the qualifications for meal reimbursement, the Washington State Office of Financial Management (OFM) Per Diem “Meal Rates” table will serve as the meal cost reimbursement schedule which includes the basic cost of the meal, and any applicable sales tax and any customary tip or gratuity (see also Section 13.2.(6)).

## **REIMBURSEMENT FOR ALCOHOLIC BEVERAGES IS PROHIBITED.**

### **8.3.1 Reimbursement for Out-of-State Meals**

For determining out-of-state reimbursement/Per Diem rates, refer to the General Services Administration (GSA) website.

### **8.3.2 Grant Reimbursed Meals**

When the County will be reimbursed for an employees' meal expense through a grant which uses a different reimbursement schedule, the County will honor that rate if the employee submits documentation from the grant contract that details the amount to be reimbursed for each meal.

### **Section 8.4 – Meeting Out of the County When the Employee Is Not On Travel Status**

When an employee does not reach the travel status threshold for a meeting away from Jefferson County (i.e. is not on travel status,) the provisions of Resolution No. 40-96 apply and reimbursement may only be made for meals that are scheduled as an integral part of an official proceeding or program related to official County business and the Departmental Director approves payment for the meals in advance of the meeting, convention, conference, or training session because it is advantageous to the County and is related to the employee's job responsibility. See Resolution No. 40-96 for complete text.

### **Section 9.0 – Lodging Reimbursement**

Reimbursement for lodging will be paid at the rate specified in Section 9.1. Prior approval by the Departmental Director is required for any quoted commercial lodging rate that exceeds \$175.00 (one hundred seventy five dollars) per night.

Reimbursement for lodging is on the actual receipted cost of a standard, single occupancy room, in a commercial facility. A commercial facility is a lodging facility that meets the appropriate government regulations for the rental of rooms to the public. The commercial facility could be a motel, a hotel, a bed and breakfast or a hostel. Employees are to use discretion in choosing accommodations. The type of facility chosen should be appropriate for normal business use.

**EXAMPLE:** The use of a bed and breakfast would not be appropriate if a standard motel is readily available, unless it can be clearly demonstrated that the bed and breakfast costs less.

When an employee uses camping facilities in lieu of commercial lodging facilities for the employee's convenience, reimbursement shall be for the actual space rental cost as evidenced by a receipt.

### **Section 9.1 – Lodging Expenditure Schedule**

Lodging costs will be reimbursed at the actual cost of standard accommodation for a single occupancy room in a commercial facility or actual pro-rated cost of standard accommodation when room is shared with more than one party. **A RECEIPT IS REQUIRED FOR ALL LODGING EXPENSES.**

## Section 10.0 – Forms Used for Travel

The following forms are to be used by employees seeking reimbursement of their authorized travel expenses. Employees may request an “advance” against their travel expense reimbursement to help with their authorized County travel expenses. Employees must request approval prior to making any arrangements for travel out of the State of Washington.

### Section 10.1 – Advance Travel/Out of State Travel Request Form

This form serves as a request for an Advance Travel check or Out of State travel reimbursement approval. Employees may obtain forms from their supervisor. A computerized version of this form is available in the following directory: P:\Public\Forms\Travel Forms\. The form is an Excel spreadsheet and will automatically calculate.

10.1.1 Out of State Travel Requests: The employee must submit the completed form to their Departmental Director for approval. The County Administrator will review and approve or disapprove all out of state travel requests before the Department makes travel arrangements.

10.1.2 Request for Advanced Travel Funds: The employee must submit the completed form to their Departmental Director for approval. Requests for Advance Travel funds will be submitted to the Treasurer’s Office a minimum of 5 (five) working days before the funds are needed. The employee must pick up their advance travel check from the Treasurer's Office or the employee’s Departmental Director. [Clerk Hires shall not receive advance travel, except as authorized and approved by the County Administrator.](#)

### Section 10.2 – Travel Expense Reimbursement Forms

Forms identified below are to be used by employees to submit an accounting of their authorized travel expenses for which they are seeking reimbursement. Instructions for submitting a claim for reimbursement of travel expenses are included in this section. Following are 4 (four) formats to claim reimbursement:

1. Submitting expenses incurred on a monthly basis.
2. Submitting expenses incurred on a daily or weekly basis.
3. Submitting only for mileage expense reimbursement.
4. Submitting expenses incurred on a single-day (no overnight stay required).

Employees may obtain forms from their supervisor or use a computerized version of these forms, which are available in the following directory: P:\Public\Forms\Travel Forms\. The forms are in Excel spreadsheet or PDF “fill-in” format and will automatically calculate.

## Section 11.0 – Travel Expense Reimbursement Claims

Requests for reimbursement of travel expenses must be made using the appropriate Travel Expense Claim Forms (see Section 10.0.) Employees should submit a travel expense reimbursement claim for each month that they incur travel expenses.

**Section 11.1 – Processing Travel Expense Reimbursement Claims After Travel Has Been Completed**

Employees must complete all paperwork regarding travel expense reimbursement claims in a timely manner. Any monies owed to the County must be submitted to the Treasurer's Office within 30 (thirty) days of an employee's return from travel.

**Section 11.2 – Submitting Travel Expense Reimbursement Claims**

The Travel Expense Claim Form must be completed, signed, and then submitted for approval to the employee's Departmental Director with a copy of the meeting or training schedule, agenda, or brochure. Processing and payment to the employee will be included in the next billing cycle.

**Section 11.3 – Submitting a Travel Expense Claim that Totals Less than \$10.00 (Ten Dollars)**

Employees should submit a Travel Expense Claim form for each month that they incur travel expenses, however, if the total reimbursable travel costs do not exceed \$10 (ten) dollars in any month, the employee may wait and submit the claim the next month for which a total reimbursement would be greater than \$10 (ten) dollars. The claim **must** be submitted within 3 (three) months of the date of the original claim (see quarterly claims, Section 11.4.)

**Section 11.4 – Submitting Quarterly Travel Expense Claims**

An employee may accumulate travel expenses and submit them on a travel expense claim form once a quarter (March, June, September and December) if,

1. There is no reimbursement to Advance Travel required on the claim
2. The amount to be reimbursed for travel expenses in any month of the quarter does not exceed \$50.00 (fifty) dollars.

**Section 11.5 – Information Required in Support of Travel Expense Reimbursement Claims**

The receipt for the commercial lodging facility and receipts for all meals (if being reimbursed on the actual expense basis) must be attached to and submitted with the travel expense claim form. Departure and return times should be rounded to the nearest half hour on the claim form and shall be designated as A.M. or P.M.

**Section 12.0 – Advanced Travel Funds**

Employees may request an "advance" against their travel expense reimbursement to help with their authorized County travel expenses. These funds shall be accounted for as follows.

**Section 12.1 – Accounting for Advance Travel Funds**

Any employee who receives a travel advance from the Advance Travel Fund must file an expense voucher form within the next County billing cycle. Persons submitting claims with expenses in excess of the amount advanced will be reimbursed for the difference by warrant. The employee shall indicate on the Travel Expense Claim Form a deduction for all travel advance amounts received.

**Section 12.2 – Unexpended Travel Advance Funds**

Any unexpended portion of the travel advance is to be returned to the County no later than 15 (fifteen) days after the close of the authorized travel period. Payment by cash or check made payable

Adopted:

Appendix D – Travel and Transportation  
Policy & Procedures

to the County is to accompany a properly completed travel expense claim form. Unexpended portion of travel advances are not to be carried forward to a subsequent travel period, but must be remitted to the County as provided above. An employee may not make requests for Advance Travel when they are delinquent in accounting for or repaying a prior travel advance (RCW 42.24.140.)

### **Section 12.3 – Default in Payment or Accounting**

Any default in accounting for or repaying a travel advance shall cause the amount that is unpaid to become immediately due and payable. In order to protect the County for any losses from the Advance Travel Fund the County has a lien against and shall withhold any and all amounts payable or that become payable by the County from the employee's pay, up to the amount of such travel advance.

## **Section 13.0 – Reimbursable Transportation Expenses**

### **Section 13.1 – Reimbursable Transportation Expenses**

Reimbursable transportation expenses include all necessary official travel on railroads, airlines, ships, buses, private motor vehicles and other usual means of conveyance. All transportation other than private motor vehicles and County-owned motor vehicles must be on commercial carriers.

13.1.1 Reimbursement for Use of Privately-Owned Motor Vehicles: Reimbursement for mileage between the employee's residence and official workstation is a personal obligation of the employee and is not reimbursable by the County. Mileage shall be based on departure from the employee's official workstation unless their residence is closer to their destination, in which case the mileage shall be calculated from the employee's residence. Vicinity mileage may be included.

### **Section 13.2 – Miscellaneous Travel Expenses**

Miscellaneous travel expenses essential to the transaction of official County business are reimbursable to the employee. Miscellaneous travel expenses must be specifically itemized on the travel expense claim form with receipts attached. Reimbursable expenses include, but are not limited to:

1. Taxi fares, transit fares, motor vehicle rentals, parking fees, ferry and bridge tolls. Taxi or transit fares incurred by an employee on travel status going from their place of lodging to a restaurant for a meal when the employee has no other means of transportation are considered a reimbursable miscellaneous travel expense.
2. Registration fees required in connection with attendance at approved conventions, conferences, and official meetings if not previously paid.
3. Rental of a room in a hotel or other place that is used to transact official business. The room rental is reimbursable as an item separate from lodging when authorized by the Departmental Director.
4. Charges for necessary stenographic or typing services in connection with the preparation of reports and/or correspondence when authorized.
5. The charge for one brief (less than 5 [five] minute) phone call to the employee's home each day the employee is on travel status.
6. Employees will be reimbursed for expenditures due to tipping, when claimed as actual

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Appendix D – Travel and Transportation  
Policy & Procedures

expenses, provided such tipping does not exceed 15% (fifteen) percent of the cost of a meal, fare, or a day's lodging or the limits stated in Sections 8.3 and 9.1.

7. Motor vehicle rentals, registration fees, rental of rooms for official business, and other miscellaneous travel expenses in excess of \$50.00 (fifty) dollars are not to be paid by the employee. The purchase of such services should be accomplished in advance, in accordance with prescribed purchasing requirements.
8. The cost for personal care attendant services which are required by disabled employees, in order for them to travel, will be allowed as a miscellaneous travel expense. Such costs may include the fees and travel expenses of the attendant. Such costs are not limited by the dollar amount established above. Instead, the limit for such costs is to be set by the Departmental Director pursuant to Section 3.0 of these procedures.

### **Section 14.0 – Non-Reimbursable Expenses**

Certain travel expenses are considered as personal and not essential to the transaction of official County business and, therefore, are not reimbursable. Such non-reimbursable expenses include, but are not limited to:

1. Laundry and valet service, entertainment expenses, radio or television rental and other items of a similar nature.
2. Taxi fares, motor vehicle rental, and other transportation costs to or from places of entertainment and other similar facilities.
3. Costs of personal trip insurance and medical and hospital services.
4. Personal telephone calls of an employee, except as stated in Section 13.2 (5) Miscellaneous Travel Expenses.

### **Section 15.0 – Use of Privately-Owned Motor Vehicle**

#### **Section 15.1 – General Requirements**

The Departmental Director shall obtain a copy of their employees' current, valid "Proof of Insurance" before authorizing the use of a privately-owned motor vehicle in the conduct of official County business.

The Departmental Director for any one of the following reasons may authorize the use of a privately-owned motor vehicle in the conduct of official County business:

1. A County-owned or operated motor vehicle is not available.
2. It is found to be more advantageous and economical to the County that an employee travels by a privately-owned motor vehicle rather than a common carrier or a County-owned or operated motor vehicle.

The use of a privately-owned motor vehicle is to be based upon the County work requirements and not the personal preference or convenience of an employee. However, when an employee requests to use a privately-owned motor vehicle in lieu of County-owned or operated motor vehicle that is available for use, and the request is approved by the Departmental Director, the employee shall be reimbursed at the mileage rate established by the Board of County Commissioners.

15.1.1 The Board of County Commissioners shall allow reimbursement at a rate not to exceed those authorized. When requesting mileage reimbursement for use of a

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Appendix D – Travel and Transportation  
Policy & Procedures



privately-owned motor vehicle, proof of personal insurance coverage is required.

### **Section 15.2 – Motor Vehicle Operator's License and Proof of Personal Insurance**

Operators are to have a valid Washington State driver's license and valid and current Proof of Personal Insurance in their possession while operating a privately-owned motor vehicle when conducting official County business. The County recommends and encourages employees using their personal vehicle for County business to be fully insured for example to purchase and maintain Under-insured and Uninsured Motorist coverage. It is also recommended that employees advise their insurance carrier that they use their personal automobile for County business. **Damage that occurs to an employee's vehicle while the vehicle is being used for official County business is the responsibility of the employee and/or their insurance carrier.**

### **Section 15.3 – Report of Accidents – Privately-Owned Vehicles**

All traffic accidents, regardless of how slight, are to be reported by the operator within 24 (twenty-four) hours to the Departmental Director, and the proper law enforcement agency as required by law (See Resolution No. 85-93 and the Jefferson County Safety Manual). Accidents involving personal injuries are to be reported by telephone and followed with a written report.

## **Section 16.0 – County-Owned Motor Vehicles**

### **Section 16.1 – General Requirements**

The Departmental Director shall authorize the use of a County-owned motor vehicle. County-owned, leased, or rented motor vehicles are to be used only on official County business. ~~No person, other than the authorized employee and/or other~~ [Employees and](#) quasi-employees who are authorized to take part in the specific official County business that necessitated the use of the vehicle, are allowed to accompany the employee in a County-owned, leased, or rented vehicle. [Non-county employees may travel as passengers in County-owned, leased, or rented motor vehicles as long as they are directly engaged in activities which are associated with official County business, and only as authorized by the employee's Departmental Director.](#)

The operator shall be responsible for maintaining the good appearance of the motor vehicle and is to adhere to careful driving practices and observe traffic laws and regulations at all times. Purchase of gas, oil and other items or emergency repairs to motor vehicles are to be made in accordance with applicable regulations.

#### **16.1.1 Contact in case of a Non Accident Emergency During Normal Business Hours:**

Questions about the applicable regulations and County procedures for the purchase of gas, oil, other items or emergency repairs for any County-owned motor vehicle should be directed to the employees' supervisor, if during working hours.

#### **16.1.2 Contact in case of a Non Accident Emergency After Normal Business Hours:**

If questions arise after normal business hours or on weekends the employee should contact JeffCom Dispatch for the number of the authorized “after hour” contact person.



16.1.3 Accident Reports: (see Section 16.3) Blank accident report forms are to be kept in the glove compartment of the motor vehicle for the employees' use.

**Section 16.2 – Motor Vehicle Operator's License**

Operators shall have a valid Washington State driver's license in their possession while operating a privately-owned or County-owned or operated motor vehicle. Employees who operate County-owned or operated motor vehicles and who use privately-owned motor vehicles to conduct official County business shall complete a Defensive Driving course every 3 (three) years.

**Section 16.3 – Report of Accidents – County-Owned Vehicles**

All traffic accidents, regardless of how slight, are to be reported by the operator within 24 (twenty-four) hours to the Departmental Director and the proper law enforcement agency as required by law (See Resolution No. 85-93 and the Jefferson County Safety Manual). Accidents that involve injuries are to be reported by telephone and followed with a written report.

## APPENDIX 'E' - Alcohol & Drug Free Workplace Policy & Procedures

### Section 1.0 – Policy Statement

The maintenance of an alcohol and drug free workplace is essential to employees' safety and welfare. In recognition of this, Jefferson County supports the requirements of the State of Washington and the United States Drug Free Workplace Act of 1988.

In accordance with these guidelines:

1. Illegal use, possession, distribution or dispensing of alcoholic beverages during working hours is prohibited.
2. Being intoxicated during working hours is prohibited.
3. Possession, distribution, dispensing, transfer or manufacture of illegal drugs is prohibited. (Prescription or non-prescription drugs are permitted in the workplace when taken in accordance with a lawful prescription or consistent with standard dosage recommendations.)

Any employee reporting to work under the influence of drugs, alcohol or in an otherwise unfit condition, may be subject to suspension without pay, referral for testing, termination or other action as deemed appropriate by the employee's Departmental Director.

### Section 1.1 – County Responsibility

It is the responsibility of the County through management and supervisory personnel to fairly administer this policy.

### Section 1.2 – Employee Responsibility

It is the employee's responsibility to insure that they do not indulge in the illegal or inappropriate use of any substance that could affect their performance.

- 1.2.1 Use of Prescribed or "Over the Counter" Drugs: Any employee who uses a prescribed or over-the-counter drug that may cause adverse side effects (e.g., drowsiness or impaired reflexes or reaction time) shall inform their Departmental Director that they are taking such medication and of the possible effects of the drug on their performance and the expected duration of use. If the drug use could cause production or safety problems, the Departmental Director may grant the employee sick leave or temporarily assign the worker different duties.
- 1.2.2 Conviction for Violating a Drug Statute: Each employee has the responsibility to report to their Departmental Director the facts and circumstances leading up to a conviction for violating any criminal drug statute. Reporting must take place within 5 (five) days from the date of conviction.

### Section 2.0 – Definitions

The following definitions will be used for the purposes of these policies and procedures.

*Commercial Driver's License (CDL):* A specific type of driver's license issued by the State of Washington in order to drive a commercial vehicle which is a vehicle with a gross vehicle weight

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Appendix E – Alcohol & Drug Free Workplace  
Policy & Procedures

over 26,000 pounds, or is designed to transport 16 or more persons (including the driver), or is used to transport hazardous materials.

*Departmental Director:* An elected official, manager or supervisor directly in charge of a specific department (e.g., the County Treasurer is the Departmental Director of the Treasurer's Office; the Public Works Director is the Departmental Director of the Public Works Department)

*Employee Assistance Program (EAP):* A benefit for employees to help with work stress, relationship problems, anger management, coping with change, family/parenting issues, anxiety or depression, alcohol or drug dependencies, and grief or bereavement issues.

*Reasonable Suspicion:* Includes, but is not limited to, physical signs of alcohol or drug use such as delayed motor skills, alcohol on the breath, etc.; performance issues, including but not limited to, frequently missed deadlines, frequent mistakes, decreased productivity, significant variations in productivity from day to day; inability to concentrate; frequent tardiness or absences for implausible reasons; long meal, coffee, or bathroom breaks; disruptive behavior toward fellow employees; withdrawal from interaction with fellow employees; or overreaction to constructive criticism.

### **Section 3.0 – Education and Training**

The County will afford employees an opportunity to deal with drug and alcohol related problems. The EAP provides information regarding the hazards of drug and alcohol abuse and the treatment of drug and alcohol related problems. Any County employee may seek advice, information and assistance voluntarily. Medical confidentiality will be maintained consistent with this policy.

The County also provides periodic training on the effects of alcohol and drug abuse in the workplace. Part of the training involves becoming aware of the contents of this document and actively participating in training sessions.

### **Section 4.0 – Required Alcohol and/or Drug Testing**

#### **Section 4.1 – Employees Required to Have a Commercial Driver's License (CDL)**

Employees required by their job description to have a Commercial Driver's License as part of their employment with the County are covered by Resolution No. ~~120-95-adopted December 11, 1995-37-~~[18 adopted August 13, 2018](#) for drug testing.

#### **Section 4.2 – All Other Employees**

Employees may be required to undergo substance abuse evaluation if there is reasonable suspicion (see definition), the employee may have a substance abuse problem or the employee is involved in an altercation, accident, near-miss accident or other incident.

Failure of the employee to report for an evaluation is an act of insubordination and is subject to immediate disciplinary action. Based on the evidence produced from the evaluation, the employee may be required, as a condition of continued employment, to participate in a comprehensive substance abuse treatment program. Regular satisfactory reports from the agency will be required as a condition of continued employment.

Adopted:

Appendix E – Alcohol & Drug Free Workplace  
Policy & Procedures

4.2.1 **Reasonable Suspicion:** In the event, there is reasonable suspicion that substance abuse is a factor in an employee's performance; the matter shall be brought to the attention of the employee's Departmental Director. Reasonable suspicion includes, but is not limited to:

- Physical signs of alcohol or drug use such as delayed motor skills
- Alcohol on the breath, etc
- Performance issues including but not limited to frequently missed deadlines and/or frequent mistakes
- Decreased productivity, significant variations in productivity from day to day
- Inability to concentrate; frequent tardiness or absences for implausible reasons
- Long meal, coffee, or bathroom breaks
- Disruptive behavior toward fellow employees
- Withdrawal from interaction with fellow employees
- Overreaction to constructive criticism

The Departmental Director will investigate the allegation and may require the employee to be evaluated for substance abuse by referring the individual to the EAP.

4.2.2 **Altercations, Accidents and Other Incidents:** When an altercation, accident, near-miss accident or other incident occurs, the Departmental Director may direct an employee involved to a designated medical facility for a chemical dependency evaluation as part of the investigation of the incident.

Failure to report an injury in the workplace may result in disciplinary action.

### **Section 5.0 – Alcohol or Drug Conviction**

An employee convicted of an alcohol or drug related offense might be required, as a condition of continued employment, to satisfactorily participate in a substance abuse assistance, rehabilitation or education program.

If participation in a program is a requirement of continued employment, satisfactory reports from the agency must be received on a regular basis.

### **Section 6.0 – Confidentiality**

The confidentiality of all complaints and reported violations of the provisions of this policy will be strictly maintained, except as required by public disclosure laws, [labor and employment laws](#), court order or as required in ordinary personnel actions.

## APPENDIX 'F'

### Anti-Harassment Policy and Procedures

#### Section 1.0 – Policy

It is the ~~policy-goal~~ of Jefferson County to provide a business and work environment for all of its employees and customers that is reasonably harmonious and free from intimidation. To this end, the County will not tolerate any form ~~or degree~~ of unlawful discrimination or unlawful harassment ~~of any kind~~. Through enforcement of this policy and by education of its employees, the County will seek to prevent, correct and discipline behavior that violates this policy.

All employees, regardless of their position, are covered by and expected to comply with this policy, and to take appropriate measures to ensure that prohibited conduct does not occur. Appropriate disciplinary action will be taken against any employee who violates this policy. Based upon the seriousness of the offense, disciplinary action may include verbal or written reprimand, suspension, or termination of employment.

The County cannot assure employees they will like their supervisors or fellow employees. This policy only addresses unlawful conduct.

#### Section 2.0 – Definitions

The following definitions will be used for the purposes of these policies and procedures.

*Complainant:* The individual bringing a complaint

County Administrator: A position appointed by the Board of County Commissioners to handle County administration.

*County Equal Opportunity Board (CEOB):* Composed of three (3) County management personnel appointed as needed by the County Administrator

*Departmental Director:* An elected official, manager or supervisor directly in charge of a specific department (e.g., the County Treasurer is the Departmental Director of the Treasurer's Office; the Public Works Director is the Departmental Director of the Public Works Department)

*Employee Assistance Program (EAP):* A County funded benefit for employees to help with work stress, relationship problems, anger management, coping with change, family/parenting issues, anxiety or depression, alcohol or drug dependencies, and grief or bereavement issues

*Human Resource Manager (HRM):* A position appointed or designated by the Board of County Commissioners or by the Board's designee to handle personnel, staffing and other related matters

*Personnel File:* Refers to both the employee's employment personnel file and the employee's departmental personnel file

Adopted:

Appendix F – Anti-Harassment  
Policy & Procedures

*Respondent:* The individual named in a complaint allegedly causing harm

## Section 3.0 – Prohibited Conduct Under This Policy

### Section 3.1 – Discrimination

It is a violation of this policy to unlawfully discriminate in the provision of employment opportunities, benefits or privileges, to create ~~discriminatory~~ unlawful working conditions, or to use unlawful discriminatory evaluative standards in employment if the discriminatory treatment is based in whole or in part on the person's status in a protected class, including, but not limited to race, creed, religion, color, national origin, sex, marital status, political affiliation, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a disabled person.

~~Discrimination of this kind is also strictly prohibited by a variety of federal, state and local laws, including Title VII of the Civil Rights Act 1964; the Age Discrimination Act of 1975; the Americans With Disabilities Act of 1990; and Washington State Statutes RCW 49.60, 49.12 and 49.44, RCW 70.84, and WAC 162.30, 162.16, 162.12 and 162.22.~~ This policy is intended to comply with ~~the~~ all prohibitions stated in ~~these~~ federal, state or local anti-discrimination laws.

~~Discrimination~~ Employee conduct in violation of this policy ~~will~~ may be subject to severe disciplinary actions up to and including termination.

### Section 3.2 – Harassment

Unlawful ~~H~~harassment, including sexual harassment, is prohibited by this policy, federal and state laws. This policy prohibits unlawful harassment of any kind, and the County will take swift appropriate action to address any violations of this policy. The definition of harassment is verbal or physical conduct designed to unlawfully threaten, intimidate or coerce; ~~also, unlawful~~ verbal taunting (including racial and ethnic slurs) that, ~~in the employee's opinion,~~ for a reasonable person, impair their ability to perform their job.

Examples of harassment are:

**Verbal:** Unlawful ~~C~~omments which are not flattering regarding a person's nationality, origin, race, color, religion, gender, sexual orientation, age, body, disability, or appearance; Unlawful contemptuous words or phrases used to describe a person; slurs; negative stereotyping and relating to a person's status in a protected class.

**Non-verbal:** Unlawful ~~D~~istribution, display or discussion of any written or graphic material that ridicules, denigrates, insults, belittles, or shows hostility or aversion toward an individual, or group because of national origin, race, color, religion, age, gender, sexual orientation, pregnancy, appearance disability, marital, or other protected status.

### Section 3.3 – Sexual Harassment

Unlawful ~~S~~exual harassment in any form is prohibited under this policy. Sexual harassment is a form of discrimination and is unlawful under Title VII of the Civil Rights Act of 1964. According to the Equal Employment Opportunity Commission (EEOC), sexual harassment is defined as "unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a

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Appendix F – Anti-Harassment  
Policy & Procedures

sexual nature... when... submission to or rejection of such conduct is used as the basis for employment decisions... or such conduct has the purpose or effect of... creating an unlawfully intimidating, hostile, or offensive working environment."

Sexual harassment includes unsolicited and unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, when such conduct:

1. Is made explicitly or implicitly a term or condition of employment.
2. Is used as a basis for an employment decision.
3. Unreasonably interferes with an employee's work performance or creates an intimidating, hostile or otherwise offensive environment.

Sexual harassment does not refer to behavior or occasional compliments of a socially acceptable nature. It refers to behavior that is unwelcome, that is personally offensive, and that lowers morale and therefore interferes with work effectiveness. Sexual harassment may take different forms.

Examples of conduct that may constitute sexual harassment are:

**Verbal:** Sexual innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, lewd remarks, threats; requests for any type of sexual favor (this includes repeated, unwelcome requests for dates); verbal abuse or "kidding" which is oriented toward a prohibitive form of harassment, including that which is sexually oriented and considered unwelcome.

**Non-verbal:** The distribution, display, or discussion of any written or graphic material, including calendars, posters and cartoons that are sexually suggestive or show hostility toward an individual or group because of sex; suggestive or insulting sounds; leering; staring; whistling; obscene gestures; content in letters and notes, facsimiles or e-mail that is sexual in nature.

**Physical:** Unwelcome, unwanted physical contact, including but not limited to touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing, fondling; forced sexual intercourse or assault.

Normal, courteous, mutually respectful, pleasant, non-coercive interactions between employees, including men and women, that are acceptable to and welcomed by both parties, are not considered harassment, including sexual harassment. There are 2 (two) types of sexual harassment:

3.3.1 **Quid pro quo** harassment, where submission to harassment is used as the basis for employment decisions. Employee benefits such as raises, promotions, better working hours, etc., are directly linked to compliance with sexual advances. Therefore, only someone in a supervisory capacity (with the authority to grant such benefits) can engage in quid pro quo harassment.

**Example:** A supervisor promising an employee a raise if she goes on a date with him; A manager telling an employee she will fire him if he does not have sex with her.

3.3.2 **Hostile work environment**, where the harassment creates an offensive and unpleasant working environment. Hostile work environment can be created by anyone in the work environment, whether it be supervisors, other employees or customers. Hostile environment harassment consists of verbiage of a sexual nature, unwelcome sexual



materials or even unwelcome physical contact as a regular part of the work environment. Cartoons or posters of a sexual nature, vulgar or lewd comments or jokes, or unwanted touching or fondling all fall into this category.

### **Section 3.4 – Consensual Sexual Relationships**

The County strongly discourages romantic or sexual relationships between management or other supervisory employees and a member of their staff because such relationships tend to create compromising conflicts of interest or the appearance of such conflicts. In addition, such a relationship may give rise to the perception by others that there is favoritism or bias in employment decisions affecting the staff employee. Moreover, given the uneven balance of power within such relationships, consent by the staff member is suspect and may be viewed by others or later by the staff member themselves as having been given as the result of coercion or intimidation. The atmosphere created by such appearances of bias, favoritism, intimidation, coercion, or exploitation undermines the spirit of trust and mutual respect that is essential to a healthy work environment. If there is such a relationship, the parties need to be aware that one or both employees may be moved to a different department, or other actions may be taken.

- 3.4.1 **Burden of Proof:** As in all cases, the burden of proving sexual harassment rests with the accuser. But when charges of harassment are brought by the subordinate employee during or subsequent to such a relationship, and the supervisor claims that the relationship was consented to by the employee, the burden will be on the supervisor to prove that the relationship was consensual and voluntary.
- 3.4.2 **Relationships between Staff:** If any County employee enters into a consensual relationship that is romantic or sexual in nature with a member of their staff, or if one of the parties is in a supervisory capacity in the same department in which the other party works, the parties must notify the HRM. Although the parties may feel that what they do during non-working hours is their business and not the business of the County, because of potential issues regarding "quid pro quo" harassment, this is a mandatory requirement. This requirement does not apply to employees who do not work in the same department, or to parties who do not supervise or otherwise manage responsibilities over the other.

Once the relationship is made known to the HRM, the HRM will review the situation in light of all the facts (the reporting relationship between the parties, affect on co-workers, job titles of the parties, etc.), and will determine whether one or both parties need to be moved to another job or department. If it is determined that one party must be moved, and there are jobs in other departments available for both, the parties may decide who will be the one to apply for a new position. If the parties cannot amicably come to a decision, or the party is not chosen for the position to which he or she applied, the parties will contact the HRM, who will decide which party should be moved. That decision will be based on which move will be least disruptive to the organization as a whole.

If it is determined that one or both parties must be moved, but no other jobs are available for either party, the parties will be given the option of terminating their relationship or resigning.

### **Section 4.0 – Retaliation**

No hardship, no loss of benefit, and no penalty may be imposed on an employee as punishment for:

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Appendix F – Anti-Harassment  
Policy & Procedures

1. Filing or responding to a bona fide complaint of discrimination or harassment
2. Appearing as a witness in the investigation of a complaint
3. Serving as an investigator

Retaliation or attempted retaliation is a violation of this policy and anyone who does so will be subject to severe sanctions up to and including termination.

## Section 5.0 – The Complaint Process

Any person electing to utilize this complaint procedure will be treated courteously, the problem handled as swiftly and as confidentially as feasible in light of the need to take appropriate corrective action. The registering of a complaint will ~~in no way~~ not be used against the employee, nor will it have an adverse impact on the individual's employment status. While reporting such incidents ~~would~~ may be a difficult personal experience, allowing harassment activities to continue will most certainly lead to less desirable outcomes. For that reason, employees are strongly urged to utilize this procedure. However, filing groundless and malicious complaints is an abuse of this policy, is prohibited, and may result in disciplinary action up to and including immediate termination.

### Section 5.1 – Responsibilities

**Employees:** All County employees must share the responsibility of understanding and preventing unlawful discrimination and unlawful harassment, but ultimately, no satisfactory investigation or resolution of complaints can occur without the initiative and continued cooperation of the injured person. An individual who believes they have been discriminated against or harassed has the primary obligation of informing their Departmental Director or the HRM of the act of discrimination, harassment or retaliation, recounting specific actions or occurrences whenever possible. If an employee is not sure an act violates this policy, the act must none-the-less be reported.

**Departmental Directors:** Departmental Directors have the special responsibility to act promptly to eliminate any unlawful discrimination or unlawful harassment that may exist in their areas of responsibilities. If a Departmental Director knows that discrimination, harassment or retaliation is occurring, or receives information that discrimination, harassment or retaliation might be occurring, they must take immediate action ~~to address the problem~~. Such action should include, but is not limited to, making an immediate report to the HRM and, if requested, speaking directly with the injured person, developing a specific account of the actions, omissions or occurrences that are alleged to be discriminatory, consulting with the HRM, and taking corrective or disciplinary action.

If the alleged discrimination, harassment or retaliation is not within their area of responsibility or oversight, the Departmental Director must notify the HRM who must then take prompt steps to address the allegation.

Any County employee with supervisory and/or hiring responsibilities who is found to have engaged in conduct prohibited under this policy is subject to disciplinary action, including removal from their supervisory and/or hiring responsibilities.

**Human Resource Manager:** The Human Resource Manager has the primary responsibility of

Adopted:

Appendix F – Anti-Harassment  
Policy & Procedures

implementing [and administering](#) this policy. In particular, the HRM will respond to inquiries and complaints from management and employees regarding discrimination, sexual harassment, other harassment, or retaliation; maintain records of these inquiries and complaints as well as their resolution; and keep the County Administrator and the Board of County Commissioners advised of them. The HRM and other designated staff will also provide information and education to the employees and management on recognizing, understanding and combating unlawful discrimination and harassment.

### **Section 5.2 – Confidentiality Before Filing a Complaint**

It is the goal of the County to create a safe environment in which individuals are not afraid to discuss concerns and complaints, or to seek general information about discrimination, harassment, and retaliation. The County recognizes that individuals may be concerned about the confidentiality of information they share and will strive to preserve confidentiality to the fullest extent possible.

- 5.2.1 **Contact the EAP:** The EAP provides confidential counseling services to County employees. Individuals wishing to discuss an incident of possible discrimination, harassment or retaliation confidentially, or persons seeking information and advice without committing to future action are encouraged to contact the EAP. The role of the EAP in such cases will be limited to personal counseling and treatment of the person who is then a client.
- 5.2.2 **General Information:** Discussions for the purpose of obtaining general information or advice from responsible administrators or managers (such as the HRM or legal counsel) may remain confidential. No action will be taken when individuals wish only to make an inquiry as long as they do not disclose any identifying information about themselves or the person accused (e.g., names, department, position).
- 5.2.3 **No Guarantee of Confidentiality:** The anonymity described above cannot always be maintained if the individual wishes to have the County take some corrective or disciplinary action in a particular case. Moreover, the County may be legally obligated to take action once an incident of discrimination, harassment or retaliation has been reported. Confidentiality cannot be guaranteed in such a case.

### **Section 5.3 – Confidentiality During the Complaint Process**

Once an individual discloses identifying information and such information is sufficiently complete and specific to state a claim of discrimination, harassment or retaliation, they will be considered to have filed a complaint with the County.

- 5.3.1 The County will take prompt responsive action upon receipt of a complaint unless the complainant expressly requests that no action be taken and the County determines in the exercise of its sole discretion, ~~(based upon legal advice)~~ that ~~federal, state or local~~ [this policy or applicable](#) laws do not mandate action.
- 5.3.2 While the confidentiality of the information received, the privacy of the individuals involved, and the wishes of the complaining person regarding action by the office cannot be guaranteed in every instance, they will be protected to as great a degree as is ~~legally~~ [reasonably](#) possible. The expressed wishes of the complaining person for confidentiality will be considered in the context of the County's legal obligation to act upon the charge and the right of the charged party to obtain information. In most

cases, however, confidentiality will be ~~strictly~~-maintained by the County and those involved in the investigation.

- 5.3.3 During the investigation, any notes or documents written by or received by the person(s) conducting the investigation will be kept confidential to the extent possible under any existing state or federal law.

#### Section 5.4 – Complaint Procedure

The following complaint procedure will be followed in order to address a complaint regarding ~~an~~ unlawful harassment, discrimination or retaliation:

- 5.4.1 The person experiencing the harassment, whenever possible should clearly inform the person doing the harassing (hereafter referred to as the alleged harasser) that their behavior is inappropriate, offensive, unwelcome and should immediately cease.
- 5.4.2 What an individual should do if they are a ~~victim-target~~ of unlawful sexual harassment:
- If you are the recipient of any unwelcome gesture or remark of a sexual nature, do not remain silent.
  - Make it clear to the alleged harasser that you find such conduct offensive and unwelcome.
  - State clearly that you want the offensive conduct to stop at once.
  - Consider going to the supervisor or manager of the person harassing you, the employer cannot solve the problem if he or she is not aware of it. You may also go to the Supervisor or Manager of the person harassing you, if you find it uncomfortable to confront the individual engaging in the offensive conduct.
  - If the conduct does not stop after you speak with the alleged harasser or after you have gone to the alleged harasser's supervisor or manager, you should then notify your supervisor or manager.
  - Review the complaint procedure set forth in this document. If you decide to file a complaint, please contact the HRM and fill out the complaint form available in P:\Public\FORMS\Personnel Forms\ or from the HRM)
  - You may wish to keep a written log of all incidents of harassment, noting the date and time, place and persons involved, and any witnesses to the event.
- 5.4.3 The individual who ~~feels~~ believes they are a target of harassment, discrimination or retaliation ~~ed~~ ion against (hereafter referred to as the complainant) may initiate the complaint process by reporting the incident to the first non-involved Departmental Director within their department or by filing a written and signed complaint with the HRM. The complaint must include the ~~exact~~ nature of the harassment, the date(s) of the occurrence(s), the individuals involved and the names of any witnesses. When a Departmental Director is a subject of the complaint, the employee may inform the Clerk of the Board, the HRM or the County Administrator. If a Departmental Director becomes aware that harassment or discrimination is occurring, either from personal observation or as a result of an employee coming forward, the Departmental Director should immediately report it to the HRM.
- 5.4.4 Upon receiving the complaint, or being advised by a Departmental Director that a violation of this policy may be occurring, the HRM will notify the Board of County Commissioners or designee and review the complaint with the Prosecuting Attorney's

- office and/or outside legal counsel appointed by the Washington Counties Risk Pool.
- 5.4.5 Within ~~5 (five)~~ 10 (ten) working business days of receiving the complaint, the HRM will:
- a. ~~Provide a copy of the complaint to~~ Inform the person(s) ~~charged-accused~~ (hereafter referred to as the respondent) of the complaint.
  - b. Initiate the investigation to determine whether there is a reasonable basis for believing that the alleged violation of this policy occurred. The investigator should be capable of objective evaluation of the facts and the persons involved, and be perceived by the individuals involved as someone who is fair and objective.
- 5.4.6 During the investigation, the ~~HRM together with legal counsel or other management employees-investigator~~ will interview the complainant, the respondent and any witnesses to determine ~~whether the~~ what conduct occurred.
- 5.4.7 Within 15 (fifteen) business days of the complaint being filed (or the matter being referred to the HRM), the ~~investigator-HRM~~ will provide a general progress report to the complainant with an estimate of the completion date. As promptly as a thorough investigation allows, the investigator will conclude the investigation and submit a report of their findings to the HRM or the Board of County Commissioners or designee and/or outside legal counsel ~~with copies to the appropriate Departmental Director, complainant and respondent.~~
- 5.4.8 If it is determined that ~~harassment or discrimination-unlawful conduct~~ in violation of the County's policy has occurred, the HRM will recommend that appropriate ~~disciplinary~~ action be taken by the County. The appropriate action will depend on the following factors:
- a. The severity, frequency and pervasiveness of the conduct
  - b. Prior complaints made by the complainant
  - c. Prior complaints made against the respondent
  - d. The quality of the evidence (first hand knowledge, credible corroboration etc.)
- 5.4.9 If the investigation is inconclusive or it is determined that there has been no ~~harassment or discrimination-unlawful conduct~~ in violation of this policy, but some potentially problematic conduct is revealed, ~~preventative~~ appropriate action may be taken.
- 5.4.10 Within 5 (five) business days or as promptly as circumstances allow after the investigation is concluded, the Departmental Director or the HRM will meet with the complainant and the respondent separately, in order to notify them in person of the findings of the investigation and to inform them of the action being recommended.
- 5.4.11 The complainant and the respondent may submit statements to the Departmental Director or HRM challenging the ~~factual basis of the~~ findings. Any such statement must be submitted no later than 5 (five) ~~working~~ business days after the meeting described in 5.4.10.
- 5.4.12 The Department Director will review the original decision with the HRM. The HRM will render a written decision ~~within 5 (five) days~~ as promptly as circumstances allow from the date the statements referenced in 5.4.11 were submitted. Written copies of the decision are provided to the complainant, the respondent and the Clerk of the Board.

- 5.4.13 Either the complainant or the respondent may make written appeal within 5 (five) business days from the date the parties were provided the copies of the first appeal decision to the County Equal Opportunity Board (CEOB).
- 5.4.14 Within 10 (ten) business days from the date the CEOB receives the appeal, the CEOB will review the investigative report and any statements submitted by the complainant or respondent, discuss results of the investigation with the HRM and other management staff as may be appropriate, and decide what action, if any, will be taken. The HRM will report the CEOB's decision to the complainant, the respondent and the Departmental Director. The CEOB's decision will be in writing and will include a finding of fact and a statement for or against disciplinary action. If disciplinary action is to be ~~taken~~recommended, the type of action will be stated.

#### **Section 5.5 – Alternative Legal Remedies**

Nothing in this policy shall prevent the complainant or the respondent from pursuing formal legal remedies or resolution through state or federal agencies or the courts.



## APPENDIX 'G'

# Violence in the Workplace Policy & Procedures

### Section 1.0 – Policy Statement

Jefferson County ~~policy is to~~ provides a safe workplace for all employees. The County does not tolerate any type of workplace violence committed by or against public officials or employees. Public officials and public employees are prohibited from making threats or engaging in violent activities.

In ~~order-effort~~ to ensure the safety of Jefferson County employees, ~~every effort will be made-it is a~~ County objective to create and maintain a safe workplace. ~~In addition, a~~ All illegal activities on County property and/or against County employees will be prosecuted to the full extent of the law. Non-employees engaged in violent acts on County property will be reported to the proper authorities and fully prosecuted.

Workplace violence is not limited to homicides or physical assaults. It also includes more subtle behaviors ~~such as stalking, threatening words or conduct, harassment, and other~~ threatening conduct. The following list of behaviors, while not inclusive, provides examples of prohibited conduct:

- Causing physical injury to another person
- Making threatening remarks
- Aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress
- Intentionally damaging employer property or property of another employee
- Committing acts motivated by, or related to, any type of harassment (refer to the County's Anti-Harassment Policy and Procedures Manual - Appendix 'F') or domestic violence

Any employee or public official determined to be in violation of this policy will be subject to appropriate disciplinary action up to and including immediate termination.

### Section 2.0 – Definitions

The following definitions will be used for the purposes of these policies and procedures.

*Departmental Director:* An elected official, manager or supervisor directly in charge of a specific department (e.g., the County Treasurer is the Departmental Director of the Treasurer's Office; the Public Works Director is the Departmental Director of the Public Works Department.)

*Employee Assistance Program (EAP):* A benefit for employees to help with work stress, relationship problems, anger management, coping with change, family/parenting issues, anxiety or depression, alcohol or drug dependencies, and grief or bereavement issues.

*Human Resource Manager (HRM):* A position appointed or designated by the Board of County Commissioners or by the Board's designee to handle personnel, staffing and other related matters.



*Personnel File:* Refers to both the employee's employment personnel file and the employee's departmental personnel file.

### **Section 3.0 – Reporting Procedures**

Any potentially dangerous situations must be reported immediately to the Departmental Director or the HRM. All reports will be investigated. Reports or incidents warranting confidentiality will be handled appropriately and information will be disclosed to others only on a need-to-know basis. All parties involved in a situation will be counseled and the results of investigations will be discussed with them.

Employees should report all incidents of violence even if there were no injuries. The HRM uses this information in determining if all preventative measures are being taken and where any improvements need to be made.

### **Section 4.0 – Risk Reduction Measures**

#### **Section 4.1 – Hiring**

Pre-employment background investigations and any other available measures will be taken to reduce the risk of hiring individuals with a history of violent behavior.

#### **Section 4.2 – Safety**

The County conducts periodic inspections of its facilities to evaluate and determine any vulnerability to workplace violence or hazards. Any necessary corrective action will be taken to reduce all risks.

#### **Section 4.3 – Individual Situations**

While not all employees are skilled at identifying potentially dangerous situations, the County does expect employees to exercise good judgment and to inform the Departmental Director if any employee exhibits behavior that could be a sign of a potentially dangerous situation. Such behavior can include:

1. Inordinate discussion of using weapons in a violent or threatening manner
2. Preoccupation with scenarios of weapons or violence
3. Displaying overt signs of extreme stress, resentment, hostility or anger
4. Making threatening remarks
5. Sudden or significant deterioration of performance
6. Displaying irrational or inappropriate behavior

#### **Section 4.4 – Employees at Risk**

Because of the nature of their jobs, certain employees may be more at risk for becoming victims of violence. Specific training will be conducted for those individuals or departments.

#### **Section 4.5 – Training**

All employees will receive training in recognizing and handling potentially violent situations. Attendance is required and an understanding of the seriousness of workplace violence is essential in helping prevent harm or injury to fellow employees and the public.

## **Section 5.0 – Dangerous or Emergency Situations**

An employee who is confronted by or encounters an armed or dangerous person should not attempt to challenge or disarm the individual. Following are standard strategies for coping with violent individuals:

- Give the potentially violent person enough physical space
- Avoid glaring or staring, which may be seen as a challenge
- Speak softly
- Listen carefully; don't be judgmental
- Observe the individual's body language
- Avoid touching a potentially violent person
- Have a code or signal that informs others of potential violence
- Mentally design a safety plan

If the employee is able to use the panic button or emergency intercom system without endangering their own safety or the safety of fellow employees or other non-employees, the employee must do so immediately. Otherwise, cooperate and follow the instructions given. [If safe to do so, employees should call 911.](#)

## **Section 6.0 – Enforcement**

Threats, threatening conduct, or any other acts of aggression or violence in the workplace will not be tolerated. Any employee determined to have committed such acts will be subject to disciplinary action, up to and including termination. Non-employees engaged in violent acts at County facilities will be reported to the proper authorities and [may be](#) fully prosecuted.

## **Section 7.0 – Counseling**

The EAP is a vital source of counseling for individuals who have been the victims of or have witnessed violence. The County will provide opportunities for post-trauma counseling. The County may also use the EAP to assist in counseling employees who may be vulnerable to committing violent acts.

## APPENDIX 'H' - Whistle Blower Protection Policy & Procedures

### **Section 1.0 – Policy Statement**

~~County employees have the right and are encouraged to report any alleged improper government action by a County employee or official.~~

~~The County agrees that any employee having information regarding the wrongdoing of an employee or official shall not be discharged, expelled or otherwise discriminated against for opposing practices forbidden under this policy.~~

~~The identity of a reporting employee shall be confidential except as required to properly evaluate, investigate or otherwise process the reported inappropriate action.~~

It is the policy of the County that County employees should be encouraged to disclose, to the extent not expressly prohibited by law, improper governmental actions of County officials and employees. The purpose of this policy is to meet the requirements of RCW 42.41.030(2) and protect County employees who make good-faith reports to appropriate governmental bodies and to provide remedies for such individuals who are subjected to retaliation for having made such reports.<sup>1</sup>

### **Section 2.0 – Definitions**

The following definitions will be used for the purposes of the ise policy ~~and procedures~~.

Appropriate Persons: Pursuant to Section 4, the persons within the County to whom to report improper governmental actions, as required by RCW 42.42.030(3).

Complainant: ~~The individual bringing a complaint~~ An employee complaining about improper governmental action.

County: Jefferson County, Washington.

County Administrator: A position appointed by the Board of County Commissioners to handle County administration.

Departmental Director: An elected official, manager or supervisor directly in charge of a specific department (e.g., the elected County Treasurer is the Departmental Director of the Treasurer's Office; the Public Works Director is the appointed Departmental Director of the Public Works Department).

Emergency: Emergency as used in this policy has the same meaning as in RCW 42.41.020(4). On the date of the adoption of this policy, the definition of emergency in RCW 42.41.020(4) was:

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<sup>1</sup> This section was crafted from RCW 42.41.010 and RCW 42.41.030.

Adopted:

Appendix H – Whistle Blower Protection  
Policy & Procedures

“Emergency” means a circumstance that if not immediately changed may cause damage to persons or property.”

~~*Grievance Panel: The County Commissioners*~~

*Human Resource Manager (HRM):* A position appointed or designated by the Board of County Commissioners or by the Board’s designee to handle personnel, staffing and other related matters.

*Improper Governmental Action:* Improper governmental action as used in this policy has the same meaning as in RCW 42.41.020(1). On the date of the adoption of this policy, the definition of improper governmental action in RCW 42.41.020(1) was:

(a) “Improper governmental action” means any action by a local government officer or employee:

(i) 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  
(ii) That is in violation of any federal, state, or local law or rule, is an abuse of authority, is of substantial and specific danger to the public health or safety, or is a gross waste of public funds.

(b) “Improper governmental action” does not include personnel actions including but not limited to employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of the local government collective bargaining and civil service laws, alleged labor agreement violations, reprimands, or any action that may be taken under chapter 41.08, 41.12, 41.14, 41.56, 41.59, or 53.18 RCW or RCW 54.04.170 and 54.04.180.

~~*Personnel File:* Refers to both the employee's employment personnel file and the employee's departmental personnel file~~

*Policy:* This Whistle Blower Protection Policy & Procedures.

*Prosecuting Attorney:* The County Prosecuting Attorney.<sup>2</sup>

*RCW:* The Revised Code of Washington as it now exists or may be amended in the future.

*Respondent:* ~~The An~~ individual named in a complaint ~~allegedly causing harm~~ about improper governmental action.

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<sup>2</sup> RCW 42.42.030(3) requires that the list of persons to whom a report can be made “shall include the county prosecuting attorney.”

Adopted:

Appendix H – Whistle Blower Protection  
Policy & Procedures

Retaliatory Action: Retaliatory action as used in this policy has the same meaning as in RCW 42.41.020(3). On the date of the adoption of this policy, the definition of retaliatory action in RCW 42.41.020(3) was:

“Retaliatory action” means: (a) Any adverse change in a local government employee’s employment status, or the terms and conditions of employment including denial of adequate staff to perform duties, frequent staff changes, frequent and undesirable office changes, refusal to assign meaningful work, unwarranted and unsubstantiated letters of reprimand or unsatisfactory performance evaluations, demotion, transfer, reassignment, reduction in pay, denial of promotion, suspension, dismissal, or any other disciplinary action; or (b) hostile actions by another employee towards a local government employee that were encouraged by a supervisor or senior manager or official.

### **Section 3.0 ~~Protected Employees~~ Right to Report Improper Governmental Action - Policies and Procedures.**

~~Employees are covered by this policy under the following criteria:~~

- ~~3.1.1 The employee(s) who reports violations or suspected violations of federal or state statutes or regulations that are designed to protect the public interest. To be entitled to whistleblower protection on this basis, the employee must show the following:~~
  - ~~a. The employee or a person acting on behalf of the employee reported a violation or suspected violation~~
  - ~~b. The employee or the employee's agent reported the violation or suspected violation to a governmental body, law enforcement official or to the County~~
  - ~~c. The employee acted in good faith in reporting the violation or suspected violation~~
- ~~3.1.2 The employee(s) requested by a public body or office to participate in an investigation, hearing or inquiry~~
- ~~3.1.3 The employee(s) refuse to follow orders they believe to be unlawful. To be entitled to whistleblower protection on this basis, the employee must show the following:~~
  - ~~a. The employee was ordered by a County official, Departmental Director or other County employee to perform the action~~
  - ~~b. The employee believed the action to be prohibited by a law or regulation~~
  - ~~c. The employee had an objective basis in fact to support that belief~~
  - ~~d. The employee refused the order~~
  - ~~e. The employee informed the County official, Departmental Director or other County employee that the refusal to obey the order was based on the belief that the order was unlawful~~
- ~~3.1.4 Employees who report a situation in which the quality of healthcare services provided by the Department of Health and Human Services violates a federal or State law or a professionally recognized standard and places the public at risk. To be entitled to whistleblower protection on this basis, the employee must show the following:~~
  - ~~a. The employee reported a situation in which the quality of healthcare services provided by the Department of Health and Human Services violated either a state or federal law or a professionally recognized national clinical or ethical standard~~
  - ~~b. The employee acted in good faith in making the report~~
  - ~~c. The employee in good faith believed the violation potentially placed the public at risk~~
- ~~3.1.5 Employees who in good faith file complaints about safety and health hazards in the workplace. The following acts protect employees against retaliation for their disclosure to the County or to the appropriate federal agency of safety and health hazards and those who participate in formal government proceedings in connection with health and safety hazards:~~
  - ~~a. Clean Air Act~~
  - ~~b. Comprehensive Environmental Response, Compensation and Liability Act~~
  - ~~c. Energy Reorganization Act of 1974~~

Adopted:

Appendix H – Whistle Blower Protection  
Policy & Procedures

- ~~d. Safe Drinking Water Act~~
- ~~e. Solid Waste Disposal Act~~
- ~~f. Toxic Substances Control Act~~
- ~~g. Federal Waste Water Pollution Control Act~~

**Section 3.1 Right to Report Improper Governmental Action.**

Every County employee has the right to report to the Appropriate Persons information concerning an alleged improper governmental action.<sup>3</sup>

**Section 3.2 Posting and Providing Employees a Summary of this Policy.**

The County shall permanently post a summary of the procedures for reporting information on an alleged improper governmental action and the procedures for protection against retaliatory actions described in this policy in a place where all employees will have reasonable access to it. A copy of the summary shall be made available to any employee upon request.<sup>4</sup>

**Section 3.3 Written Complaint Requirement.**

Except in the case of an emergency, before a complainant provides information of an improper governmental action to a person or an entity who is not a public official or an Appropriate Person, the complainant shall submit a written complaint pursuant to Section 4 of this policy.<sup>5</sup>

**Section 3.4 Good Faith Attempt to Follow this Policy Required to Receive Protections.**

A complainant who fails to make a good faith attempt to follow this policy shall not receive the protections of this policy or of Chapter 42.41. RCW.<sup>6</sup>

**Section 3.5 Confidentiality of the Identity of the Complainant.**

The identity of a complainant shall be kept confidential to the extent possible under the law, unless the complainant authorizes the disclosure of his or her identity in writing.<sup>7</sup>

**Section 4.0 – Filing a Complaint**

~~If an employee is represented by a union contract, they may seek representation through the Union. The Union will follow reporting procedures according to the collective bargaining agreement with the County, or in the absence of Whistle Blower protection procedures within the agreement, the procedures outlined in this document.~~

**Section 4.1 Union Representation.**

If a complainant is part of a union bargaining unit, they may seek representation through their union. The union will follow reporting procedures according to the collective bargaining agreement with the

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<sup>3</sup> This is from RCW 42.41.030(1).

<sup>4</sup> This is from RCW 42.41.030(4).

<sup>5</sup> This is from RCW 42.41.030(5).

<sup>6</sup> This is from RCW 42.41.030(5).

<sup>7</sup> This is from RCW 42.41.030(7).

Adopted:

Appendix H – Whistle Blower Protection  
Policy & Procedures



County, or in the absence of Whistle Blower protection procedures within the collective bargaining agreement, the procedures in this policy.

**~~Section 4.2—Investigation~~**

~~Investigations shall be conducted by persons who are not responsible for law enforcement or criminal prosecution within the County organizational structure and who are familiar with proper investigation procedures.~~

~~In order to maintain the integrity of any investigations into the suspected conduct, no reports are to be made to any party except as provided above. Failure to protect the integrity of a future investigation will result in discipline for failure to follow proper procedures as outlined herein.~~

~~Investigations will be conducted promptly and documented. The investigator should be capable of objectively evaluating the facts and the persons involved and be perceived by the involved employees as someone who is fair and objective. The employee filing the complaint will be informed of the results of the investigation and the any proposed action.~~

**Section 4.2 Requirements for a Complaint.**

The complaint about alleged improper government action must be made in writing and must include the specific relief requested within thirty (30) days after the alleged improper government action occurred.

**~~Section 4.3—No Discrimination or Reprisals~~**

~~Employees who follow the procedures outlined in this document shall suffer no discrimination or reprisals for reporting suspected conduct regardless of the results of any subsequent investigation. Any discrimination or reprisal suffered by an employee for reports made pursuant to this policy shall be allowed as a grievance.~~

**Section 4.13 - Who to File the Complaint With.**

~~4.1.1 Employee: An employee suspecting wrongdoing on the part of any County Official or employee shall report such conduct to their Departmental Director. The report must be made in writing and must include the specific relief requested within thirty (30) days after the alleged violation occurred.~~

~~4.1.2 If the suspected conduct involves the employee's Departmental Director, then the report will be made to the Chair of the Board of County Commissioners.~~

~~4.1.3 If the Chair of the Board of County Commissioners is suspected of wrongdoing the report will be made to any other Commissioner or the County Prosecuting Attorney.~~

~~4.1.4 If the wrongdoing involves a County Commissioner acting with the County Prosecuting Attorney, the report shall be made to the County Auditor.~~

4.3.1 An employee reporting alleged improper government action on the part of any other employee shall report such conduct to their Departmental Director or the Prosecuting Attorney, except as provided in Sections 4.3.2, 4.3.3, 4.3.4, or 4.3.5.

4.3.2 An employee reporting alleged improper government action on the part of the employee's Departmental Director, then the complaint shall be to the County Administrator, the HRM or the Prosecuting Attorney.

4.3.3 An employee reporting alleged improper government action on the part of County Administrator or the HRM, the report will be made to the Chair of the Board of County Commissioners or the Prosecuting Attorney.

4.3.4 An employee reporting alleged improper government action on the part of the Chair of the Board of County Commissioners the report shall be made to any other Commissioner or the Prosecuting Attorney.

4.3.5 An employee reporting alleged improper government action on the part of a County Commissioner acting with the County Prosecuting Attorney, the report shall be made to the County Administrator or the HRM.

#### Section 4.4 Forwarding the Complaint to the HRM.

Unless the complaint is about the HRM, all complaints shall be forwarded to the HRM. If a complaint is about the HRM, the complaint shall be forwarded to the Prosecuting Attorney.

#### **Section 5.0 ~~Time Lines for Complaints~~County's Response to a Complaint.**

~~The County must respond to the employee's complaint and request(s) for relief within thirty (30) days of receipt of the complaint. Grievances filed with the County shall be adjudicated by the Chair of the Board of County Commissioners (unless the grievance is against a Commissioner in which case the grievance process shall be pursuant to the last paragraph of this section.)~~

~~The employee may request a hearing to establish that a retaliatory action occurred and to request appropriate relief. The request must be submitted within fifteen (15) days after the County's response or from the last day of the 30-day period. The grievance shall be heard by the three (3) Commissioners acting as a Grievance Panel in closed session convened for personnel matters or otherwise required by law.~~

~~Once the panel is convened it shall have full access to County resources, including use of the County Prosecutor or County consultants, for the purpose of a full, unbiased investigation and resolution of the grievance. The decision of the Commissioners acting as a Grievance Panel shall be the final County review.~~

~~Any employee who remains aggrieved after a hearing by the County Grievance Panel shall so notify the Chair of the Board of County Commissioners who shall then make application with the State Office of Administrative Hearings, in accordance with SSB 6.321.PL Section 4(5), for a final hearing and decision on the grievance.~~

#### Section 5.1 The HRM Coordinates the County's Response and Any Investigation.

Unless the complaint is about the HRM, the HRM shall coordinate the County's response and any

investigation conducted. If a complaint is about the HRM, the Prosecuting Attorney shall coordinate the County's response and any investigation. The person coordinating the County's response shall determine whether any investigation is required.

### **Section 5.2 Investigation**

5.2.1 Investigations shall be conducted by persons who are not responsible for law enforcement or criminal prosecution within the County organizational structure and who are familiar with proper investigation procedures.

5.2.2 In order to maintain the integrity of any investigations into the suspected conduct, no reports are to be made to any party except as provided above. Failure to protect the integrity of a future investigation will result in discipline for failure to follow proper procedures as outlined herein.

5.2.3 Investigations will be conducted promptly and documented. The investigator should be capable of objectively evaluating the facts and the persons involved. The complainant will be informed of the results of the investigation and any proposed action.

5.2.4 The complainant will be informed of the County's response to the complaint and any proposed action.

### **Section 5.3 Deadline for the County's Response to the Complaint.**

The County must respond to the complaint within a reasonable time, considering all the circumstances including but not limited to the complexity of the issues raised in the complaint, the number of potential witnesses involved, and the need for coordination with the County's risk pool or insurer.

### **Section 6.0 – Rights of Complainant Who Claims Retaliatory Action Occurred.**

A complainant claiming there was a retaliatory action has the rights contained in RCW 42.41.040. The rights in current RCW 42.41.040 are summarized in this Section 6. If RCW 42.41.040 is revised by the legislature, the revised provisions shall apply.

#### **Section 6.1 No Discrimination or Reprisals.**

It is unlawful for any local government official or employee to take retaliatory action against a local government employee because the employee provided information in good faith in accordance with the provisions of this chapter that an improper governmental action occurred.<sup>8</sup> Any retaliatory action taken against a complainant for complaints made pursuant to this policy shall be allowed as a grievance under an applicable union contract. The County does not tolerate retaliation against a whistleblower or a witness in an investigation.

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<sup>8</sup> This is from RCW 42.41.040(1).

Adopted:

**Section 6.2 Written Notice of the Retaliatory Action Required.**

6.2.1 In order to seek relief under this section, a complainant shall provide a written notice of the charge of retaliatory action to the HRM that: (a) Specifies the alleged retaliatory action; and, (b) Specifies the relief requested.<sup>9</sup>

6.2.2 The charge shall be delivered to the local government no later than thirty (30) days after the occurrence of the alleged retaliatory action.<sup>10</sup>

**Section 6.3 Deadline for Responding to Written Notice of the Retaliatory Action.**

The County has thirty (30) days to respond to the charge of retaliatory action and request for relief.<sup>11</sup>

**Section 6.4 Hearing Request by the Complainant after County's Response.**

6.4.1 Upon receipt of the earlier of response of the County or after the deadline in Section 6.3, the complainant may request a hearing to establish that a retaliatory action occurred and to obtain appropriate relief as defined in this section.<sup>12</sup>

6.4.2 The request for a hearing by the complainant shall be delivered to the HRM within the earlier of fifteen (15) days of delivery of the response from the County or the deadline in Section 6.3.<sup>13</sup>

**Section 6.5 Application by the County to the State Office of Administrative Hearings for an Adjudicative Proceeding.**

Within five (5) working days of receipt of the request for hearing, the County shall apply to the state office of administrative hearings for an adjudicative proceeding before an administrative law judge. Except as otherwise provided in this section, the proceedings shall comply with RCW 34.05.410 through 34.05.598.<sup>14</sup>

**Section 6.6 Rules for an Adjudicative Proceeding.**

The rules for an adjudicative proceeding are contained in RCW 42.41.040. The rules in effect on the adoption of this policy are as follows:

6.6.1 Burden of Proof. The complainant, as the initiating party, must prove his or her claim by a preponderance of the evidence.<sup>15</sup>

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<sup>9</sup> This is from RCW 42.41.040(2).

<sup>10</sup> This is from RCW 42.41.040(3).

<sup>11</sup> This is from RCW 42.41.040(3).

<sup>12</sup> This is from RCW 42.41.040(4).

<sup>13</sup> This is from RCW 42.41.040(4).

<sup>14</sup> This is from RCW 42.41.040(5).

<sup>15</sup> This is from RCW 42.41.040(6).

Adopted:

Appendix H – Whistle Blower Protection  
Policy & Procedures

6.6.2 Final Decision Consisting of Findings of Fact, Conclusions of Law and Judgment. The administrative law judge shall issue a final decision consisting of findings of fact, conclusions of law, and judgment no later than forty-five days after the date the request for hearing was delivered to the County.<sup>16</sup>

6.6.3 Authority to Grant Extensions. The administrative law judge may grant specific extensions of time beyond this period of time for rendering a decision at the request of either party upon a showing of good cause, or upon his or her own motion.<sup>17</sup>

6.6.4 Relief that May Be Granted. Relief that may be granted by the administrative law judge consists of reinstatement, with or without back pay, and such injunctive relief as may be found to be necessary in order to return the complainant to the position he or she held before the retaliatory action and to prevent any recurrence of retaliatory action. The administrative law judge may award costs and reasonable attorneys' fees to the prevailing party.<sup>18</sup>

6.6.5 Civil Penalty. If a determination is made that retaliatory action has been taken against the complainant, the administrative law judge may, in addition to any other remedy, impose a civil penalty personally upon the retaliator of up to three thousand dollars payable by each person found to have retaliated against the complainant and recommend to the local government that any person found to have retaliated against the complainant be suspended with or without pay or dismissed. All penalties recovered shall be paid to the local government administrative hearings account created in RCW 42.41.060.<sup>19</sup>

6.6.6 Judicial Review. The final decision of the administrative law judge is subject to judicial review under the arbitrary and capricious standard. Relief ordered by the administrative law judge may be enforced by petition to superior court.<sup>20</sup>

## Section 7.0 – Rights of Respondents.

### Section 7.1 Information to Provide About the Investigation and Admonishments.

Within five (5) business days of receiving the whistleblower complaint or as promptly as circumstances allow, whichever is earlier, the HRM will advise a respondent of the following:

7.1.1 That a whistleblower complaint has been made against the respondent;

7.1.2 That a whistleblower investigation is being conducted pursuant to this policy, while providing the respondent a copy of this policy and the complaint;

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<sup>16</sup> This is from RCW 42.41.040(6).

<sup>17</sup> This is from RCW 42.41.040(6).

<sup>18</sup> This is from RCW 42.41.040(7).

<sup>19</sup> This is from RCW 42.41.040(8).

<sup>20</sup> This is from RCW 42.41.040(9).

Adopted:

Appendix H – Whistle Blower Protection  
Policy & Procedures

7.1.3 The requirement in State law and this policy that prohibits any county employee, including the respondent, from retaliatory action against the complainant or any witness participating in the investigation;

7.1.4 That the respondent is not to discuss the complaint with the complainant;

7.1.5 That the respondent is not to take any action to disrupt or impede the investigation of the complainant;

7.1.6 That an investigator may be contacting the respondent to request an interview;

7.1.7 That the respondent may request a defense pursuant to Chapter 2.05 JCC; and,

7.1.8 That the respondent may wish to obtain legal counsel at their sole expense.

**Section 7.2 Participation in the Investigation.**

The respondent may refuse to be interviewed by the investigator in order to protect the respondent's rights against self-incrimination guaranteed in the United States Constitution and the Constitution of the State of Washington.

**Section 7.3 Request for Defense and Payment for the Respondent's Legal Counsel.**

The respondent may request a defense pursuant to Chapter 2.05 JCC.