

# SAN JUAN COUNTY, WASHINGTON

## PERSONNEL POLICY MANUAL

### MISSION STATEMENT

Provide those public services necessary for the health, safety, and general well-being of the citizens of San Juan County.

Strive to preserve the heritage of the islands, both environmentally and culturally.

Serve taxpayers by managing public programs effectively and at the lowest cost.

Recognize that county employees and citizen volunteers are the foundation upon which these services are provided.

Deliberate and conduct the activities of government in a way that is ethical, fair, just, and impartial.

### GUIDING PRINCIPLES

The Government of San Juan County Shall:

- ✚ Conduct the public's business in a manner which is responsive, accessible and open to county citizens
- ✚ Provide a level of service which is affordable to county taxpayers and which complies with legal mandates
- ✚ Encourage a strong local economy consistent with our rural lifestyle
- ✚ Protect our physical environment as our most precious natural resource
- ✚ Recognize that proper stewardship of our islands for future generations is the responsibility of all our citizens
- ✚ Recognize that the unique qualities and differences of each island are appreciated and encouraged
- ✚ Recognize and protect private property rights
- ✚ Recognize and foster private property responsibilities
- ✚ Support volunteerism and "Neighbors helping neighbors" as basic tenets of island life
- ✚ Recognize that independence, self-reliance, privacy and personal freedom are values treasured by islanders
- ✚ Recognize that young families need consideration on issues of affordable housing, jobs, services and recreational opportunities

This Policy Manual supersedes all previous Policy Manuals and all previous written or unwritten policies on any of the subjects discussed in this Policy Manual. San Juan County reserves the right to modify the policies contained in this Policy Manual at any time in accordance with Policy Section 1.020. Per Policy Section 1.015, County employees are employed "at will". This Policy Manual does not guarantee employment for a definite period of time. Nothing in any offer of employment, this Manual, other documents, or any oral communications alters the at-will relationship.

The following policies do not supersede the rights and obligations set forth in any collective bargaining agreement between the County and a labor organization, nor collective bargaining law.

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## **PURPOSE, ADOPTION AND AMENDMENT OF POLICIES**

### **1.010 PURPOSE**

This Manual summarizes the County's basic personnel policies regarding hiring, compensation, working conditions, promotions, transfer, discipline, and other matters affecting County employees and is intended to serve as a resource concerning employment with the County. Personnel policies may change as the County grows, laws and regulations change, or as needed to better serve County residents or personnel. The County, through appropriate legislative deliberations, reserves the right to modify, revoke, suspend, terminate or deviate from the policies set forth in this Manual at any time. While the County will try to provide advance notice of any policy changes, advance notice will not always be possible or practical. It is important to understand that these policies do not constitute an employment contract, or promises of specific treatment, or a promise of employment of any specific duration between the County and its employees.

This Policy Manual applies to all employees of the County except those specifically excluded by Chapter 4. In cases where these policies conflict with a County ordinance, state or federal law, a valid and effective collective bargaining agreement (Chapter 6), or an individual written employment contract, the terms of the law or contract shall prevail. Once approved, no Elected Official, supervisor, manager or representative of the County other than the County Council and/or County Manager through delegated authorization has the authority to make any written or verbal statements or representations that are inconsistent with these policies.

In addition to the policies included in this Manual, each Department or work group may have standard operating procedures or other work rules that pertain to employees. Those rules and procedures supplement the personnel policies included in this Manual, and tend to be specific to certain departments or work groups.

For Federally funded grant activities and expenses, if this policy conflicts with the requirements of 2 CFR part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*, the more strict application of policy applies.

### **1.015 EMPLOYMENT AT WILL**

Except for those employees covered by Civil Service commission rules, collective bargaining agreements or certain employees under section 4.010, employment with the County is "At Will." Nothing in the manual or its application to any person or circumstances, nor any specific guideline, policy or action by the Council or any department head or Elected Official, shall constitute or be construed to create a contract of employment or tenure. This manual is intended solely for guidance of personnel management and shall not be construed to create any right or confer any benefit, either substantive or procedural, which may be argued to be enforceable by any employee against the County.

### **1.020 AMENDMENT OF POLICIES**

It shall be the duty of the Human Resources Department to review with department heads and Elected Officials any proposed modifications of these policies. Such proposed modifications shall become effective upon adoption by ordinance by the County Council.

### **1.030 POLICY AND PROCEDURE LETTERS**

In order to carry out the directives set forth in these policies and to provide for their effective application and interpretation, the Human Resources Department shall prepare, as needed, policy and procedure letters and submit them through the County Manager to the County Council for approval. The approved letters shall be numbered consecutively, published on an approved form, posted on county bulletin boards, and distributed to all management personnel. These letters shall not be amendments to this manual.

### **1.040 EMPLOYER RIGHTS**

The County reserves any legal rights with respect to matters of general legislative or managerial policy, which include, but are not limited to, the exclusive right to determine the mission of its constituent departments and commissions; select standards for employment and promotion; direct its employees; take disciplinary action; relieve its employees from duty because of lack of work or for other legitimate reasons; maintain the efficiency of governmental operations; determine the methods, means and personnel by which government operations are to be conducted; take all necessary actions to carry out its mission in emergencies; and exercise complete control and discretion over its organization and the technology of performing its work.

### **1.060 SEVERABILITY**

If any provision of this title or its application to any person or circumstances are held invalid, the remainder of the title or the application of the provisions to other persons or circumstances is not affected.

## **DEFINITION OF TERMS**

The following terms wherever used in these policies shall have the meaning indicated below except where context clearly indicates otherwise.

**2.010 ANNIVERSARY DATE.** The date which signifies the completion of each year of service by a regular employee in a position. Anniversary dates are subject to adjustment in accordance with Section 7.030 (3).

**2.015 AT WILL.** Specific employees who are determined to be At Will per section 1.015 may be terminated at any time, for any reason or for no reason; or who may resign at any time for any reason or for no reason.

**2.020 COUNTY COUNCIL.** The San Juan County Council, the legislative and executive authority of the County.

**2.030 Removed**

**2.040 CLASS.** One or more positions sufficiently similar with respect to duties and responsibilities that: 1) the same descriptive title may be used to designate each position in the class; 2) the same general qualification requirements are needed for performance of the duties of the class; 3) the same tests of fitness may be used to select employees; and 4) the same schedule of pay can be applied with equity to all positions in the class under the same or substantially similar working conditions.

**2.050 CLASSIFICATION.** The assignment of an individual position to an appropriate class on the basis of the kind, difficulty, and responsibility of the work of the position.

**2.060 COLLECTIVE BARGAINING.** The performance of the mutual obligation of the employer and the exclusive bargaining representative to meet at reasonable times, to confer and bargain in good faith, and to execute a written agreement with respect to those personnel matters over which the employer is obligated by law to collectively bargain.

**2.070 CONTRACTOR.** An individual whose work is performed pursuant to an individual personal services contract [Sec 12.010 (5)].

**2.080 DEMOTION.** The change of an employee from a position in one class to a position in another class which has a lower maximum salary.

**2.090 DEPARTMENT HEAD(S).** Those appointed and Elected Officials designated as department head(s) by ordinance, charter or statute. Department head is not an official title but rather a functional description. Where referenced in these policies, the responsibilities accorded shall be performed by the department head and not normally delegated except when the department head is unavailable.

**2.100 DISCHARGE.** The separation of an employee from employment initiated by the County. (also see Separation or Termination)

**2.105 ELECTED OFFICIAL.** An individual independently elected by the citizens of San Juan County responsible for the administration and oversight of a County office as defined by State law and the County Charter. The elected officials include the County Council members, Assessor, Auditor, County Clerk, Prosecuting Attorney/Coroner, Sheriff and Treasurer, and the judges of the Superior Court and District Court.

**2.110 EMPLOYER.** San Juan County.

**2.120 EXCLUDED POSITION.** A position excluded from coverage of these policies by Chapter 4.

**2.130 FLSA EXEMPT.** An employee who, according to the Fair Labor Standards Act, is not covered under the overtime provisions of the Act.

**2.140 FLSA NON-EXEMPT.** An employee who, according to the Fair Laborers Act, is covered by the overtime provisions of the Act.

**2.150 FULL-TIME EMPLOYMENT.** Work consisting of at least forty (40) regularly scheduled hours per week.

**2.155 FULL-TIME EQUIVALENT (FTE).** FTE is a unit of measure that indicates employee's work status versus a forty (40) hour work schedule. An FTE of 1.0 is equivalent to an employee who normally works 40 hours per week, while an FTE of 0.5 signals an employee who normally works 20 hours per week. This may also indicate an employee's status versus 2080 hours in a year.



**2.160 IN-TRAINING APPOINTMENT.** An appointment where the employee does not fully meet the minimum requirements of training and/or experience for the class and in which a bona fide training program is established to satisfy the deficiency in qualifications within one (1) year or less from the date of the appointment.

**2.170 LAYOFF.** The removal of an employee from his or her position because of lack of work, lack of funds, reorganization, or other reason.

**2.180 NEPOTISM.** The exercise of preferential treatment based upon familial relationship.

**2.190 OCCUPATIONAL GROUP.** A grouping within a broad occupational category which encompasses two or more classes in the same specific functional work area and which is defined by the county's classification plan.

**2.200 OFFICIAL PERSONNEL FILE.** A central confidential repository maintained by the Human Resources Department for all records, reports and data concerning each employee's work history.

**2.210 PART-TIME EMPLOYMENT.** Work of less than forty (40) regularly scheduled hours per week.

**2.220 PAY RANGE.** The rate(s) of pay assigned to a classification in the pay plan.

**2.230 PAY STATUS.** The normal employment situation in which the employee is paid for time worked or where the employee is on paid vacation, sick leave or other paid leave of absence. Unpaid leaves of absence do not qualify as pay status.

**2.240 POSITION.** A group of duties and responsibilities requiring the full or part-time employment of one person on a regular or temporary basis. Position is used interchangeably with the term "job" in these policies.

**2.250 PROMOTION.** The change of an employee from a position in one class to a position in another class having a higher maximum salary and different duties and level of responsibility.

**2.260 RECLASSIFICATION.** The change of a position from one classification to another classification.

**2.270 REGULAR EMPLOYEE.** An employee hired for an indefinite period of time and who has successfully completed the trial service period in a regularly budgeted position.

**2.280 RESIGNATION.** The separation from employment by an employee at his or her request or action.

**2.290 POLICIES OR PERSONNEL POLICIES.** The provisions of this document adopted by ordinance of the County Council per San Juan County Charter Article 8.

**2.300 SENIORITY.** Continuous service credit accrued from the last date of hire, and adjusted for any leave of absence in excess of thirty (30) days.

2.305 SEPARATION. Separation of employment refers broadly to the process of managing the termination of employment, whether involuntary (such as discharge, layoff, department closure, disability or death) or voluntary (such as resignation, job abandonment or retirement).

2.310 STEP. Any subdivision(s) of a pay range to which a job classification is assigned.

2.320 Removed

2.330 TEMPORARY APPOINTMENT. A time limited appointment to fill a temporary, emergency or short term need.

2.340 TEMPORARY EMPLOYEE. Any employee who receives a temporary appointment. A regular employee may receive an acting appointment on a temporary basis but shall retain regular status in accordance with these policies.

2.345 TERMINATION. Termination of employment is an employee's departure from employment. Termination may be voluntary on the employee's part, or it may be involuntary initiated by the County. (also see Discharge and Separation)

2.350 TRANSFER. The change of an employee from one position to another position in the same class or in another class with the same or lower salary.

2.360 TRIAL SERVICE PERIOD. A working test period, normally six (6) months unless otherwise specified, to be considered an integral part of the selection, transfer or promotion process during which an appointee is required to demonstrate suitability for the position by satisfactory performance of its duties.

## **ORGANIZATION FOR PERSONNEL MANAGEMENT**

### **3.010 THE HUMAN RESOURCES DEPARTMENT**

- (1) Appointment. The County Manager, as authorized by the County Council, shall appoint a qualified employee who shall act as the head of Human Resources for the county.
- (2) Powers and duties. The head of Human Resources shall administer all of the activities of the personnel department and shall conduct a professional system of personnel management in accordance with these policies. The Human Resources Department shall have the authority to develop administrative procedures and guidelines as necessary to assist in the administration of the personnel system.

### **3.020 DEPARTMENT HEADS**

Department heads have the authority to initiate personnel actions including appointment, discipline, and termination of employees within the scope of these policies and subject to the provisions of 16.040.

### **3.030 PAYROLL**

- (1) The Auditor shall administer the payroll function in accordance with state and federal requirements, including the calculation and dissemination of pay, the tracking of accrued leave,

the collection of employee payments for COBRA and other insurance payments, and the remittance of benefit liabilities.

- 2) The Auditor shall administer the online timesheet utility, including setting up the timesheet for specialized use by different departments, and training personnel in its use.

## **EXCLUSIONS**

### **4.010 EXCLUSIONS**

The provisions of this manual shall apply to all County positions except: (a) All volunteer members of boards and commissions appointed by the County Council or County Manager. (b) All elected County officers. (c) Other persons as may become necessary as determined by the County Council [Charter Section 8.20]. (d) All persons excluded under the provisions of any applicable state or federal law.

Independent Contractors and Volunteers are excluded from these policies except for section 5.030 Drug Free Workplace.

The County Council discourages the use of employment contracts except for occasions limited to certain specific positions as identified by the County Council, Elected Officials or the County Manager, which must be signed by the appropriate Elected Official, County Manager and the County Council. The County Manager and Council shall approve judicial employment contracts as to compensation and benefits only. The County recognizes that some department heads, deputies of elected officials and unrepresented employees have been or may be employed pursuant to an individual employment agreement, and that some provisions of these policies may be excluded or modified from application to the employee by the terms of such employment agreements.

Only chapters 5, 10, 12, 16, 17, and chapter 8 section 8.020 of this manual shall apply to persons employed on a temporary or acting basis.

## **GENERAL POLICIES**

### **5.010 ANTI-DISCRIMINATION AND ANTI-HARASSMENT**

The County is committed to providing a work environment that is free of discrimination and harassment. If any employee feels that they have been discriminated against or harassed, the employee should follow the complaint procedure promulgated by the Human Resources Department, which may include talking with his or her immediate supervisor or department head and/or Elected Official. Charges of discrimination and/or harassment are not subject to the grievance procedure.

### **EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION POLICY**

San Juan County is an equal opportunity employer. The County believes the participation of individuals of diverse ages, races, religions, cultures, abilities and personalities will add to personal development and organizational success. All employees and potential employees will be recruited, selected, trained, promoted, compensated and, if necessary, disciplined or terminated without regard to sex, race, religion, marital status, veteran status, age, national origin, sexual orientation, sexual identity or expression, color, creed, ancestry, disability, or any other basis prohibited by law.

San Juan County will not discriminate against qualified applicants or employees with a sensory, physical or mental disability, unless the disability cannot be reasonably accommodated and prevents

proper performance of an essential element of the job. The county will reasonably accommodate qualified individual with disabilities as defined by the Americans with Disabilities Act.

## ANTI-HARASSMENT POLICY

It is county policy that employees should be able to work in an environment free from all forms of harassment, including sexual harassment and harassment based upon religion, national origin, age, gender, disability, or any other protected classification. San Juan County considers all forms of harassment to be intimidating misconduct that undermines the integrity of the employment relationship, damages morale and interferes with work effectiveness. Such conduct is prohibited and will not be tolerated.

Harassment can, under some circumstances, constitute a violation of federal and state law. Because San Juan County desires to stop harassment before it rises to the level of illegal harassment, this policy may prohibit a broader range of conduct than that which may constitute a violation of federal or state law.

Conduct prohibited by this policy includes, but is not limited to, the following:

- Unsolicited and offensive comments (verbal or written) about an individual's appearance, gender, age, national origin, religion, disability, or other trait which is associated with a protected classification.
- Unsolicited and offensive gestures relating to an individual's gender, age, national origin, religion, disability, or other trait which is associated with a protected classification.
- The display of objects or pictures that cast in a negative light an individual's gender, age, national origin, religion, disability, or other trait which is associated with a protected classification.
- Any other unsolicited and offensive conduct relating to an individual's gender, age, national origin, religion, disability, or other trait that is associated with a protected classification. In the case of sexual harassment, this includes unsolicited and offensive sexual flirtations, advances, or propositions, as well as physical contact of a sexual nature.
- Expressly or implicitly conditioning a term or condition of an individual's employment on the individual's submission to any of the above described conduct.
- Basing employment decisions on an individual's submission to or rejection of any of the above described conduct.

Any employee who believes they have been subjected to harassment is encouraged to bring any such incidents to the immediate attention of his or her immediate supervisor, the Human Resources Department, the County Manager or any other member of management, any Elected Official, or the County Council.

An employee found to have engaged in harassment in violation of this policy will be subject to immediate discipline up to and including termination.

Retaliation against an individual who reports conduct that they believe constitutes discrimination or harassment, or against an individual who provides information in connection with a complaint of discrimination or harassment, is strictly prohibited. Retaliation can be in the form of harassment or denial of promotions, wages, benefits, or any other privileges, terms, and conditions of employment.

Any employee who believes they have been subjected to retaliation is encouraged to bring any such incidents to the immediate attention of his or her immediate supervisor, the Human Resources Department, the County Manager, any Elected Official, or a member of the County Council.

An employee found to have engaged in retaliatory conduct in violation of this policy will be subject to immediate discipline up to and including termination.

#### 5.015 RELIGIOUS ACCOMMODATION

It is the intent of the County to comply with state and federal guidelines regarding accommodation for employees' religious beliefs and practices. At the first indication that an employee may have a conflict concerning working conditions because of religious beliefs the department head and/or Elected Official is to contact the Human Resources Department. Each set of circumstances will be reviewed separately to assure consistency of county actions. Factors considered include the individual's particular job, working hours, schedules, productions and any undue hardship to the County.

#### 5.020 AMERICANS WITH DISABILITIES ACT (ADA) AND AMENDMENTS (ADAAA)

The Americans with Disabilities Act (ADA) and the Americans with Disabilities Amendments Act (ADAAA) are federal laws that require employers to provide reasonable accommodations to applicants and employees who are qualified for a job, with or without reasonable accommodations, so that they may perform the essential job duties of the position.

It is the policy of San Juan County to comply with all federal and state laws concerning the employment of persons with disabilities and to act in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC). Furthermore, it is the county policy not to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions and privileges of employment.

When an individual with a disability requests accommodation and can be reasonably accommodated without creating an undue hardship or causing a direct threat to workplace safety, the individual will be given the same consideration for employment as any other applicant. Applicants who pose a direct threat to the health, safety and well-being of themselves or others in the workplace when the threat cannot be eliminated by reasonable accommodation will not be hired.

San Juan County will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of a job unless doing so causes a direct threat to these individuals or others in the workplace and the threat cannot be eliminated by reasonable accommodation or if the accommodation creates an undue hardship to the county. Contact the Human Resources Department with any questions or requests for accommodation.

All employees are required to comply with the company's safety standards (Section 16.050). Current employees who pose a direct threat to the health or safety of themselves or other individuals in the workplace will be placed on leave until an organizational decision has been made in regard to the employee's immediate employment situation.

Individuals who are currently using illegal drugs or drugs not prescribed for that person are excluded from coverage under the county's ADA policy.

The Human Resources Department is responsible for implementing this policy, in communication and collaboration with Elected Officials, Department Heads, and/or their designated managers, including the resolution of reasonable accommodation, safety/direct threat and undue hardship issues.

As used in this ADA policy, the following terms have the indicated meaning:

Adopted 1991

Revised 2017; 2019, 2020, 2021

- Disability: A physical or mental impairment that substantially limits one or more major life activities of the individual, a record of such an impairment, or being regarded as having such an impairment.
- Major life activities: Term includes caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working.
- Major bodily functions: Term includes physical or mental impairment such as any physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting one or more body systems, such as neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin and endocrine. Also covered are any mental or psychological disorders, such as intellectual disability, organic brain syndrome, emotional or mental illness and specific learning disabilities.
- Substantially limiting: In accordance with the ADAAA final regulations, the determination of whether an impairment substantially limits a major life activity requires an individualized assessment, and an impairment that is episodic or in remission may also meet the definition of disability if it would substantially limit a major life activity when active. Some examples of these types of impairments may include epilepsy, hypertension, asthma, diabetes, major depressive disorder, bipolar disorder and schizophrenia. An impairment, such as cancer that is in remission but that may possibly return in a substantially limiting form, is also considered a disability under EEOC final ADAAA regulations.
- Direct threat: A significant risk to the health, safety or well-being of individuals with disabilities or others when this risk cannot be eliminated by reasonable accommodation.
- Qualified individual: An individual who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires.
- Reasonable accommodation: Includes any changes to the work environment and may include making existing facilities readily accessible to and usable by individuals with disabilities, job restructuring, part-time or modified work schedules, telecommuting, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.
- Undue hardship: An action requiring significant difficulty or expense by the employer. In determining whether an accommodation would impose an undue hardship on a covered entity, factors to be considered include:
  - The nature and cost of the accommodation.
  - The overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation, the number of persons employed at such facility, the effect on expenses and resources, or the impact of such accommodation on the operation of the facility.
  - The overall financial resources of the employer; the size, number, type and location of facilities.
  - The type of operations of the company, including the composition, structure and functions of the workforce; administrative or fiscal relationship of the particular facility involved in making the accommodation to the employer.
- Essential functions of the job: Term refers to those job activities that are determined by the employer to be essential or core to performing the job; these functions cannot be modified.

The examples provided in the above terms are not meant to be all-inclusive and should not be construed as such. They are not the only conditions that are considered to be disabilities, impairments or reasonable accommodations covered by the ADA/ADAAA policy.

## **Grievance Procedure under The Americans with Disabilities Act**

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by San Juan County. The county's Personnel Policy governs employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or an audio recording of the complaint, will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or designee as soon as possible but no later than 60 calendar days after the alleged violation to:

San Juan County Human Resources & Risk Manager  
350 Court Street, #5  
Friday Harbor, WA 98250

Within 15 calendar days after receipt of the complaint, the Human Resources & Risk Manager or designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, the Human Resources & Risk Manager or designee will investigate and respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio file. The response will explain the position of San Juan County and offer options for substantive resolution of the complaint.

If the response by the Human Resources & Risk Manager or designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the County Manager or designee.

Within 15 calendar days after receipt of the appeal, the County manager or designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the County manager or designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by the Human Resources & Risk Manager or designee, appeals to the County manager or designee, and responses from these two offices will be retained by San Juan County in accordance with Washington State retention schedules.

### **5.030 DRUG FREE WORKPLACE**

San Juan County is committed to protecting the safety, health and well-being of all employees and other individuals in our workplace. We recognize that alcohol abuse and drug use or misuse may pose a significant threat to employees as well as the County's operating goals. The County has established a drug-free workplace program that balances our respect for individuals with the need to maintain an alcohol and drug-free environment. San Juan County encourages employees to

voluntarily seek assistance for any alcohol, substance abuse or chemical dependency problems.

### **Covered Workers**

Any individual who conducts business for the County or is conducting business on County property is covered by our drug-free workplace policy. This policy includes, but is not limited to officials, supervisors, full-time employees, part-time employees, volunteers, contractors and vendors while on County property.

### **Applicability**

San Juan County's drug-free workplace policy is intended to apply whenever an employee or official is representing or conducting business for the County.

### **Prohibited Behavior**

It is a violation of the drug-free workplace policy to use, sell, trade, and/or offer for sale alcohol, marijuana, illegal drugs or intoxicants while performing work for the county and/or while on county premises.

Prescription and over-the-counter drugs are not prohibited when taken in standard dosage and/or according to a physician's prescription. Any employee taking prescribed or over-the-counter medications will be responsible for consulting the prescribing physician and/or pharmacist to ascertain whether the medication may interfere with safe performance of his or her job. If the use of a medication could compromise the safety of the employee, fellow employees or the public, or the ability to perform work, it is the employee's responsibility to use appropriate personnel procedures (e.g., call in sick, use leave, request change of duty, notify supervisor) to avoid unsafe workplace practices.

The illegal or unauthorized use of prescription drugs is prohibited. It is a violation of San Juan County drug-free workplace policy to intentionally misuse and/or abuse prescription medications.

### **Consequences**

One of the goals of the drug-free workplace program is to encourage employees to voluntarily seek help with alcohol and/or drug problems. If, however, an individual violates the policy, the consequences are serious.

If an employee violates the policy, the employee will be subject to disciplinary action, up to and including termination, and may be required to enter rehabilitation. An employee required to enter rehabilitation who fails to successfully complete it and/or repeatedly violates the policy will be terminated from employment. Nothing in this policy prohibits the employee from being disciplined or discharged for other violations and/or performance problems.

If a County contractor or vendor violates the policy, all work on County property must cease and any contracts between the contractor or vendor and the County may be voided.

### **Return-to-Work Agreements**

Following a violation of the drug-free workplace policy, an employee may be offered an opportunity to participate in rehabilitation. In such cases, the employee must sign and abide by the terms set forth in a Return-to-Work Agreement as a condition of continued employment.

A Return-to-Work Agreement is a written document that explains the expectations that the County and the employee's assistance/medical professional have of an employee who has completed



mandated treatment for a substance abuse problem. The consequences if the expectations are not met are also outlined.

Developing a Return-to-Work Agreement requires:

- Coordination between the employee, the County and the employee's treatment professionals.
- Compliance with the County's policies and legal obligations as well as with the treatment professional's medical recommendations.
- Prior notification through company policy documents that a Return-to-Work Agreement would be expected as a condition of continued employment.

### **Assistance**

San Juan County recognizes that alcohol and drug addiction are treatable illnesses. The County also realizes that early intervention and support improve the success of rehabilitation. To support employees, the drug-free workplace policy:

- Encourages employees to utilize the services of qualified professionals in the community to assess the seriousness of suspected drug or alcohol problems and identify appropriate sources of help.
- Treatment for alcoholism and/or other drug use disorders may be covered by the employee benefit plan. However, the ultimate financial responsibility for recommended treatment belongs to the employee.

### **Confidentiality**

All information received by the County through the drug-free workplace program is confidential communication. Access to this information is limited to those who have a legitimate need to know in compliance with relevant laws and management policies.

### **Shared Responsibility**

A safe and productive drug-free workplace is achieved through cooperation and shared responsibility. Both employees and management have important roles to play.

All employees are prohibited from reporting to work while their ability to perform job duties is impaired by on or off-duty use of alcohol or other drugs.

In addition, employees are encouraged to:

- Be concerned about working in a safe environment.
- Support fellow workers in seeking help.
- Report dangerous behavior to their supervisor.

It is management's responsibility to investigate reports of dangerous practices and activities that affect the ability to perform work.

## **5.040 INFORMATION TECHNOLOGY APPROPRIATE USE POLICY**

This policy is provided to employees and volunteers of San Juan County to enhance their ability to conduct official business of the County. These resources, including the data and/or content they create, are considered County property and are designed to improve work performance, facilitate research, share information, and allow for innovation and communication. These resources include, but are not limited to, workstations, laptop computers, peripheral systems (storage and printing), smart phones, mobile phones, networks, servers, Internet services, phone systems, voicemail, text messaging and email. Every employee and volunteer has an obligation, generally and in particular

Adopted 1991

Revised 2017; 2019, 2020, 2021

with respect to use of County technology services, to observe local, state and federal laws and enhance the public image of San Juan County.

All San Juan County employees and volunteers are required to comply with the policies specified herein when using County owned technology resources and services. They are further required to report to the County all suspected security and/or policy violations to an appropriate authority, including their manager, supervisor, Human Resources, or the Information Technology (IT) Manager. All questions and suggested improvements regarding this policy should be referred to the Information Technology Manager, or Human Resources.

#### **A. DEFINITIONS:**

- “Destructive software or programs” is defined as a program intended to cause damage to a computer system. Common examples include computer viruses, Trojan horses, worms, adware, spyware, malware, ransomware, keystroke-loggers, and root kits.
- “Employee” is defined as any San Juan County paid employee or contract employee.
- “Email” is an electronic communication that may be sent to another user within the County’s information system or to a user outside the County’s system via the Internet.
- “Inappropriate” is defined as disparaging, sexual, abusive, profane, or offensive; or in violation of any state, federal or local law; or adversely or negatively reflecting upon San Juan County.
- “Internet” refers to the World Wide Web.
- “Intranet” refers to local internet, hosted locally within the County network.
- “Peer-to-Peer networking” is defined as programs that share data between computers. Examples would be Pirate Bay, Popcorn, and Bit Torrents etc.
- “Social Media” is defined as social websites that share information such as Facebook, Twitter, and Snapchat etc.
- “Technology Resources” include all electronic equipment, software and/or data (either furnished by the County or property of the employee) used in the performance of their work assignments, including computers, telephones, fax machines, pagers, email, voice mail, cell phones, smart phones and PDAs.
- “Unauthorized Software” is defined as any copyrighted content, unlicensed software or software that is not approved by the San Juan County IT Department.
- “Volunteer” is defined as any San Juan County volunteer.
- “Web based email” is defined as personal email providers such as G-Mail, Hotmail, yahoo mail etc.

#### **B. APPROPRIATE USES**

San Juan County encourages use of technology resources and services by employees and volunteers to facilitate the official business of the County, including the following:

- To perform research and acquire information related to, or designed to facilitate the performance of regular assigned duties;
- To communicate and collaborate with fellow employees and volunteers regarding matters within the assigned duties of the employee;
- To transfer files and other information pertaining to matters within the assigned duties of the employee;

- To communicate with customers, contractors, consultants, vendors and other external parties to accomplish or enhance San Juan County's official business;
- To facilitate performance of any task or project in a manner approved by the supervisor of an employee, contract employee or volunteer;
- Incidental personal use that does not negatively impact employee productivity or San Juan County network performance.

Employees and volunteers are expected to share responsibility in managing their County owned workstation and other technology resources. In general, employees and volunteers are allowed to individually customize the configuration, including the "look and feel" of their computer and other devices provided by the County, with the exception of installing or downloading unauthorized software or modifying security settings as described further in this policy.

If any problems result from user installation of unauthorized software which cannot be quickly and easily resolved by the Information Technology department, or if unlicensed or inappropriate software or information is found on County-owned assets, or if required monitoring tools and utilities are found to have been removed by the user without authorization, then the workstation will be immediately restored to its original County standard configuration and image and the employee or volunteer may face disciplinary action. Overall, San Juan County reserves the right to return the information technology systems to their original configuration at any time if necessary, to restore functionality and operability.

### **C. PROHIBITED ACTIVITIES**

The following uses of technology resources and services provided by the County are expressly prohibited, unless required to perform a law enforcement, prosecutorial, human resources, or health department function: • Copying, disseminating, downloading, or printing of copyrighted materials (including articles, software, or other forms of media and content) in violation of copyright laws.

- The use of social media, web-based email or other potentially destructive programs on any computer that access financial information or computers that are used to process payments over the internet.
- Downloading or installing unauthorized software.
- Disclosing private "Personal Information" (e.g., social security numbers, credit card numbers, Driver's License numbers, PIN numbers, personal medical information) and Security Sensitive Information found on County computer systems without explicit permission or direction of the San Juan County Human Resources or Prosecuting Attorney Offices.
- Sending, receiving, printing, or otherwise disseminating proprietary data, trade secrets, or confidential information in violation of County policy, proprietary agreements, or federal, state, local and/or international laws.
- Using offensive or harassing statements, images or language including disparagement of others based on their race, national origin, sex, sexual orientation, age, disability, religious or political beliefs, or any other basis prohibited by local, state or federal law. • Sending, receiving, or soliciting sexually oriented messages, images, software, or content.
- Operating a business or soliciting money for personal gain.
- Using County-owned information and communications technology assets for political purpose or gain.

- Solicitation of funds or services for charitable causes without prior approval from the County Manager.
- Sending chain letters, participating in pyramid schemes or gambling, or engaging in any other activity in violation of local, state, federal, or international law.
- Gaining access to County systems, content, or infrastructure by using any access-control mechanism not assigned to the particular user, or permitting another person to have access to services by using the employee or volunteer's assigned access-control mechanism (e.g., giving another employee or person your user name and password).
- Removal or any modification of any software, utility, or configuration parameters installed by the Information Technology department to ensure licensing and usage compliance, monitor performance, or protect system asset integrity. These utilities include, but are not limited to, automatic screen saver installation and operation, remote access and download capabilities, configuration and usage accounting, virus scanning, content monitoring, spam controls, etc.
- Establishment of wireless access points/networks and/or modems anywhere on the San Juan County network without prior approval from Information Technology staff.
- Attachment of any devices anywhere on the County's network infrastructure (including workstations, printers, storage devices, servers, routers, switches, firewalls, hubs, etc.) without prior approval from Information Technology staff.
- Gaining or attempting to gain unauthorized access to any computers, computer networks, databases, data, or electronically stored information.
- Using, transmitting, changing, or deleting another user's files, documents, software, or other media without the user's or manager's permission.
- Introducing destructive software or unauthorized software or other malware into any computer, computer system, or network.
- Installing, implementing or using peer-to-peer networking systems on County computers or in County facilities.
- Streaming audio or video that is not directly related to County business.
- Opening links or attachments transmitted in instant messaging systems such as Google Chat, MSN Messenger, etc. Because instant messaging is "unprotected text" and is not recorded or stored as a public record and can be counterproductive, its use should be limited to non- business-related matters and not abused by the user.
- Transmitting, retrieving, or storing except as required for records retention or other government purposes of any communication of a defamatory, discriminatory or harassing nature.
- Transmitting inappropriate materials that might adversely or negatively reflect upon San Juan County or be contrary to San Juan County's best interests.
- The use of a San Juan County computer in a way that knowingly creates IT security vulnerability concerns.
- Any other activities which are against local, state, federal, or international law.

Employees and volunteers should be aware that the consequence of installing/downloading of unauthorized or inappropriate information/software, or the removal or modification of monitoring tools and utilities installed and required by Information Technology staff may result in an immediate and complete re-image of the system to its original County standard configuration. In addition, the ability to install or download software and make changes to the workstation by the individual user may be

revoked. Disciplinary action, including termination of employment or volunteerism and/or termination of network and Internet access may also result from non-compliance with this policy.

#### **D. HANDLING PERSONAL / SECURITY SENSITIVE INFORMATION**

During the course of an employee's or volunteer's work at San Juan County, Personal Information and/or Security Sensitive Information could be saved on the user's hard drive, a server hard drive, or placed on portable media such as a USB Flash Drive, Compact Disk (CD), Digital Video Disk (DVD), diskette or another similar device. The user could also have printouts of this information on their desk, in their files or otherwise in their possession in order to perform their work. Handling such information within the requirements of the user's job is reasonable; however, the user must recognize some issues with the protection of this information.

This information of concern can include classified and confidential government data, healthcare information and personal financial information.

For the purpose of this policy, Personal Information is defined as the following (Reference: Washington State [RCW42.56.590](#)(10)):

The law notes that "personal information" does not include publicly available information that is lawfully made available to the general public from federal, state or local government records.

Security Sensitive Information (SSI) includes Transportation Security Administration information marked as Security Sensitive Information and also includes law enforcement, police or San Juan County security information that is protected from release to the general public.

General expectations for handling Personal and/or Sensitive Information include the following:

- Do not collect Personal Information on your computer, laptop hard drive, USB flash drive, iPod, CDs, smartphones, or other portable media.
- Avoid collecting Secure Sensitive Information on your computer or laptop hard drive.
- Real credit card numbers, social security numbers and driver's license numbers shall not be used for database or computer testing or development. This includes San Juan County information as well as other "social" information such as church data, scout troop rosters, etc.
- If you are in Human Resources, Health and Community Services, Law and Justice or the Auditor's department, you will have a reason to view and work with such Personal Information; however, you should not download such data onto your computer or USB flash drive, (unless said device is encrypted) so you can work at home or in other off-site locations. This is a very dangerous practice that could result in serious legal and public relations consequences. \
- Because of the risks related to IT security, users that process payments for services via credit cards or other means using their workstation, will not access social media sites, web based email, blogs or other websites that can introduce vulnerabilities and compromise citizen personal or SSI information.
- Adopt a "clean desk practice." Do not leave paper documents containing personal or SSI information unattended; protect them from view of passers- by and office visitors. Store paper documents containing personal or sensitive information in locked files.
- Make arrangements to immediately retrieve or secure sensitive documents that are printed on copy machines, fax machines, and printers.

#### **E. ELECTRONIC MAIL AND VOICEMAIL**

The County may provide employees and volunteers with email and voicemail capabilities to facilitate the exchange of information and improve productivity. San Juan County provides these capabilities and services for official use, and all content received and created using email and voicemail accounts is the property of San Juan County and subject to public disclosure. San Juan County encourages the use of email and voicemail for any purpose identified as a permitted use in this policy; however, email and voicemail may not be used in connection with, or in furtherance of, any prohibited activity identified in this policy, or for other than incidental personal use.

The following specific restrictions apply to the use of email and voicemail provided by the County:

- Employees and volunteers shall not use email accounts provided by San Juan County to subscribe to, submit messages to, or read messages from Internet Mailing Lists, Discussion Groups, or News Groups and websites that are of purely personal interest and not related to the County business.
- All external email transmissions using email access provided by San Juan County must contain the first and last name of the sender.
- Employees and volunteers should be aware that email and voicemail message content is subject to interception and may be reviewed at any time. In addition, message content may be subject to disclosure under state and federal law. Employees should communicate confidential data by other means and should have no expectation of privacy when they create, save, send, or receive email and voicemail using resources provided by San Juan County.
- Employees and volunteers who are subjected to email or voicemail transmissions that reflect inappropriate, offensive or harassing content should immediately report the activity to their supervisor or the IT department, so that every effort can be taken to prevent such offensive content from continued transmission through County-owned resources.
- Email footers and signature blocks should generally be used to provide the user's name, title, and telephone number. This function may not contain commercial, political, religious, or inappropriate references and must be consistent with this policy.

## **F. INTERNET ACCESS**

Through County provided resources and services, employees and volunteers may be provided access to a wide variety of information sources available on the Internet. In addition to the restrictions and prohibitions generally outlined in this policy, the following restrictions apply specifically to use of the Internet:

- Employees and volunteers may not use Internet access provided by San Juan County to maintain personal Web sites or Web pages.
- Employees and volunteers may not browse or download content from Internet sites containing inappropriate information, except when necessary for law enforcement and prosecution related work. This includes performing image searches on Google, Yahoo or other search engines for sexually oriented images.

## **G. NETWORK LOG-ON INFORMATION AND PASSWORDS**

Access to County technology resources is only for authorized users approved by County management. Access is restricted and monitored via several means such as user identification and password. Also, other means such as biometrics, smart cards, USB fobs, etc. may be used to protect access to the San Juan County network and resources. Users shall comply with the following requirements and guidelines:

- Passwords shall not be shared or compromised. Never give out your password to anyone – including legitimate business personnel who are backing you up while you are out of the office. Instead, work with the Information Technology department to provide alternative means of access to these users (e.g., delegated access to Outlook).
- Avoid using the same password for your network and email log on as you use in other programs and systems. Do not use your County network logins for any of your personal programs, accounts or systems.
- Passwords must meet complexity requirements triggered by Active Directory settings. These passwords are much more resistant to attack than blank or simple passwords. By default, complex passwords enforced by Active Directory have the following properties:
  - Do not contain all or part of the user's account name
  - Contain characters from three of the following four categories:
    - English uppercase characters (A through Z)
    - English lowercase characters (a through z)
    - Base-10 digits (0 through 9)
    - Non-alphanumeric (for example, !, @, #, \$, %, ^, &, \*)
- Consider using the first letter of each word in a phrase or sentence that you can easily remember. For example, "jDi#1imb" translates to "John Doe is number one in my book."
- Passwords shall normally have a minimum of eight (8) characters, be as meaningless as possible, and fulfil the complexity requirements listed above. "Blank" passwords are not permitted.
- Passwords and log on information are not to be publicly posted in any manner of format and are not to be left in an insecure location. Do not store passwords in unencrypted files such as Excel, Word, Notepad, etc. These can be easily read by someone who hacks into your computer or steals your files (on a hard drive, flash drive, diskette, CD, DVD, etc.).
- The Active Directory Password History setting is 10 passwords remembered. This is set to prevent users from repeatedly using the same password.
- The maximum password age is 365 days. Passwords may be changed more frequently than the specified duration; however, the 365-day setting is established in Active Directory.
  - Elections staff has a maximum password age of 90 days.
  - For the Courts, Juvenile services and Sheriff please see the [Law and Justice Security Policy](#)
- If you believe your password has been compromised, immediately change your log on password and contact the Information Technology department for assistance.
- When leaving your desk unattended, even briefly, you must lock your screen. Simply click the Windows key and the L on your keyboard to lock the screen instantly.
- All users shall use Multi-Factor authentication when accessing any and all county computers, including desktops, laptops and servers. This will be done via a smartphone application (such as DUO) or a key fob.
- All users shall also use Multi-Factor authentication for accessing Office 365 applications, such as Outlook, Teams, SharePoint, or OneDrive from outside the County Local Area Network. This will be done via Microsoft MFA or DUO.

## H. BUSINESS CONTINUITY / DISASTER RECOVERY PREPAREDNESS

Individual preparation and preparedness is an important critical success factor for the County – especially with regards to data protection, backup and availability. The following practices are suggested for all employees and volunteers in order to be prepared for any disaster ranging from an earthquake to fire on County property to loss of your computer hard drive.

- If you are assigned a laptop computer, it is a good practice to bring your laptop home with you especially over the weekend – to be assured of remote login capability should a disaster occur while you are out of the office.
- If you use a laptop computer, learn how to use your computer to log into the San Juan County network remotely and how to access and use the Outlook Web Access (OWA) capability.
- Avoid storing originals of important documents on your computer C: drive (which is not backed up) or in County portable media such as USB flash drives, etc. Instead, store originals of County-specific documents in your personal My Documents folder which is on your departmental shared drive.

## **I. LOSS OR THEFT OF COUNTY INFORMATION TECHNOLOGY ASSETS**

In the event of the loss or theft of County technology resources and other media such as USB Flash Drives/CDs/DVDs/diskettes containing County data, the following steps must be taken.

1. The individual recognizing the loss of the County asset shall immediately notify their supervisor and Information Technology.
2. Information Technology shall take immediate action to have the account associated with the lost asset disabled to prevent access, theft or damage to County data.
3. A Police report shall be taken if the device was stolen or suspected to have been stolen.
4. The Information Technology department shall inform the Information Technology Manager of the lost device(s). The Information Technology Manager shall identify the type of data lost on the device(s) and determine if any Personal Information and/or Secure Sensitive Data was potentially compromised.
5. If Personal Information and/or Secure Sensitive Data were compromised by the loss of the device(s) then the County Manager, and the Public Information Officer for San Juan County shall be notified of the loss and actions as required by state or federal law shall be taken as necessary.

## **J. NO EXPECTATION OF PRIVACY**

Employee and volunteer privacy do not extend to the work-related conduct of the employee or volunteer, or to the use of equipment, network, Internet access, email, text messaging capability, or voicemail provided and owned by the County. Employees and volunteers of San Juan County should, therefore, be aware that email, voicemail, network, text messages, and Internet activity and content created or stored on any resources provided by the County is the property of San Juan County, and as such, the property and all records of usage (electronic or otherwise) are subject to monitoring, auditing, and inspection by the County. In addition, electronic records are public records subject to Washington State's Public Records Act (RCW 42.56) and the law governing retention and destruction of public records (RCW 40.14). Employees should be aware that they have no right to or legitimate expectation of privacy with respect to content created, received, transmitted, or stored on computers, networks, storage systems, phone systems (including cellular phones) or other electronic devices and technology services provided by San Juan County.



Electronic auditing may be implemented within all County networks that connect to the Internet or other publicly accessible networks to support identification, termination, and prosecution of unauthorized activity. These electronic audit mechanisms may be capable of recording the following:

- Access to all computer and phone systems, including successful and failed log-in attempts, connect time, and logouts;
- Inbound and outbound file and content transfers;
- Terminal connections to and from external systems;
- Sent and received email, text messages and voicemail messages;
- Specific information about Web sites visited, including uniform resource locator (URL) of pages retrieved, and information downloaded;
- Date, time, and user associated with each event.

Managers/supervisors of County employees and volunteers may conduct investigations of use of the Internet and County information and communications technology systems provided that these investigations are first reviewed and approved by the Prosecuting Attorney and the County Manager. This also applies to providing access to terminated or suspended employee or volunteer information by the management or replacement employee or volunteer.

## **K. VIRUS PROTECTION**

All employees and volunteers of the County with access to technology services must exercise caution to avoid the introduction of computer viruses or other destructive software or programs into their computers or the network.

Precautions, which should be taken, include the following:

- The Information Technology department will provide, configure and maintain anti-virus software on all County owned computers.
- Do not download or open email attachments from unknown senders.
- Exercise caution when downloading files from the Internet and File Transfer Protocol (FTP) servers. For the protection of the computer system and the County's network, do not download or open files if you are uncertain of their security.
- Before uploading or sending any file or program which has been transferred by any removable media from a computer outside the County network, take reasonable precautions to ensure that the disk, file, or program is free of any virus or other destructive file or program.
- Where employees or volunteers are authorized to use their personal computers to gain access to the San Juan County network via some form of remote-access (e.g., Outlook Web Access or OWA), those employees and volunteers are required to apply and maintain current antivirus software on that equipment and following the procedures outlined above.

## **L. SUPERVISORY RESPONSIBILITY**

All County department heads and/or Elected Officials shall be responsible for ensuring appropriate resource use for all employees and volunteers under their direction.

This policy shall be maintained and updated by the Information Services Manager. Additionally, the Information Services Manager shall maintain and administer an information security awareness and training program for users of County systems.

## **M. VIOLATIONS OF POLICY**

Violation of this policy may subject the offending employee or volunteer to disciplinary action as set forth in the San Juan County policies and procedures or consistent with applicable collective bargaining agreements, including termination, and/or referral of the employee or volunteer to law enforcement authorities for local, state and federal offenses. Disciplinary action may also include termination of email and/or Internet privileges. Employees and volunteers are encouraged to report violations of this, or any other policies of the County, including policies pertaining to discrimination and harassment, to management and/or Human Resources.

Violations of certain parts of this policy could result in indictment under the Computer Fraud and Abuse Act (CFAA).

### **5.050 POLITICAL ACTIVITY**

As a tax-supported institution, it is important that the County demonstrate neutrality regarding political campaigns and candidates. However, employees may engage in political activities, as subject to RCW 41.06.250 and RCW 42.17A.555.

In order to answer specific questions that may come up during an election campaign the following points are stated.

Employees may:

- Respond to political inquiry by providing factual information.
- Hold office within a political party.
- Wear as part of their apparel something supporting a political activity, unless job duties would preclude such adornment.
- Participate in campaign issues to the extent they feel appropriate while on their own time.

Employees may not:

- Campaign or advocate for any political opinion or proposal on County time.
- Use County resources (paper, copier, computers, telephones) for campaign purposes.
- Display political items on anything that might be perceived to be the property of the County.

### **5.055 INTERACTIONS WITH THE PUBLIC OR MEDIA**

All media inquiries should be referred to your department head, Elected Official or the County Manager. The County Manager or the County Manager's designee must approve all press releases, publications, speeches or other declarations made on behalf of the County. This does not include Elected Officials who may issues press releases etc. on behalf of their specific Elected Office. The County Manager or department head or Elected Official may authorize specific employees to respond to media inquiries, either in a particular situation or on an ongoing basis. Unless an employee has received direct authorization to communicate with the media on behalf of the County, the employee shall not respond to media inquiries and shall instead refer the inquiry as instructed above.

County employee interactions with the public or other third parties should be courteous and professional at all times. This expectation applies even in those situations where a member of the public is being discourteous. To determine how to proceed in dealing with a particular individual, employees should seek the assistance or intervention of a supervisor.

## 5.060 HIPAA AND CONFIDENTIALITY FOR PROTECTED HEALTH INFORMATION

This policy addresses the general requirements of the county under the Health Insurance Portability and Accountability Act, as amended, for the confidentiality, integrity, and accountability of all protected health information created, received, maintained, or transmitted by the county and associated operations.

1. "HIPAA." HIPAA is the "Health Insurance Portability and Accountability Act of 1996" and the "Administrative Simplification" regulations found in title 45 of the Code of Federal Regulations. Where appropriate and applicable, the term also encompasses requirements under the "Privacy Rule" and under the "Security Rule" and all amendments thereto.
  - A. Protected health information. Protected health information is individually identifiable health information as defined and protected under HIPAA.
2. Hybrid entity. The county has determined that it is a "hybrid entity" as defined in 45 C.F.R. 164.504(a) because its business activities involve both covered and non-covered functions under HIPAA.
3. Implementation.
  - A. Designation of privacy officer.
    - A. The county council shall designate a privacy officer who shall coordinate the county's compliance with HIPAA, including, but not limited to, gathering information sought by a requestor, providing for the inspection of such information by the requestor, furnishing copies to the requestor and receiving complaints.
    - B. In order for the county to comply fully with HIPAA, the county privacy officer shall have full authority to gather such information as is necessary to comply with the request.
    - C. The county privacy officer shall have the authority to appoint an individual or individuals to assist with HIPAA compliance obligations.
  - B. All county employees shall cooperate fully with the county privacy officer in HIPAA compliance efforts, including but not limited to, providing the records requested, allowing for proper inspection and copying of the records, and conducting inspections and audits as necessary to conform with the requirements of the law.
  - C. The county privacy officer shall designate those departments covered by HIPAA as part of the covered health care component of the county. The county privacy officer or designee shall maintain a list of all departments covered by HIPAA and of all other departments included within the covered health care component of the county, which serve as business associates within the county covered health care component for HIPAA purposes.
  - D. The county privacy officer shall have the authority to review all privacy, confidentiality and security standards and procedures created by departments that are part of the covered health care component of the county and to direct changes to such standards and procedures as necessary.
4. Designation of security officer. The county council shall designate a security officer with overall responsibility for the development and implementation of security policies that conform to the HIPAA security rule.
5. Department requirements.

County departments determined by the county privacy officer to be part of the covered health care component of the county shall:

  - A. Develop "HIPAA Policies and Procedures" that are department specific standards and procedures to protect the privacy, confidentiality, and security of protected health

information that comply with HIPAA and with this policy, which may be amended from time to time.

- B. Train all department employees who have access to records protected by HIPAA on the HIPAA requirements, the county policies and procedures for release, privacy and security of selected health information, and the department standard and procedures for privacy, confidentiality, and security of records protected by HIPAA. Such training must be conducted as the county privacy officer deems necessary, within a reasonable period of time after a new individual joins one of the covered health care components, and annually for all affected employees.
  - C. Distribute a notice of privacy practices as necessary under HIPAA. The notice of privacy practices must contain all HIPAA required elements and be approved by the county privacy official prior to being distributed.
  - D. Document compliance efforts as required by HIPAA.
  - E. Comply with all federal, state, and local laws and regulations related to the privacy, confidentiality, and security of protected health information.
6. Business associates. Departments within the covered health care component of the county may share protected health information with third parties, referred to as business associates, who provide the departments within the covered component with services that use or involve health information. These departments shall only share such information with business associates pursuant to a business associate agreement approved by the office of prosecuting attorney.

County employees should use care when asked to enter into business associate agreements with third parties involving the receipt or disclosure of health information from an outside party. The County may only execute a business associate agreement for the receipt of health information pursuant to an approved business associated agreement.

7. County employees. County employees in HIPAA covered components shall:
- A. Limit uses and disclosures of all health information to the minimum necessary to complete the assigned task.
  - B. Upon discovery, report all incidents of misuse or improper disclosure of protected health information to the county privacy officer.
8. Retaliation. The county shall not tolerate nor engage in retaliation against any employee who reports an incident of misuse or improper disclosure of protected health information to the county privacy officer or to the secretary of the department of health and human services.
9. Discipline.
- A. Any employees who uses or discloses protected health information contrary to this policy shall be subject to discipline under the applicable disciplinary policies or collective bargaining agreement.
  - B. Covered entities shall document any sanctions imposed for violations of this rule of the Administrative Code, or department standards and procedures, as required by HIPAA.

## 5.070 VIOLENCE IN THE WORKPLACE

All employees have the right to expect a place of employment that is free from behavior that can be considered harassing, abusive, disorderly, or disruptive. Any violent behavior or behavior that creates a climate of violence, hostility, or intimidation will not be tolerated, regardless of origin. Proactive measures will be taken to minimize the potential for violent acts. Each and every act or threat of violence will result in an immediate and firm response that could, depending on the severity of the incident and/or other relevant considerations, include termination from employment with San Juan County.

This policy includes, but is not limited to, the following behaviors and situations:

- Violent or threatening physical contact (including fights, pushing, and physical intimidation.)
- Direct or indirect threats
- Threatening, abusive or harassing phone calls
- Possession of a weapon on county property
- Destructive or sabotaging actions against county or employees' personal property
- Stalking
- Violation of a restraining order
- Threatening acts or abusive language that leads to tension within the work environment

The following are not considered prohibited behaviors under this policy:

- An employee's supervisor repeatedly asking the employee to properly complete a workplace assignment is not considered harassment
- An employee's supervisor showing irritation due to the employee's repeated failure to follow policy or meet workplace expectations is not considered hostile or violent
- An employee's supervisor stating that due to the employee's work performance or policy violation the employee may be subject to disciplinary action including termination is not considered threatening

Any person who makes substantial threats, exhibits threatening behavior, or engages in violent acts on San Juan County property shall be removed from the premises as quickly as safety permits, and shall remain off county premises pending the outcome of an investigation. No existing county policy, practice or procedure should be interpreted to prohibit decisions designed to prevent a threat from being carried out, a violent act from occurring or a life-threatening situation from developing.

Reporting procedures have been developed to encourage early reporting, support and stress reduction for employees as well as the prevention of violence. Any employee can report concerns or incidents to his or her immediate supervisor, a member of the Human Resources Department, or any member of management. San Juan County will initiate an appropriate response. This response may include, but is not limited to, termination of employment and/or criminal prosecution of the person(s) involved.

All employees who obtain a protective restraining order, which lists San Juan County premises as being a protected area, must provide to their immediate supervisor a copy of any temporary or permanent protective or restraining order. The immediate supervisor and other county officials shall respect the sensitivity of the information requested and maintain confidentiality and employee privacy to the extent possible while fulfilling the requirements of this policy.

## 5.080 ANTI-BULLYING

San Juan County believes that all employees and volunteers should be treated with dignity and respect and will not tolerate bullying behavior. Employees found in violation of this policy will be disciplined, up to and including termination. The County defines bullying as *"repeated (may be a single incident dependent upon severity) inappropriate behavior, either direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment."*

Bullying may be intentional or unintentional. However, where an allegation of bullying is made, the intention of the alleged bully is irrelevant, and will not be given consideration when considering corrective actions. As in sexual harassment, it is the effect of the behavior upon the individual that is

important. The County considers the following types of behavior examples of bullying:

**Verbal Bullying:** slandering, ridiculing or maligning a person or his/her family; persistent name calling which is hurtful, insulting or humiliating; using a person as the butt of jokes; abusive and offensive remarks.

**Cyber Bullying:** behaviors listed under Verbal Bullying above but through the Internet or on social media sites.

**Physical Bullying:** pushing; shoving; kicking; poking; tripping; assault, or threat of physical assault; damage to a person's work area or property.

**Gesture Bullying:** non-verbal threatening gestures, glances which can convey threatening messages.

**Exclusion:** systematically excluding or disregarding a person in work-related activities.

An employee found to have engaged in conduct in violation of this policy will be subject to disciplinary action up to and including termination.

## 5.090 WHISTLE BLOWER PROTECTION

In compliance with the Local Government Employee Whistleblower Protection Act, RCW 42.41.050 and San Juan County Resolution No. 113-1992, employees are expected to disclose any improper governmental action taken by County officials or employees and cooperate in investigations, understanding they are protected from retaliation if disclosure was made in Good Faith. This policy also safeguards legitimate employer interests by encouraging complaints to be made first to the County, with a process provided for speedy dispute resolution.

### Definitions:

"Improper Governmental Action" is any action by a County officer or employee 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 officer's or employee's employment, and is:

- (a) in violation of any federal, state or local law or rule;
- (b) an abuse of authority;
- (c) of substantial and specific danger to the public health or safety; or
- (d) a gross waste of public funds.

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

"Retaliation" means any adverse change in the terms and conditions of a County employee's employment, or hostile actions by another employee towards a County employee that are encouraged by a supervisor or senior manager or official.

Retaliation does not include appropriate consequences resulting from a violation of law, rule, policy or procedure, a negative comment in an otherwise positive or neutral evaluation, or actions justified by poor performance or history.

"Good Faith" means an honest, reasonable belief that an Improper Governmental Action has occurred or is occurring. A belief does not have to be proven true to be in Good Faith. Knowingly

making a statement that is misleading, false, or deceptive; or willingly ignoring facts that would disprove a belief that Improper Governmental Action has occurred; is lack of Good Faith.

"Emergency" means a circumstance that if not immediately changed may cause damage to persons or property.

Procedure for Reporting Improper Government Action: Employees who become aware of improper governmental action should raise the issue first with their supervisor. If requested by the supervisor, the employee shall submit a written report to the supervisor, or to some person designated by the supervisor, stating in detail the basis for the employee's belief that an improper governmental action has occurred. Where the employee reasonably believes the improper governmental action involves the employee's supervisor, the employee may raise the issue directly with Human Resources or with the employee's department head, the County Manager or the Prosecuting Attorney. Where the employee reasonably believes the improper governmental action [matter] involves the County Manager, the employee may raise the issue directly with the County Council or the Prosecuting Attorney. If the matter involves a member of the County Council, the employee may raise the issue with the Prosecuting Attorney; and if the matter involves the Prosecuting Attorney, the matter should be raised with the County Council. This should be done as soon as the employee becomes aware of the improper action.

In the event a particular complaint involves allegations of criminal behavior, the County may refer the matter to the appropriate law enforcement authorities. If the complaint involves allegations of criminal behavior that may cause immediate harm to an individual or to property, the complaining employee may first report the matter to the Sheriff's Department before initiating the procedures described in this policy.

The department head, Elected Official and/or County Manager shall take prompt action to assist the County in properly investigating the report of improper governmental action. Officers and employees involved in the investigation shall keep the identity of reporting employees confidential to the extent possible under the law, unless the employee authorizes in writing the disclosure of his or her identity. After an investigation has been completed, the employee reporting the improper governmental action shall be advised of a summary of the results of the investigation, except that the personnel actions taken as a result of the investigation may be kept confidential (to the extent permitted by law).

In an emergency, where the employee believes that personal injury or property damage may result if action is not taken immediately, the employee may report the improper governmental action directly to the appropriate government agency with responsibility for investigating the improper action. As noted above, the employee may also report an emergency matter to the Sheriff's Department or another law enforcement agency.

Employees may report information about improper governmental action directly to the appropriate government agency with responsibility for investigating the improper action if the employee reasonably believes that an adequate investigation was not undertaken by the County to determine whether an improper governmental action occurred; or that insufficient action was taken by the County to address the improper action, or that for other reasons the improper action is likely to recur.

Employees who fail to make a good faith attempt to follow the County's procedures in reporting improper governmental action shall not be entitled to the protection of this policy against retaliation, pursuant to RCW 42.41.030.

Protection Against Retaliatory Actions: Officials and employees are prohibited from taking retaliatory action against an employee because the employee has in good faith reported an improper governmental action in accordance with these policies and procedures.

An employee who believes they have been retaliated against for reporting an improper governmental action must provide written notice to his/her supervisor within 30 days of the alleged retaliatory action. If the supervisor is allegedly involved in the retaliation, the written notice should be provided to the Human Resources Manager, their Elected Official or County Manager. The written notice must specify the alleged retaliatory action and the relief requested. Officials and supervisors shall take appropriate action to investigate and assess complaints of retaliation. Represented employees may elect to pursue such issues through the labor agreement grievance process, in which case the procedures that follow would not apply.

After receiving the County's response to the retaliation complaint, or 30 working days after the delivery of the complaint to the County, the employee may request a hearing before a state administrative law judge to establish that a retaliatory action occurred and to obtain appropriate relief provided by law. An employee seeking a hearing should deliver the request for hearing to the Human Resources Manager or County Manager within the earlier of either 15 working days after delivery of the County's response to the complaint of retaliation, or 45 working days after delivery of the employee's complaint of retaliation to the County. Upon receipt of the request for hearing, the County shall apply within five (5) working days to the State Office of Administrative Hearings for an adjudicative proceeding before an administrative law judge.

Management Responsibilities: The Human Resources Department is responsible for implementing County policies and procedures, for reporting improper governmental action and for protecting employees against retaliatory actions. This includes ensuring that this policy and these procedures are:

1. Permanently posted where employees will have reasonable access to them;
2. Made available to any employee upon request; and,
3. Provided to all newly hired employees.

Officers, managers and supervisors are responsible for ensuring the procedures are fully implemented within their areas of responsibility. Violations of this policy and these procedures may result in appropriate disciplinary action up to and including termination.

## **COLLECTIVE BARGAINING & CIVIL SERVICE**

### **6.010 PURPOSE**

The general purpose of this policy is to promote the continued improvement of the relationship between San Juan County and the San Juan County Judiciary as the employer and their employees by providing sound employer/employee relations. Determination of exclusive representatives shall be decided by providing the fullest opportunity for each affected employee to participate through the election process.

### **6.020 RIGHTS OF EMPLOYEES**

In accordance with applicable law, employees shall have the right, and shall be protected in the exercise of such right, freely and without fear of penalty or reprisal, to form, join and assist any employee organization or to refrain therefrom.



## 6.030 APPLICABLE RULES

The rules and procedures governing collective bargaining for county employees can be found in the Public Employees Collective Bargaining Act (PECBA) RCW 41.56., and GR 29.

The rules and procedures governing civil service for county employees can be found in RCW 41.14.

Where a collective bargaining agreement and/or civil service rules and statutes are in effect with respect to regular employees, such rules and statutes and/or agreement shall control whenever their provisions conflict with provisions of this policy. The provisions of this policy shall control any subject or matter as to which the bargaining agreement or civil service rules are silent.

## CLASSIFICATION

For a variety of reasons, it is helpful to define the working classification of each employee employed by the County. Each position has a job description which will be provided by the Human Resources Department upon request. Employment classifications relate to the nature of the job responsibilities, work schedule and participation in County benefit programs. Classifications are:

- \* Regular Full-time – an employee who works a normal 40-hour workweek on a regularly scheduled basis.
- \* Regular Part-time (with benefits) – an employee who is regularly scheduled to work less than 40 hours per week, but 20 hours or more per week. Employees in this classification are entitled to most County-provided benefits on a pro rata basis.
- \* Regular Part-time (without benefits) – an employee who is regularly scheduled to work less than 20 hours per week. Employees in this classification are not generally entitled to County-provided benefits.
- \* Probationary – an employee who has not yet completed his or her Trial Service period.
- \* Seasonal – an employee who has a seasonally recurring position that generally spans several years and would typically work more than 480 hours per year.
- \* Temporary – an individual hired on a temporary basis. Temporary employees will generally not work more than 520 hours in a calendar year, and shall not be eligible for benefits or accrue seniority except as provided by law.
- \* Intern – an individual currently enrolled in a course of study related to a job classification for which the County has hired the individual. Employment as an intern shall be limited to 704 hours per intern, per year. Interns shall not be considered to be County employees in the event they apply for regular County employment.

In addition to the foregoing classifications, all employees are classified as exempt or non-exempt.

For questions regarding classification or exempt/non-exempt status, please contact the Human Resources Department.

## 7.010 CLASSIFICATION PLAN

The Human Resources Department shall develop and maintain a classification plan for all positions of employment with the county. Such plan shall be submitted to the County Manager and approved by the County Council. The classification plan shall consist of an index of class titles for each class of positions arranged by: 1) broad job categories, 2) occupational groups within job categories, and 3) class series within such occupational groups. The Human Resources Department shall administer the plan and may make recommendations to the County Manager for revisions to the plan.

#### 7.020 CLASS DESCRIPTIONS

The Human Resources Department shall maintain a class description for each class of positions. Each class description shall include the class title, a list of representative duties and responsibilities of positions included in the class, and a statement of qualifications required and/or desired for positions in the class.

(1) Interpretation of class descriptions. Class descriptions are intended to be a general description of the kinds of positions assigned to the class as determined by their duties and responsibilities and are not to be construed as prescribing what the duties of any individual position shall be. Class descriptions are to be used by the department head and/or Elected Official in assigning, directing and controlling the work of the employees under his or her supervision. The use of specific expressions or illustrations pertaining to the duties, qualifications or other requirements of the class are descriptive only and shall not be construed to exclude any others not specifically mentioned.

(2) Statement of general qualifications and duties. Common qualifications (such as honesty, sobriety and industry) may be implied and not be specifically mentioned in the descriptions.

Where it is apparent that a specific qualification or requirement is necessary to perform the duties described (such as a valid driver's license to operate a vehicle) it is not necessary to specifically set forth the requirement.

(3) Use in examination. The class description shall be used as the basis for determining the suitability of candidates for employment and shall be used in the preparation of qualifying tests and interviews. Specifications for any class shall constitute the basis and source of authority for examinations and interviews for the class and for evaluating qualifications of applicants.

#### 7.030 CLASSIFICATION OF POSITIONS

Each position shall be classified to its appropriate class according to the character, difficulty and responsibility of its designated duties. In determining the class for a position, consideration is given to the general duties, specific tasks, responsibilities, qualifications, and the relationship to other classes, as a composite description of the kind of employment that the class is intended to include. Duties listed shall not be construed as all-inclusive or restrictive, and an example of a typical task or combination of two or more examples shall not be taken without relation to all parts of the specification, as determining that a position should be included within a class.

(1) Classification studies. Classification studies may be made of individual positions or groups of positions whenever it is deemed necessary by the Human Resources Department. Such classification studies may be made upon the request of a department head as provided in subsection (4) below.

(2) New classification. Whenever a department head and/or Elected Official desires to create a new position, a notice of such proposed action together with a description of the duties and responsibilities of the proposed position shall be submitted to the Human Resources Department. The

Human Resources Department shall investigate the proposal and prepare a recommendation for action for the County Manager.

(3) Reclassification. Whenever a department head or Elected Official makes permanent and substantial changes in the duties and responsibilities of a position, the department head and/or Elected Official shall notify the Human Resources Department in writing of such changes.

The Human Resources Department shall recommend the appropriate classification for the position to the County Manager. Reclassification which requires additional appropriations shall not be implemented unless sufficient funding is available to transfer within or to the department's current budget to accommodate any necessary salary adjustments. If sufficient funding is not available, the affected employee shall be reassigned duties consistent with the original classification of the position and the position shall continue to be classified to the original class.

(4) Classification review. If a department head and/or Elected Official believes that a position under his or her supervision is improperly classified, the department head and/or Elected Official may request that the Human Resources Department review the classification of the position. In such cases, the department head and/or Elected Official shall prepare a written request stating the reasons for such review and setting forth arguments in support of it. The Human Resources Department shall review the request with the department head and/or Elected Official, conduct any investigation which may be necessary, and prepare a revised position description if needed. The written recommendations of the Human Resources Department and the department head and/or Elected Official shall be submitted to the County Manager. Where the Human Resources Department's recommendation does not concur with the department head's and/or Elected Official's request, the department head and/or Elected Official shall be notified and given opportunity to respond. The determination of the County Manager is not subject to the Dispute Resolution process and final, except that an Elected Official may seek review of the County Manager decision by the County Council.

#### 7.040 EFFECT OF CLASSIFICATION CHANGES ON EMPLOYEES

Whenever a position is reclassified from one class to another class, the employee shall maintain the same benefits and service credit from the prior position, except as noted below.

- (1) Whenever a position is reclassified from one class to a higher class, the employee shall be promoted and continue in the position only if the employee possesses the minimum qualifications for the higher class and thereafter successfully completes a trial service period for the higher class, as provided for in Chapter 13 Trial Service Periods of these policies.
- (2) Whenever a position is reclassified from one class to a lower class the employee shall normally remain in the position. However, an employee so affected may also seek transfer to another position vacancy in the original class (if any) in accordance with transfer provisions of these policies.
- (3) Whenever an employee is ineligible to continue in a reclassified position or is not transferred, promoted or demoted, the employee shall be laid off in accordance with the provisions of section 14.040 of these policies.

### **PAY ADMINISTRATION**

#### 8.005 PAYDAYS AND PAYCHECKS

Adopted 1991

Revised 2017; 2019, 2020, 2021

Employees are paid once a month, on the last working day of each month. A mid-month draw is available upon request, on the 15<sup>th</sup> day of each month. Direct deposit of paychecks is available; if interested, please notify the Payroll Deputy.

The County will withhold from the employee's paycheck those deductions required by law, as well as any voluntary deductions authorized by the employee and approved by the County Manager. The County will typically resolve payroll errors as an adjustment to the next payroll cycle.

#### 8.010 COMPENSATION PLAN

The Human Resources Department shall prepare and submit an annual compensation plan through the County Manager to the County Council. The proposed plan shall set forth the pay range for each class of work in the classification plan. The County Council may amend or alter the proposed plan in any manner.

The Human Resources Department shall administer the pay plan for all positions in accordance with the provisions of these policies. The Human Resources Department may at any time recommend through the County Manager to the County Council amendments or revisions to the plan.

#### 8.020 RATES OF PAY

Employees shall not be paid at a rate of pay less than the minimum nor more than the maximum established for his or her job as set forth in the pay plan unless otherwise provided for in these policies.

(1) Starting rate upon initial employment. New employees shall be appointed at the minimum step of the pay range in effect for the particular classification or position to which the appointment is made unless the department head and/or Elected Official has requested and received prior authorization from the County Manager to fill the position at some other step in the pay range.

(2) Pay rate upon promotion. Promoted employees shall be paid at the step in the pay range for the new position that represents at least a one step pay increase over their rate prior to promotion or at the minimum step of the new pay range, whichever is greater, provided that such increase does not exceed the maximum step of the new pay range. A greater pay rate may be permitted upon promotion where a supervisor would receive less than a subordinate through application of this policy.

An employee who has not successfully performed during the trial service following promotion shall be returned to their prior position and receive the same pay rate as received prior to promotion, subject to the provisions of 8.030 (3)(B) and 13.060.

(3) Pay rate upon transfer to the same classification. An employee who transfers to a position that has the same classification as their current position will remain at the same range and step, and would keep their current anniversary/step date.

(4) Pay rate upon transfer to a lower classification. An employee who initiates a transfer to a lower classification (i.e. applies for and is selected to fill a vacancy in a lower classification position) may be paid at any rate in the pay range assigned to the lower classification appropriate to the circumstances surrounding the transfer, the affected employee's experience and training, and availability of funds.

An employee who is transferred to a lower classification because of organizational changes or reduction in force, or who requests a transfer to a lower classification for personal reasons that stem from organizational changes or reduction in force, shall be paid at that step in the lower pay range

that most closely matches their current pay. If their current pay is above the maximum for the lower range, the employee's pay will be red-lined (fixed at the amount of the existing job classification) until such time that the range exceeds the employee's rate.

(5) Pay rate upon reinstatement or rehire. A person recalled from layoff, returning from an unpaid leave of absence, or rehired following separation from county employment and who is reemployed in the same classification as held before the break in service within one (1) year from the date of the break in service, may receive the same step in the pay range as held prior to the break in service, subject to availability of budgeted funds and subject to the recommendation of the department head and/or Elected Official. If such person is reemployed in other than the original classification, the rate of pay shall be at the minimum step on the pay range for the new classification, unless otherwise approved by the County Manager.

(6) Pay rate following reclassification. An employee occupying a position that is reclassified to another class with the same pay range shall receive the same rate of pay as before the reclassification. If the position is reclassified to a class with a higher pay range, the employee shall receive an increase in pay as provided for in cases of promotion (section 2 above). If a position is reclassified to a class with a lower pay range, the employee's rate of pay shall be reduced as provided in these policies for voluntary transfer to a lower classification (section 4 above), unless the Human Resources Department recommends and the County Manager approves a different pay rate.

(7) Pay rate following adjustment to the pay range. If a class is reassigned to a new pay range, with no change in duties or responsibilities (generally as a result of a reclassification study), the employee shall be paid at the step in the new pay range that most closely corresponds to the employee's placement in the original pay range.

(8) Pay rate for temporary and part-time employment. Temporary and part-time employees shall be paid for actual hours worked at an hourly rate of pay equivalent to regular full-time employees performing substantially the same type of work. Where no similar work is normally performed, the Human Resources Department shall establish an appropriate pay rate after consulting with the department head and/or Elected Official and after comparing the duties and responsibilities of positions within the classification plans.

(9) Overtime compensation and compensatory time off. In the case of employees who regularly work less than a forty (40) hour work week, all hours worked in excess of the normally scheduled work week to a maximum of forty (40) hours per week, shall be compensated at the straight time rate of pay. Overtime pay at the rate of one and one-half (1 1/2) times the employee's regular rate of pay shall be paid for work performed in excess of forty (40) hours per week for all employees except those employees for whom overtime pay is not required by law (Fair Labor Standards Act).

Holidays, compensatory time, scheduled sick leave and vacation time are considered time worked for the purpose of calculating overtime pay. Vacation or sick leave requests are considered "scheduled" when there is a written leave request approved by the manager at least five (5) working days in advance. Unscheduled sick leave does not count as hours worked for purposes of calculating overtime pay.

Employees who are eligible for overtime pay may receive compensatory time off equivalent to one and one-half (1 1/2) the number of overtime hours worked in lieu of overtime pay. Compensatory time off shall not be permitted to accrue beyond an eighty (80) hour maximum for any employee. Compensatory time accrued shall be paid off or scheduled as time off with approval of the department

head and/or Elected Official within ninety (90) days of the date it is earned. Any unused compensatory time shall be paid upon an employee's separation from county service in the employee's final paycheck.

(10) Out of Class Pay. An employee who is temporarily assigned work in a higher classification and, in fact, **performs substantially the full scope of the work of the higher classification** for a period of five (5) consecutive working days or more, shall be paid at the rate of pay assigned to the higher classification according to the provisions of these policies governing pay rate upon promotion for all hours actually worked in the higher classification. This provision is not applicable when the responsibilities are covered by the employee's job description.

(11) Substitute pay. An employee temporarily assigned to a higher classification for a period of five (5) consecutive working days or more **performing duties significantly beyond the scope of his or her regular position yet not the full scope of the work of the higher classification**, shall be paid at five percent (5%) below Step 1 of the higher ranked job, but not less than five percent (5%) above his or her current pay.

#### 8.030 ADVANCEMENT WITHIN A PAY RANGE

Employees shall receive increases in pay within the steps of the pay range for their classification annually on each anniversary date representing the completion of one (1) year of employment in the same job classification at the same step in the pay range.

(1) Deferral of step increase. Step increases are contingent upon satisfactory performance on the job. If an employee's performance is less than satisfactory during the year preceding the anniversary date for a step increase, the department head and/or Elected Official may, with prior approval of the Human Resources Department, defer the increase for a stipulated period of time until specific improvement is made in the employee's performance. The reasons for denial of a step increase shall be provided to the employee. A denied step increase may be approved at any time the department head and/or Elected Official determines that the employee has demonstrated satisfactory performance improvement.

(2) Maximums. Salaries shall not exceed the maximum of the salary range established for the classification if a maximum has been established.

(3) Adjustments to the step anniversary date. The anniversary date for an employee's step increase shall be adjusted under the following circumstances:

- a. Upon promotion or demotion the existing step anniversary date shall be eliminated and the date of such promotion or demotion shall be used to calculate the new step anniversary date;
- b. When an employee does not successfully complete the trial service following promotion, the step anniversary date held prior to such promotion shall be reestablished;
- c. When an employee returns from layoff or unpaid leave of absence and is reinstated in the same classification as originally held, the original step anniversary date will be advanced by an amount of time equal to the period of layoff or leave of absence in order to give credit for time served in that pay step prior to such layoff or leave of absence. The step anniversary date shall only be adjusted for each unpaid leave of absence of thirty (30) or more calendar days;
- d. When an employee returns from layoff or unpaid leave of absence and is reinstated in a classification other than that originally held, the original step anniversary date shall be eliminated and the date of reemployment shall be used to calculate the new step anniversary date.

- e. When a step increase has been deferred, the step anniversary date for increases shall be advanced accordingly.

#### 8.040 LONGEVITY PAY

In addition to the employee's wage set forth in the wage step schedule, the following amounts, based on the length of an employee's employment, shall apply; upon completion of sixteen (16) years of employment and beginning in the seventeenth (17<sup>th</sup>) year, the employee shall receive an additional two and one-half (2.5%) percent of his or her wages. Upon completion of twenty-five (25) years of employment and beginning in the twenty-sixth (26<sup>th</sup>) year, the employee shall receive an additional one and one-half (1.5%) percent of his or her wages.

#### 8.050 TIMEKEEPING

Maintaining accurate time records is essential in computing non-exempt employee pay and overtime, ensuring compliance with applicable laws and regulations, and generating accurate cost and leave information. Each employee is responsible for completing and submitting his or her own time sheet in a timely manner. The County provides a web-based timesheet that can be electronically filled in and approved.

Employees must submit a Leave Request Form for vacation approvals and scheduled sick leave approvals for the pay period in which the vacation or scheduled sick leave was taken.

### EMPLOYEE BENEFITS

#### 9.010 EMPLOYEE BENEFITS - ELIGIBILITY DEFINED

Benefit programs and levels of benefits provided by these programs are at the sole discretion of the County.

Regular full-time employees and regular part-time employees (on a pro-rated basis determined by FTE status) are eligible for employee benefits offered by the County, unless otherwise specified in these policies.

Temporary employees are not eligible for paid holidays, paid leave, medical benefits, or any other benefits unless otherwise specified in these policies or provided by law. Contract employees are not entitled to County benefits unless provided for by written contract.

#### 9.020 HOLIDAYS

The following dates are recognized as holidays for all eligible employees:

New Year's Day	Veteran's Day
Martin Luther King Birthday	Thanksgiving Day
President's Day	The day after Thanksgiving
Memorial Day	Christmas Day
Independence Day	Floating Holiday (2)
Labor Day	Two unpaid holidays (per WAC 357-31-052)

- (1) Floating holiday. An employee scheduled to be employed for six (6) months or more in the calendar year shall be eligible for two (2) floating holidays per year upon completion of the trial service period. The floating holidays shall be used before the end of the December pay period

in the year it was earned and shall be taken at a time approved by the department head and/or Elected Official.

- (2) Two Unpaid Holidays. Employees are entitled to two unpaid holidays per calendar year for a reason of faith or conscience or an organized activity conducted under the auspices of a religious denomination, church, or religious organization. The employer must allow the employee to take the unpaid holiday when requested unless the employee's absence would impose an undue hardship on the employer or the employee is necessary to maintain public safety. For this purpose, "undue hardship" is defined in WAC 82-56-020 as an action requiring significant difficulty or expense to the employer. The following factors should be considered in determining whether approving unpaid leave results in an undue hardship to the employer:
- a. The number, composition, and structure of staff employed by the employing entity or in the requesting employee's program.
  - b. The financial resources of the employing entity or the requesting employee's program.
  - c. The number of employees requesting leave for each day subject to such a request.
  - d. The financial impact on the employing entity or requesting employee's program resulting from the employee's absence and whether that impact is greater than de minimis cost to the employer in relation to the size of the employing entity or requesting employee's program.
  - e. Impact on the employing entity, the requesting employee's program, workplace safety or public safety.
  - f. Type of operations of the employing entity or requesting employee's program.
  - g. Geographic location of the employee or geographic separation of the particular program to the operations of the employing entity.
  - h. Nature of the employee's work.
  - i. Deprivation of another employee's job preference or other benefit guaranteed by a bona fide seniority system or collective bargaining agreement.
  - j. Any other impact in the employing entity's operation or requesting employee's program due to the employee's absence.
- (3) Holiday exchange. The County Manager may substitute a listed holiday for another day provided such action does not violate a collective bargaining agreement.
- (4) Holidays falling on Saturday, Sunday, or other regularly scheduled days off. When a recognized holiday falls on a Saturday, the holiday will be observed on the preceding Friday. When the holiday falls on a Sunday, it will be observed on the following Monday. If the holiday falls on one of the employee's regularly scheduled days off, other than Saturday or Sunday, the employee may take an alternate day off or may receive holiday pay in lieu of a day off by arrangement between the employee and the department head and/or Elected Official.
- (5) Holidays occurring while on paid leave status. Holidays that occur during vacation, sick leave or while on other paid leave status shall not be charged against such leave during the first thirty (30) calendar days of such leave.
- (6) Holiday pay. All work on holidays shall be paid at one and one-half (1 1/2) times the regular rate of pay for all hours actually worked in addition to the regular holiday pay based on the normal work day, not to exceed eight (8) hours. Compensatory time off in lieu of pay may be granted at one and one-half (1 1/2) times the hours actually worked on the holiday.



- (7) Forfeiture of holiday pay. Any employee shall forfeit his or her right to payment for any recognized holiday if an employee is on leave without pay (i.e. not receiving vacation, holiday or sick leave pay, or not using compensatory time).

#### 9.025 TUITION REIMBURSEMENT

Employees may be reimbursed for tuition costs upon successful completion of education classes if the course of instruction is related to the employee's work and will be beneficial to the Employer and if the employee's department head and/or Elected Official has approved the course in advance upon request by the employee. Reimbursement of tuition costs will be made only if provided for in the departmental budget and if budgeted funds are available.

Employees who are directed to take courses by management, including courses necessary to acquire continuing education credits to meet the requirements of their position description, and who schedule such continuing education with the approval of the department head and/or Elected Official (which shall not be unreasonably withheld) will be reimbursed for tuition and other expenses. Employees shall pay the expenses for certification required for initial appointment to the position, or any renewal thereof, if the need to obtain the certification was made known to the employee at the time the employee was hired.

#### 9.030 RETIREMENT PLANS

Within guidelines established by the Washington State Department of Retirement (DRS), all employees are to be enrolled in either the Public Employees Retirement System (PERS), the Public Safety Employees Retirement System (PSERS), or the Law Enforcement Officers & Firefighters System (LEOFF). A percentage, depending on the plan enrollment, of the employee's gross salary is deducted from earnings; also a percentage of the employee's gross salary is contributed by the County and sent to DRS.

Details concerning benefits on retirement and further regulations are available from the Department of Retirement Systems, 1025 East Union, Olympia, Washington 98504, or from the Human Resources Department.

#### 9.035 MEDICAL BENEFIT PLANS

Regular full-time employees and regular part-time employees, whose normal schedule totals not less than 20 hours per week, are eligible to take part in the County's health care plan, providing they meet the eligibility rules as specified by the plan contracts. Premium payments for the health care plans are shared by the county and the employee as determined by the County Council. Employees who decline County coverage must show evidence of coverage elsewhere.

Coverage for spouse/registered Domestic Partner and/or dependents is offered with premium payment shared by the County and employee, provided they meet the eligibility rules as specified by the plan contracts.

Continuation coverage under Federal COBRA law is available. Information on COBRA coverage is available from the Human Resources Department.

#### 9.040 SICK LEAVE

Accumulation of sick leave is allowed for the purpose of providing the employee with protection against loss of income in the event of absences from work for illness or medical issues.

- (1) Sick leave accrual. Eligible regular full-time employees as defined in section 9.010 shall accrue sick leave at the rate of eight (8) hours for each full calendar month of employment (comparable to one hour for every 21.75 hours worked). Part-time employees shall accrue sick leave proportionately to their FTE status (also comparable to one hour for every 21.75 hours worked).

Employees will be notified of their paid sick leave balances each month on their pay stub/direct deposit statement, including:

- Accrued paid sick leave since the last notification;
- Used paid sick leave since the last notification; and
- Current balance of paid sick leave available for use

- (2) Use of sick leave. An employee may use sick leave for the following:

- An employee's mental or physical illness, injury or health condition;
- Preventive care such as a medical, dental or optical appointments and/or treatment;
- Care of a family member with an illness, injury, health condition and/or preventive care such as a medical/dental/optical appointment;
- Closure of the employee's place of business or child's school/place of care by order of a public official for any health-related reasons; or
- If the employee or the employee's family member is a victim of domestic violence, sexual assault, or stalking.

For purposes of this section, "family member" means a child or parent (including biological, adopted, foster, step or legal guardian), a spouse, registered domestic partner, spouse's parent, grandparent, grandchild or sibling.

An employee may also use sick leave in accordance with the Washington Family Care Act (below) for the care of an employee's child with a health condition that requires treatment or supervision, or a spouse/registered Domestic Partner, parent, grandparent, or parent-in-law with a serious health condition or an emergency condition or for use in connection with the birth or adoption of a child.

Non-exempt employees may use sick leave in 15-minute increments. Exempt employee shall use sick leave in accordance with Federal FMLA guidelines.

The County may ask for verification for an absence that exceeds three consecutive workdays, so long as such verification does not place an unreasonable burden or expense upon the employee.

The department head and/or Elected Official may grant an additional two (2) days for travel purposes.

- (3) Abuse of sick leave. Employees will not be disciplined for lawful exercise of sick leave rights. Misuse of sick leave is grounds for disciplinary action, up to and including termination. Some examples of abuse are:
- a. Calling in sick the day before or the day after regularly scheduled days off with no evidence of illness or injury.
  - b. Calling in sick the day before or the day after a scheduled holiday or vacation with no evidence of illness or injury.

c. Calling in sick on a day where a previous request for that day off had been denied with no evidence of illness or injury.

- (4) Extended illness. In cases where accrued sick leave will not cover the length of an extended illness or other condition, the employee may supplement the leave by using accrued vacation time. When vacation leave is depleted, the employee may request a leave of absence without pay for the remainder of the illness [Leave without pay 9.060].
- (5) On the job injury. Whenever an employee is injured on the job and compelled to seek immediate medical treatment, the employee will be compensated in full for the remaining part of the day of injury without affecting his or her sick leave or vacation account provided the employee reports the injury immediately upon occurrence (day of injury). Scheduled workdays falling within the first three (3) calendar days following the day of injury are compensable through accrued sick leave, provided however, if the period of disability extends beyond fourteen (14) calendar days, then accrued leave taken shall be reimbursed by the Department of Labor and Industries' Worker's Compensation program on a pro rata basis. Within the strictures of the Americans With Disabilities Act And Amendments and the Washington Law Against Discrimination, and any other leave or disability laws that may apply, employees who have been on the Department of Labor & Industries (L&I) Worker's Compensation leave without being medically released to work, may remain on County payroll records for one year from the date of injury. That is, although the County will not pay a person who is collecting benefits from the Department of Labor & Industries, said employee can be off work for up to one year, if he or she is actively in the L&I program and obtaining medical or other recommended treatment/therapy, and their job will be held for them for that one year period. If, after one year, the employee still is not medically released to work, and the employee is removed from the payroll records, the employee shall be considered rehire-able should they become able to perform the essential job functions thereafter (and a suitable position becomes available) if they have committed no misconduct during their leave period which otherwise makes them ineligible to be rehired.

Sick leave pay may be used to supplement industrial insurance benefits in an amount equal to the difference between the compensation to which the person is entitled under the Industrial Insurance Act and regular county net pay, not to exceed the value of the employee's accrued sick leave. Any earned vacation and compensatory time may be used in a like manner after sick leave is exhausted.

- (6) Sick leave reporting.  
If the requirement for sick leave usage is foreseeable, such as a scheduled doctor or dentist visit, employees should give 10 days advance notice or as early as practicable.
- If unforeseeable, notice should be given as soon as possible before the required start of the employee's shift, unless it is not practicable to do so.
  - Another person may provide notice on the employee's behalf if impracticable for the employee to do so.
  - If the request relates to domestic violence or emergency precludes advance notice, the employee must provide notice by the end of the first day that leave starts.

The employee may be required to submit a written physician's statement explaining or assessing the employee's fitness to resume his or her duties, so long as it does create undue expense or hardship to the employee. Failure to provide such written physician's statement after 10 days upon request of the department head and/or Elected Official may result in the

denial of sick leave benefits. San Juan County has the right to ask for a second opinion if it has reason to doubt the illness. The County will pay for the employee to get a statement from a second doctor, which the County will select. If necessary to resolve a conflict between the original physician statement and the second opinion, the county will require the opinion of a third doctor. The County and the employee will mutually select the third doctor, and the county will pay for the opinion. This third opinion will be considered final. The employee will be provisionally entitled to sick leave pending the second and/or third opinion. The county may deny sick leave to an employee who refuses to release relevant medical records to the health care provider designated to provide a second or third opinion.

- (7) Sick leave - cash payment upon termination. Employees who terminate service will receive reimbursement at their current salary or wage rate for twenty-five percent (25%) of their unused accrued sick leave credits. Such reimbursement shall not exceed a maximum of fifteen (15) days' pay. Employees who call in sick after giving notice of separation shall have those sick days deducted from the 25% first, then from any remaining sick leave accrual.

#### 9.045 COMPASSIONATE LEAVE DONATION PROGRAM

The Compassionate Leave Donation Program is a voluntary program administered by the Human Resources Department that allows eligible regular employees to donate a portion of their accrued vacation to a qualified eligible regular employee who is unable to work because of extended serious illness or injury and who is not eligible for workers' compensation. Employees requesting leave donations and employees desiring to contribute to this program must meet eligibility requirements. Employees who are interested in this program should contact the Human Resources Department.

Employees are eligible for Compassionate Leave if they meet all of the following conditions:

- a. Have successfully completed their initial trial service period, are regular employees, and have worked for the County for at least one year.
- b. Are unable to work due to extended serious illness or injury, or to care for an immediate family member who has an extended serious illness or injury, which requires hospitalization or extensive medical care as documented in writing by an attending physician (e.g., cancer, heart attack, etc.)
- c. Have exhausted all accrued vacation, compensatory time, sick leave and floating holiday leave.
- d. Whose condition or immediate family member's condition has caused the receiving employee to go on leave without pay for more than 10 consecutive working days.
- e. Are not eligible for workers' compensation benefits.
- f. Have no documented abuse of sick leave in the prior five years.
- g. Have completed and submitted a Request for Compassionate Leave Donation form to their department head, or Elected Official.

#### 9.050 VACATION LEAVE

Eligible employees as defined in section 9.010 shall accrue vacation leave based on the number of hours actually worked or while on paid leave status in accordance with the schedule shown below. Vacation leave shall not accrue while not on pay status nor for hours worked in excess of forty (40) hours per week.

- (1) Vacation leave accrual. During each year of employment eligible employees shall accrue vacation leave up to and including the maximum amount shown in **Table A** Column 4 below. Regular part-time employees shall accrue vacation leave proportionately to their FTE status.

For the purpose of calculating vacation leave accruals, the employee shall be credited with the appropriate hourly accrual in accordance with **Table A** Column 3 shown below.

Vacation leave accrual rate shall be based upon the total time of continuous active employment with the County. Vacation leave accrued shall not be credited and may not be used until the end of the month in which it is earned.

**TABLE A**

From the Beginning of Year  Column 1	To the Completion of Year  Column 2	Vacation Accrual Hours per Month  Column 3	Vacation Accrual in Working Days per Year  Column 4
Start	1	8 hours	12 days
2	2	8.66 hours	13 days
3	4	9.33 hours	14 days
5	10	10 hours	15 days
11	15	12 hours	18 days
16	20	13.33 hours	20 days
21	25	16.66 hours	25 days
26	and over	20 hours	30 days

- A. The maximum number of vacation credits that may be accrued for employees with 20 years of service or less is 40 days, for employees with 21 years of service or more, the maximum is 60 days. Once an employee reaches the maximum accrual, further accruals will cease until such time as the employee uses vacation time and drops below the maximum. Upon separation of employment, employees shall be paid at the current hourly rate for accumulated vacation time earned within the above stated limitations.
- B. Vacation leave is subject to approval by the department head and/or Elected Official.

#### 9.060 OTHER LEAVES OF ABSENCE

In addition to vacation and sick leave, the County shall provide additional leaves of absence to employees under such circumstances as are specified in this section.

#### ADMINISTRATIVE LEAVE

Administrative leave temporarily relieves an employee of their normal job responsibilities. The employee is asked to remain at home during regular work hours but continues to receive regular pay and benefits.

This type of leave is rarely used and only in situations when an employee should not remain in the workplace. Common reasons for administrative leave include:

- To secure particularly sensitive information or resources if warranted by the circumstances
- To investigate allegations of misconduct, which, if true, could place people or County resources in jeopardy
- To remove an employee from the workplace who is behaving disruptively (pending an assessment of the situation)

## Requesting administrative leave

Supervisors who believe there may be a need for administrative leave should speak with the Human Resources Department. Human Resources will assist the supervisor and the Department Head/Elected Official to evaluate the situation, and determine the best course of action, as needed.

The Department Head/Elected Official, or designee, must approve the leave prior to sending the employee home.

## BEREAVEMENT LEAVE

In the event of a death in the employee's immediate family, the employee shall be granted leave with pay.

- A. The employee will notify the department head and/or Elected Official as soon as possible following a death in his or her immediate family.
- B. The maximum number of working days' bereavement leave shall be one scheduled work week, except that in the case of the death of a spouse or child it shall be two scheduled work weeks, based on the employee's position appointment. The term "immediate family" shall include:
  - 1. Spouse of employee;
  - 2. Children of employee or spouse;
  - 3. Mother, father, brother, sister of employee or spouse;
  - 4. Grandparents and grandchildren of employee or spouse;
  - 5. Any relative living in the immediate household of the employee.
  - 6. Other unique relationships with the approval of the Department Manager. (For example, a cousin who was raised with the employee as a sibling)

At the discretion of the department head and/or Elected Official, additional time may be granted and deducted from accrued leave or may be taken as unpaid leave.

## COURT LEAVE

Employees shall be granted leave with pay while required to perform jury duty or when required to appear in court on any matter in which the employee is not a party. Employees may retain any jury duty stipend and mileage reimbursement received. Employees released from court during their regular shift must report for work for the balance of their shift.

## DISABILITY LEAVE

Disability leave for non-work related injury or illness shall be granted for up to six (6) months upon showing that the employee is temporarily disabled and is temporarily unable to perform the duties of his or her position. This leave is unpaid unless the employee chooses to use sick leave or annual leave. Requests for disability leave shall be accompanied by a written statement from the physician treating the employee outlining the nature of the disability and estimating when the employee will be able to return to work. Employees who have exhausted their eligible leave (including all disability leave, sick leave and vacation leave) without returning to work shall be removed from payroll and considered to have abandoned employment with the County.

## MILITARY LEAVE

Any officer or employee of the County who is a member of the State National Guard or Federal Reserve Military unit shall be entitled to be absent from his or her job with full pay for up to twenty-one (21) days within each year while engaging in the performance of officially ordered military duty and while traveling to or returning from such duty in accordance with RCW 38.40.060. Such leaves shall be in addition to any other leave or vacation benefits. Military leave beyond the 21 days of paid time off will be unpaid, provided that employees may elect to use accrued vacation or compensatory time off. Employees who take military leave will have whatever rights to reinstatement, seniority, vacation, layoffs, and compensation as are provided by applicable law.

- A. Employees who are called or volunteer for service with the armed forces of the United States or the Washington National Guard shall be entitled to be considered for reinstatement in accordance with the provisions of the laws of the State of Washington, RCW 73.16.
- B. An employee promoted to fill a vacancy created by a person serving in the armed forces shall hold such position subject to the return of the veteran. The employee affected by the return shall be restored to the position the employee had held previously or any other equivalent position.
- C. A new employee hired to fill a vacancy created by a person serving in the armed forces shall be placed in an equivalent position that is vacant or, if no vacancy exists, may be subject to lay off.

## LEAVE WITHOUT PAY

Employees may request leave without pay by submitting a written request to the department head and/or Elected Official. Each request for such leave shall be considered in light of the circumstances involved and the needs of the organization. Such leave shall be for a defined period of time, not to exceed six (6) months. Leaves of absence of one (1) month or less may be approved by the department head and/or Elected Official. Leaves of absence in excess of one (1) month must be approved by the County Manager.

All leaves of absence without pay shall be reported in the manner prescribed by the Human Resources Department and shall cause the employee's seniority and anniversary dates to be adjusted for all time spent on the leave of absence in excess of thirty (30) calendar days. Employees on leave without pay are not eligible for holiday pay, shall not accrue vacation or sick leave, and will not receive service credit for any purpose unless otherwise provided in these policies. Employees may continue medical insurance coverage at their own expense. Employees who have exhausted their approved leave without returning to work shall be removed from payroll and considered to have been voluntarily terminated.

Any employee who is elected or appointed to a political or legislative position which is compatible with the employee's county employment may be granted leave without pay to perform his or her civic duty.

## FAMILY MEDICAL LEAVE ACT (FMLA)

San Juan County will provide Family and Medical Leave to its eligible employees. The county posts the mandatory FMLA Notice, and provides all new employees with notices required by the U.S.

Department of Labor (DOL) on Employee Rights and Responsibilities under the Family and Medical Leave Act.

The function of this policy is to provide employees with a general description of their FMLA rights. In the event of any conflict between this policy and the applicable law, employees will be afforded all rights required by law.

If you have any questions, concerns, or disputes with this policy, please contact Human Resources Department.

### General Provisions

Under this policy, San Juan County will grant up to 12 weeks during a 12-month period to eligible employees. The leave may be paid, unpaid or a combination of paid and unpaid leave, depending on the circumstances of the leave and as specified in this policy.

For care for a covered service member with a serious injury or illness, the County will grant up to 26 weeks of military caregiver leave.

### Eligibility

To qualify to take family and/or medical leave under this policy, the employee must meet all of the following conditions:

1) The employee must have worked for the county for 12 months or 52 weeks. The 12 months or 52 weeks need not have been consecutive. Separate periods of employment will be counted, provided that the break in service does not exceed seven years. Separate periods of employment will be counted if the break in service exceeds seven years due to National Guard or Reserve military service obligations. For eligibility purposes, an employee will be considered to have been employed for an entire week even if the employee was on the payroll for only part of a week or if the employee is on leave during the week.

2) The employee must have worked at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave. The 1,250 hours do not include time spent on paid or unpaid leave. Consequently, these hours of leave should not be counted in determining the 1,250 hours eligibility test for an employee under FMLA.

### Type of Leave Covered

To qualify as FMLA leave under this policy, the employee must be taking leave for one of the reasons listed below:

- 1) The birth of a child and in order to care for that child.
- 2) The placement of a child for adoption or foster care and to care for the newly placed child.
- 3) To care for a spouse, child or parent with a serious health condition (described below).
- 4) The serious health condition (described below) of the employee.

An employee may take leave because of a serious health condition that makes the employee unable to perform the functions of the employee's position.

A serious health condition is defined as a condition that requires inpatient care at a hospital, hospice or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care or a condition that requires continuing care by a licensed health care provider.



This policy covers illnesses of a serious and long-term nature, resulting in recurring or lengthy absences. Generally, a chronic or long-term health condition that would result in a period of three consecutive days of incapacity with the first visit to the health care provider within seven days of the onset of the incapacity and a second visit within 30 days of the incapacity would be considered a serious health condition. For chronic conditions requiring periodic health care visits for treatment, such visits must take place at least twice a year.

Employees with questions about what illnesses are covered under this FMLA policy or under the company's sick leave policy are encouraged to consult with the Human Resource Department. If an employee takes paid sick leave for a condition that progresses into a serious health condition and the employee requests unpaid leave as provided under this policy, the county may designate all or some portion of related leave taken as FMLA leave under this policy, to the extent that the earlier leave meets the necessary qualifications.

5) Qualifying exigency leave for families of members of the National Guard or Reserves or of a regular component of the Armed Forces when the covered military member is on covered active duty or called to covered active duty.

An employee whose spouse, son, daughter or parent either has been notified of an impending call or order to covered active military duty or who is already on covered active duty may take up to 12 weeks of leave for reasons related to or affected by the family member's call-up or service. The qualifying exigency must be one of the following:

- a. Short-notice deployment
- b. Military events and activities
- c. Child care and school activities
- d. Financial and legal arrangements
- e. Counseling
- f. Rest and recuperation
- g. Post-deployment activities, and
- h. Additional activities that arise out of active duty, provided that the employer and employee agree, including agreement on timing and duration of the leave.

Eligible employees are entitled to FMLA leave to care for a current member of the Armed Forces, including a member of the National Guard or Reserves, or a member of the Armed Forces, the National Guard or Reserves who is on the temporary disability retired list, who has a serious injury or illness incurred in the line of duty on active duty for which the employee is undergoing medical treatment, recuperation, or therapy; or otherwise in outpatient status; or otherwise on the temporary disability retired list. Eligible employees may not take leave under this provision to care for former members of the Armed Forces, former members of the National Guard and Reserves, and members on the permanent disability retired list.

In order to care for a covered service member, an eligible employee must be the spouse, son, daughter, or parent, or next of kin of a covered service member.

a) A "son or daughter of a covered service member" means the covered service member's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the covered service member stood in loco parentis, and who is of any age.

b) A "parent of a covered service member" means a covered service member's biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered service member. This term does not include parents "in law."

- c) Under the FMLA, a “spouse” means a husband or wife, including those in same-sex marriages..
- d) The “next of kin of a covered service member” is the nearest blood relative, other than the covered service member's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the service member by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered service member has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made, and there are multiple family members with the same level of relationship to the covered service member, all such family members shall be considered the covered service member's next of kin and may take FMLA leave to provide care to the covered service member, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered service member's only next of kin. For example, if a covered service member has three siblings and has not designated a blood relative to provide care, all three siblings would be considered the covered service member's next of kin. Alternatively, where a covered service member has a sibling(s) and designates a cousin as his or her next of kin for FMLA purposes, then only the designated cousin is eligible as the covered service member's next of kin. An employer is permitted to require an employee to provide confirmation of covered family relationship to the covered service member pursuant to 29 CFR § 825.122(k).

“Covered active duty” means:

- (a) “Covered active duty” for members of a regular component of the Armed Forces means duty during deployment of the member with the Armed Forces to a foreign country.
- (b) Covered active duty or call to covered active duty status in the case of a member of the Reserve components of the Armed Forces means duty during the deployment of the member with the Armed Forces to a foreign country under a Federal call or order to active duty in support of a contingency operation, in accordance with 29 CR 825.102.

The leave may commence as soon as the individual receives the call-up notice. (Son or daughter for this type of FMLA leave is defined the same as for child for other types of FMLA leave except that the person does not have to be a minor.) This type of leave would be counted toward the employee’s 12-week maximum of FMLA leave in a 12-month period.

#### 6) Military caregiver leave (see below)

##### Amount of Leave

An eligible employee can take up to 12 weeks (480 hours for a 1.0 FTE for intermittent leave) for the FMLA circumstances (1) through (5) above under this policy during any 12-month period. The county will measure the 12-month period as a rolling 12-month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, the county will compute the amount of leave the employee has taken under this policy in the last 12 months and subtract it from the 12 weeks of available leave, and the balance remaining is the amount the employee is entitled to take at that time.

An eligible employee can take up to 26 weeks for the FMLA circumstance (6) above (military caregiver leave) during a single 12-month period. For this military caregiver leave, the county will measure the 12-month period as a rolling 12-month period measured forward. FMLA leave already taken for other FMLA circumstances will be deducted from the total of 26 weeks available. If spouses both work for the county and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (but not a parent "in-law") with a serious

health condition, the spouses may only take a combined total of 12 weeks of leave. If spouses both work for the county and each wishes to take leave to care for a covered injured or ill service member, the spouses may only take a combined total of 26 weeks of leave.

#### Employee Status and Benefits During Leave

While an employee is on FMLA leave, the county will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work.

If the employee chooses not to return to work for reasons other than a continued serious health condition of the employee or the employee's family member or a circumstance beyond the employee's control, the county will require the employee to reimburse the county the amount it paid for the employee's health insurance premium during the leave period.

Under current county policy, the employee pays a portion of the health care premium. While on paid leave, the county will continue to make payroll deductions to collect the employee's share of the premium. While on unpaid leave, employees may request continuation of such benefits and pay their portion of the premiums, either in person or by mail. The payment must be received in the Payroll Department by the 20th of each month. If the payment is more than 30 days late, the employee's health care coverage may be dropped for the duration of the leave.

The county will provide 15 days' notification prior to the employee's loss of coverage.

#### Employee Status After Leave

An employee who takes leave under this FMLA policy may be asked to provide a fitness for duty (FFD) clearance from the health care provider. This requirement will be included in the county's response to the FMLA request. Generally, an employee who takes FMLA leave will be able to return to the same position or a position with equivalent status, pay, benefits and other employment terms. The position will be the same or one which is virtually identical in terms of pay, benefits and working conditions. The county may choose to exempt certain key positions from this requirement and not return the employee to the same or similar position.

#### Use of Paid and Unpaid Leave

An employee who is taking FMLA leave because of the employee's own serious health condition or the serious health condition of a family member may use paid vacation, sick leave or unpaid leave.

Disability leave for the birth of the child and for an employee's serious health condition, including workers' compensation leave (to the extent that it qualifies), will be designated as FMLA leave and will run concurrently with FMLA. For example, if the County provides six weeks of pregnancy or adoption disability leave, the six weeks will be designated as FMLA leave and counted toward the employee's 12-week entitlement.

#### Intermittent Leave or a Reduced Work Schedule

The employee may take FMLA leave in 12 consecutive weeks, may use the leave intermittently (take a day periodically when needed over the year) or, under certain circumstances, may use the leave to reduce the workweek or workday, resulting in a reduced hour schedule. In all cases, the leave may not exceed a total of 12 workweeks (or 26 workweeks to care for an injured or ill service member over a 12-month period).

The county may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule, in instances when leave is foreseeable for the employee or employee's family member and for planned medical treatment, including recovery from a serious health condition, or to care for a child after birth, or placement for adoption or foster care.

For the birth, adoption or foster care of a child, the county and the employee must mutually agree to the schedule before the employee may take the leave intermittently or work a reduced hour schedule. Leave for birth, adoption or foster care of a child must be taken within one year of the birth or placement of the child.

If the employee is taking leave for a serious health condition or because of the serious health condition of a family member, the employee should try to reach agreement with the county before taking intermittent leave or working a reduced hour schedule. If this is not possible, then the employee must prove that the use of the leave is medically necessary.

### Certification

The county will require certification for the employee's serious health condition, the employee's family member's serious health condition, the qualifying exigency for military family leave, or the serious injury or illness of the covered service member. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave.

The county may directly contact the health care provider for verification or clarification. The county will not use the employee's direct supervisor for this contact. Before the county makes this direct contact with the health care provider, the employee will be given an opportunity to resolve any deficiencies in the medical certification. In compliance with HIPAA Medical Privacy Rules, the county will obtain the employee's permission for clarification of individually identifiable health information.

San Juan County has the right to ask for a second opinion if it has reason to doubt the certification. The county will pay for the employee to get a certification from a second doctor, which the county will select. The county may deny FMLA leave to an employee who refuses to release relevant medical records to the health care provider designated to provide a second or third opinion. If necessary to resolve a conflict between the original certification and the second opinion, the county will require the opinion of a third doctor. The county and the employee will mutually select the third doctor, and the county will pay for the opinion. This third opinion will be considered final. The employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.

### Recertification

The county may request recertification for the serious health condition of the employee or the employee's family member no more frequently than every 30 days unless circumstances have changed significantly, or if the county receives information casting doubt on the reason given for the absence, or if the employee seeks an extension of his or her leave. Otherwise, the county may request recertification for the serious health condition of the employee or the employee's family member every six months in connection with an FMLA absence. The county may provide the employee's health care provider with the employee's attendance records and ask whether need for leave is consistent with the employee's serious health condition.

## Procedure for Requesting FMLA Leave

All employees requesting FMLA leave must provide verbal or written notice of the need for the leave to the Human Resources Department. Within five business days after the employee has provided this notice, the Human Resources Department will complete and provide the employee with the Notice of Eligibility and Rights.

When the need for the leave is foreseeable, the employee must provide the county with at least 30 days' notice. When an employee becomes aware of a need for FMLA leave less than 30 days in advance, the employee must provide notice of the need for the leave either the same day or the next business day. When the need for FMLA leave is not foreseeable, the employee must comply with the county's usual and customary notice and procedural requirements for requesting leave [(Section 9.040 (7)], absent unusual circumstances.

## Designation of FMLA Leave

Within five business days after the employee has submitted the appropriate certification form, the Human Resources Department will complete and provide the employee with a written response to the employee's request for FMLA leave. In some cases, FMLA may be conditionally approved pending receipt of certification. If certification is not subsequently received, or does not qualify the employee for FMLA leave, any time away from work taken during conditional approval shall be applied to sick, vacation or personal holiday leave.

## Intent to Return to Work From FMLA Leave

On a basis that does not discriminate against employees on FMLA leave, the county may require employees on FMLA leave to report periodically on their status and intent to return to work.

## WASHINGTON STATE PAID FAMILY AND MEDICAL LEAVE (PFML)

The Paid Family and Medical Leave program is a mandatory statewide insurance program administered by the Employment Security Department (ESD), which provides paid family and medical leave to eligible employees.

Washington's Paid Family and Medical Leave (PFML) program does not replace the federal Family and Medical Leave Act (FMLA), and in many cases, PFML and FMLA will run concurrently. Hours paid under PFML do not count as hours worked under the state Department of Retirement Systems.

### **Eligibility**

Employees can receive PFML benefits if they meet eligibility criteria and experience a qualifying event. Eligible employees are those who have worked at least 820 hours in Washington State during either

- The first 4 of the last 5 calendar quarters; or
- The last 4 calendar quarters immediately before the application for leave.

### **Qualifying Events**

#### **Family Leave**

Leave to bond with the employee's child during the first 12 months after the child's birth, or the first 12 months after the placement of a child under the age of 18 with the employee.

Leave to participate in providing care, including physical or psychological care, for a family member due to the family member's serious health condition.

Leave because of a qualifying military exigency as permitted under the federal Family and Medical Leave Act.

### **Medical Leave**

Medical leave is any leave taken by an employee from work due to the employee's own serious health condition. Serious health condition means an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility, including any period of incapacity; or continuing treatment by a healthcare provider for:

- An illness or injury that incapacitated you for 3 or more consecutive days
- A chronic serious health condition (like diabetes or epilepsy)
- Incapacity during pregnancy or for prenatal care
- Treatment for substance abuse
- Any period of absence from work to receive treatments and recover, such as radiation, chemotherapy or dialysis.
- The healthcare provider will determine whether the illness or injury meets the definition of a "serious health condition."

### **Employee benefits under PFML**

The weekly PFML benefit amount is calculated by ESD and will depend on how much the employee earns in a typical week. The minimum benefit is \$100 per week or 90% of weekly wages up to maximum weekly benefit of \$1,000. The minimum claim duration payment is for 8 consecutive hours of leave. The County does not allow supplemental wages through use of leave accrual for employees on PFML. Therefore, employees who apply for PFML and are approved, cannot use their accrued sick leave, vacation leave, floating holiday, or comp time for the duration of PFML. Qualified workers in Washington State are eligible for:

- Up to 12 weeks of paid family or medical leave.
- Up to 16 weeks of leave when family and medical leave are used in combination (e.g., birth mother pregnancy and parental leave).
- An additional 2 weeks of leave is available as a result of pregnancy complications.

### **Requesting Leave**

Employees must provide at least 30-day notice to the County before the leave begins for a foreseeable event such as the birth or placement of a child or a planned surgery. If the need for leave is unforeseeable, like an accident or sudden illness, employees must provide notice as soon as practical. The notice must be written (e-mail is considered written notice) and must contain the anticipated timing and duration of leave.

Employees must be on a leave of absence for seven consecutive work days in order to file a claim for PFML benefits (except for child birth or placement of child).

### **Filing a Claim**

Filing a paid leave benefits claim with ESD is a separate process from taking a leave of absence from the County. Even when an employee has submitted medical or other documentation to support their need for a leave of absence from the County, ESD will ask for documentation to support their claim for paid benefits. Claims can be filed online through ESD's Paid Family & Medical Leave web page ([www.paidleave.wa.gov](http://www.paidleave.wa.gov)).

For all leaves except birth or placement of a child, there is a leave of absence waiting period of seven consecutive work days before an employee will be eligible for PFML benefits. Individuals have 12

months from the date of a child's birth or placement (foster or adoption) to take family leave. Eligible employees whose child was born or placed in 2019 can receive paid benefits beginning January 1, 2020 for up to 12 months following the birth or placement.

### **Return from Leave Rights and Job Protection**

Employees who have been employed by the County for 12 months or more; and have worked for the County for at least 1,250 hours during the 12 months immediately before the leave start date, will be restored:

- to the position of employment held by the employee when the leave commenced; or
- to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.

The County requires periodic reporting from the employee regarding status and intention of returning to work as a condition of restoring work. The County also requires certification from the employee's healthcare provider that the employee is able to resume work for PFML which involves the employee's medical leave

### **Additional Information and Questions**

Visit the Employment Security Department's Paid Family & Medical Leave web page for additional information including definitions. Questions about leave of absence may be directed to the Human Resources Department.

## **WASHINGTON FAMILY CARE**

Under the Washington Family Care Act, employees with accrued annual leave, floating holiday, sick leave, or comp time may use their leave to take care of a sick family member. Employees do not have to meet minimum service requirements to be eligible for WFCA leave but will have to comply with all notice and document requirements under the applicable policy for the type of leave used.

## **DOMESTIC VIOLENCE LEAVE**

The Domestic Violence Leave Act guarantees reasonable leave for victims of domestic violence, sexual assault and stalking. The law also protects the victim's family members. Family members include children, spouses, registered domestic partners, parents, parents-in-law, grandparents and individuals with whom the employee has a "dating relationship." Employees are entitled to leave in order to participate in legal proceedings, receive medical treatment and mental health counseling, or obtain support from social services programs. Family members can take leave to assist victims in their endeavors to obtain or secure safety.

Employees in need of leave under this law may use annual leave, comp time if available, or may take unpaid leave. To the extent required by law, San Juan County shall maintain coverage under health insurance plan for an employee who takes leave under this policy provided the employee continues to pay his/her share of insurance premiums, if any. The employee shall make payment arrangements with Payroll for co-insurance prior to the start of the leave to ensure continuation of coverage.

Employees are required to provide advance notice to their manager of the need for leave. Where advance notice is not possible, notice must be given no later than the end of the first day that the employee needs leave. San Juan County may request that the employee provide timely verification that the employee or the employee's family member is a victim of domestic violence, sexual assault or stalking. This verification may be in the form of a sheriff's report, a court document, or a statement

from an advocate for victims of domestic violence, an attorney, a member of the clergy, a medical professional, or a statement from the employee. The County may require proof of familial relationship, in the form of birth certificate, court document, or other statement. Except where disclosure is authorized or required by law, San Juan County will maintain confidentiality of all information provided by the employee in conjunction with this leave.

## MILITARY CAREGIVER LEAVE

Military caregiver leave allows an eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member with a serious injury or illness to take up to a total of 26 workweeks of unpaid leave during a “single 12-month period” to provide care for the service member. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who is receiving medical treatment, recuperation, or therapy, or is in outpatient status, or is on the temporary disability retired list for a serious injury or illness. A serious injury or illness is one that is incurred by a service member in the line of duty on active duty that may cause the service member to be medically unfit to perform the duties of his or her office, grade, rank, or rating. A serious injury or illness also includes injuries or illnesses that existed before the service member’s active duty and that were aggravated by service in the line of duty on active duty.

## NEXT OF KIN

The “next of kin” of a current service member is the nearest blood relative, other than the current service member’s spouse, parent, son, or daughter, in the following order of priority:

1. A blood relative who has been designated *in writing* by the service member as the next of kin for FMLA purposes.
2. Blood relative who has been granted legal custody of the service member.
3. Brothers and sisters.
4. Grandparents.
5. Aunts and uncles.
6. First cousins.

When a service member designates in writing a blood relative as next of kin for FMLA purposes, that individual is deemed to be the service member’s only FMLA next of kin. When a current service member has not designated in writing a next of kin for FMLA purposes, and there are multiple family members with the same level of relationship to the service member, all such family members are considered the service member’s next of kin and may take FMLA leave to provide care to the service member.

For example, if a current service member has three siblings and has not designated a blood relative to provide care, all three siblings would be considered the service member’s next of kin. Alternatively, where a current service member has one or more siblings and designates a cousin as his or her next of kin for FMLA purposes, then only the designated cousin is eligible as the service member’s next of kin.

## SINGLE 12-MONTH PERIOD



The single 12-month period for military caregiver leave begins on the first day the employee takes leave for this reason and ends 12 months later, regardless of the 12-month period established by the employer for other FMLA leave reasons.

An eligible employee is limited to a *combined* total of 26 workweeks of leave for any FMLA-qualifying reasons during the single 12-month period. Up to 12 of the 26 weeks may be for an FMLA-qualifying reason other than military caregiver leave. For example, if an employee uses 10 weeks of FMLA leave for his or her own serious health condition during the single 12-month period, the employee has up to 16 weeks of FMLA leave left for military caregiver leave.

Military caregiver leave is available to an eligible employee once per service member, per serious injury or illness. However, an eligible employee may take an additional 26 weeks of leave in a different 12-month period to care for the same service member if the individual has another serious injury or illness. For example, if an eligible employee takes military caregiver leave to care for a current service member who sustained severe burns, the employee would be entitled to an additional 26 weeks of caregiver leave in a different 12-month period if the same service member is later diagnosed with a traumatic brain injury that was incurred in the same incident as the burns.

An eligible employee may also take military caregiver leave to care for more than one current service member or covered veteran with a serious injury or illness at the same time, but the employee is limited to a total of 26 weeks of military caregiver leave in any single 12-month period. Additionally, an eligible employee may be able to take military caregiver leave for the same family member with the same serious injury or illness both when the family member is a current service member and when the family member is a veteran.

## CERTIFICATION REQUIREMENTS

The County may require that leave to care for a covered service member be supported by a certification completed by an authorized health care provider **or** by a copy of an Invitational Travel Order (ITO) or Invitational Travel Authorization (ITA).

### 9.070 RETURN FROM LEAVE OF ABSENCE

At the expiration of any authorized leave of absence, including vacation leave, the employee shall be returned to his or her last held position unless other conditions were stipulated in writing by the department head and/or Elected Official or County Manager upon granting the leave or unless otherwise stipulated in these policies.

Any employee who fails to return to work within three (3) working days after the expiration of such leave shall be considered to have resigned unless the employee, prior to the expiration of such leave, has requested and been granted an extension of leave or extenuating circumstances have prevented the employee from contacting the department head and/or Elected Official.

### 9.080 ABSENCE DUE TO ADVERSE WEATHER OR EMERGENCIES

Absence from work due to severe inclement weather, conditions caused by severe inclement weather, or other unusual emergency conditions, shall be charged to the following in the order listed:

- (a) Any earned compensatory time,
- (b) Any accrued vacation leave,
- (c) Accrued sick leave up to a maximum of three (3) days in a calendar year,
- (d) Leave without pay.

Employees shall, at their request, be permitted to use leave without pay rather than paid time off. Types of paid leave shall be used in the order listed above, and each type of paid time off shall be exhausted before the next is used.

Tardiness due to an employee's inability to report for scheduled work due to severe inclement weather, conditions caused by severe inclement weather, or other emergency will be allowed up to one hour at the beginning of the work day. Tardiness in excess of one (1) hour shall be charged as provided above.

#### 9.090 COUNTY-WIDE CLOSURE DUE TO EMERGENCY

Severe inclement weather conditions or other emergency situations may at some time necessitate the closure of county facilities. Closure shall be at the discretion of the County Manager, after following Administrative Procedure 2010-01, consulting to the extent practical with emergency services command, department heads and/or Elected Officials. Upon such closure, all employees shall be granted holiday leave for the period specified by the County Manager. Employees required to work during this period shall be compensated as for work performed during other holidays.

### HOURS OF WORK

#### 10.005 WORK HOURS AND SCHEDULES

Generally, County offices and departments are open for business transactions with the public from 8:30 a.m. to either 4:30 p.m. or 5:00 p.m., Monday through Friday, with the exception of official County holidays and approved departmental variations. Accordingly, the work day for employees will be scheduled to provide coverage for all County functions during regular business hours. Managers, supervisors and Elected Officials have the responsibility to establish work schedules that accommodate operational priorities in their departments or work groups. Managers, supervisors and Elected Officials have discretion to approve alternative work schedules on a temporary or ongoing basis if the supervisor believes that the alternative schedule will not impact operational needs or otherwise be inconsistent with the County's interests. Approval may be withdrawn in the event the supervisor determines that the arrangement is not in the County's best interests. Managers, supervisors and Elected Officials also have discretion to require alternative work schedules where necessary to meet operational needs.

#### 10.010 REGULAR HOURS OF WORK

The regular working hours of full-time employees shall, in general, consist of eight (8) hours per day, five (5) consecutive days per week, totaling forty (40) hours per week. Unless otherwise established, and posted by an immediate supervisor, the standard work week shall consist of the period from 12:01 a.m. Sunday to the following midnight Saturday. Nothing in these policies shall be construed to require the County to employ any individual for any particular number of hours, nor to guarantee any employee any particular number of hours.

- (A) Rest periods. For FLSA non-exempt employees, rest periods of fifteen (15) minutes for each four (4) hours of working time shall be scheduled as near as possible to the midpoint of the work period. Employees shall not be required to work more than three (3) hours without a rest period. Where the nature of the work allows employees to take intermittent rest periods equivalent to fifteen (15) minutes for each four (4) hours worked, scheduled rest periods are not required. A rest period is paid time and is therefore considered a part of hours worked. Rest periods should be taken away from the workstation.

- (B) Meal breaks. For FLSA non-exempt employees, a meal break of at least thirty (30) minutes but not more than sixty (60) minutes shall be allowed which commences no less than two (2) hours nor more than five (5) hours from the beginning of the shift. A meal break is not paid time and this time should not be considered as time worked. Employees may not regularly forego meal breaks or rest periods in order to arrive late or leave work early.

#### 10.020 REGULAR WORK SCHEDULE

The regular work schedule for employees shall be established by the immediate supervisor subject to the approval of the department head and/or Elected Official. Regular work schedules shall generally be one of the two following types:

- (A) Established shift. A recognized regular shift (such as: 8:00 a.m. to 5:00 p.m.) that applies to all employees of a department, division, section or work unit; or
- (B) Flex time. A set schedule, with a designated period of time (such as: 7:00 a.m. to 6:00 p.m.) during which employees may request an eight (8) hour work period subject to prior approval of their immediate supervisor. Due to public or departmental demands, flex time may not be an option in every department.

#### 10.030 NONSTANDARD WORK SCHEDULES

Upon approval of the County Manager with regard to collective bargaining agreements, a department head and/or Elected Official may establish a nonstandard work schedule such as a four/ten schedule [four (4) ten (10) hour days per work week]. In such cases, leaves of absence with pay, including vacation and sick leave, will be charged by the number of hours actually taken. Paid holidays will continue to be paid on the basis of a standard eight (8) hour work day with the balance of the day off charged either against the employee's accrued vacation leave account, accrued compensatory time or, in the event the employee does not have any accrued vacation leave or compensatory time remaining, will be treated as leave of absence without pay, unless other arrangements have been approved by the immediate supervisor.

#### 10.040 CHANGES TO WORK SCHEDULES

For long-term changes to an employee's work schedule, the County will make reasonable efforts to notify the employee at least five (5) working days in advance of such change. For short-term changes to an employee's work schedule not to exceed ten (10) working days, the County will make reasonable efforts to notify the employee at least twenty-four (24) hours in advance of such change.

#### 10.050 UNAUTHORIZED ABSENCES

Any employee who is absent from work shall report the reason for the absence to the immediate supervisor, in accordance with departmental procedures. Unauthorized or unreported absences may be cause for disciplinary action, up to and including termination.

## **RECRUITMENT AND EXAMINATION**

#### 11.010 RECRUITMENT

The County seeks to encourage employees to apply for promotional opportunities. External job postings will be placed on the County's website and typically advertised in local newspapers.

Recruitment of candidates for vacant positions in San Juan County shall be the responsibility of the department heads and/or Elected Officials with the assistance of the Human Resources Department.

The County Manager will approve all County position recruitments prior to any job postings or announcements. The County Manager may announce hiring freezes and or/delays based on actual and predicted County financials.

The Human Resources Department will conduct the recruitment process, tailoring the recruitment activities to the type of position being filled and as outlined in the collective bargaining agreements for represented positions. A recruitment announcement will be sent via email to County employees, specifying the title, pay range, minimum qualifications, essential functions of the position and closing date for accepting applications. department heads and/or Elected Officials will be responsible for posting recruitment announcements on department bulletin boards.

#### Types of announcements.

- (A) Internal. The Human Resources Department may designate a county only announcement when:
1. The position to be announced is classified as a part of a series of classes which may include numerical designations and/or similar job titles; or
  2. When the job classification requires experience in a lower level county classification or type of work as a prerequisite; or
  3. Where only county employees have historically been selected; or
  4. When in the opinion of the Human Resources Department sufficient numbers of well-qualified candidates may exist among county employees.
  5. Where internal posting is required by applicable collective bargaining agreement.
- (B) External. The Human Resources Department may designate an external announcement:
1. After an internal posting has been advertised for five work days; or
  2. Simultaneous with internal postings when necessary and not otherwise prohibited.

Applications will normally be restricted to regular full-time and part-time county employees. Temporary, trial service, or contract employees will not be permitted to apply unless it is in the best interest of the County. Position vacancies shall be announced for no less than five (5) working days to ascertain the extent of interest and qualifications of county employees after which time the announcement may be closed. If it is determined that the number of applicants is insufficient or the level of qualifications is marginal, the closing date may be extended or re-designated as open to the general public for an additional period.

Position vacancies may be filled from among county employees when appropriate and in the best interests of the County. County employee applicants shall be subject to the same examination standards as would be required of the general public except that, in addition, each employee's work record, performance, or other job related factors may also be considered by the department head and/or Elected Official. Whenever possible, the Human Resources Department will allow for an internal recruitment period of 5 working days, prior to any external candidates being considered. The department head and/or Elected Official may choose to post positions concurrently external and internal.

#### 11.020 APPLICATIONS

- (1) Filing of applications. Applications for employment shall be filed on such forms as may be prescribed by the Human Resources Department. To be accepted for review, an application must be

delivered to the human resources office by the close of business on the final filing date specified in the announcement or postmarked before midnight of that date, providing the application reaches the human resources office no later than two (2) days following the final filing date. Applications shall include a statement from the applicant with all pertinent information regarding his or her education, experience and other personal data which the Human Resources Department deems necessary. Applications must be signed, and the truth of all statements contained therein certified by the applicant's signature.

(2) Acceptance of application. Persons who submit applications on or before close of business on the last date of filing and whose applications clearly show that they meet the stated requirements shall be admitted to compete for the position for which they are applying.

(3) Notice to applicants. Each person who files an application for an announced vacancy may obtain information concerning the status of his or her candidacy upon request. Each applicant who is accepted for further consideration shall be notified in writing or by phone of the scheduled time and place of the examination or interview.

#### 11.030 PREPLACEMENT PHYSICAL EXAMINATIONS

Persons selected for employment may be required to successfully pass a preplacement physical examination. All candidates selected for employment who refuse to complete the history section of any preplacement health physical form and/or refuse to submit to medical examination will be denied placement.

### APPOINTMENT

All appointments to vacancies shall be made by the County Manager or department head and/or Elected Official solely on the basis of merit, efficiency, and fitness. These qualifications shall be determined through a careful and impartial evaluation of either or both of the following:

- (A) Applicants' level of work history, prior performance, training, education, and/or physical fitness relative to the requirements of the position; and/or
- (B) The results of an oral interview; and a written exam, if needed.

#### 12.010 TYPES OF APPOINTMENTS

(1) Regular appointment. Regular appointment is any appointment to a vacancy in a budgeted position with no time limit placed upon the length of employment. Such appointments shall include initial appointments, promotions, transfers, and reinstatements. Regular appointments shall be tentative pending successful completion of a trial service period where required by the applicable policies for each such personnel action.

(2) Temporary appointment. Temporary appointment is any appointment to perform work which is temporary in nature. Such appointments may be used for emergencies or other unexpected peak work load periods, for call in and intermittent needs precipitated by the disability of regular staff and for planned or unplanned fluctuations in work.

Temporary appointees may fill budgeted regular positions. Temporary appointment of any individual shall not exceed 180 calendar days in total during a twelve (12) month period. Qualified county employees on layoff status shall be given first consideration for temporary opportunities.

A temporary employee who performs work which is normally done by county employees shall receive a salary which is within the range of salaries normally paid for such work [8.020 (8)].

The Human Resources Department or department head and/or Elected Official shall ensure that each temporary employee meets the minimum qualifications established for the class of work. Any employee who fails to meet such qualifications or who exceeds the 180 calendar day duration limits established by this policy shall be removed.

The temporary employment of an intern, who is enrolled as a student in a bonafide course of study at a college or university, shall be permitted. Conditions of employment including salary, hours of work and length of employment shall be determined by agreement between the county and the college or university. The Human Resources Department shall be notified of all such arrangements.

(3) In-training appointment. Whenever it is in the best interests of the County, the Human Resources Department may approve the in-training appointment of an applicant who does not meet the minimum qualifications for a classification. In such cases, the department head and/or Elected Official shall provide justification for such an appointment and shall establish a training program which will satisfy the deficiency in qualifications within one (1) year or less from the date of appointment. During the training period, the employee shall be compensated at a lower rate than that of the class for which training is being given. At the end of the training period, providing the employee has successfully completed the necessary training, the employee shall be placed on a trial service period in accordance with these policies and shall be placed at the first step of the salary range for the appropriate class. Time spent in training status shall not be credited toward satisfaction of the trial service period. Removal of the employee during the training or trial service period shall be at the discretion of the department head and/or Elected Official.

(4) Acting appointment. Acting appointment is a form of temporary appointment whereby a regular county employee is given assignment in a position in a different classification having the same or higher pay range, to replace another employee, and/or pending the appointment of a regular employee to the position. Such appointments shall not normally exceed six (6) months. The employee shall be paid no less than the minimum step in the higher pay range and shall continue to accrue seniority and other benefits as if assigned to his or her regular classification. Time served in excess of sixty (60) calendar days in a temporary appointment just prior to a regular appointment shall be credited toward satisfaction of the required trial service period provided:

- a) the acting appointment was in the same classification as the regular appointment, and
- b) there has not been more than a fifteen (15) day break in service between the appointments.

An employee so appointed shall be entitled to reappointment to the position previously held upon expiration of the acting appointment.

(5) Contractor. An appointment as a contractor is normally an appointment for a specified period of time and is made where one or more of the following elements of the job is present:

- a) the need for the work is seasonal or intermittent;
- b) the individual works with little or no supervision;
- c) the individual works independently of other employees;
- d) the individual sets his or her own work schedule to accomplish the tasks within prescribed time limits;

The contract executed by the County and the individual will define the work relationship including, but not limited to, duties, wages, approximate hours required and which benefits, if any, are included in the compensation.

#### **12.020 APPOINTMENT FOLLOWING REORGANIZATION OR TRANSFER OF FUNCTION**

Whenever there is a transfer or reorganization of functions within or among departments, provided an employee's position duties and responsibilities are not changed substantially, the employee shall continue in the position previously held prior to such transfer or reorganization.

### **TRIAL SERVICE PERIODS**

#### **13.010 PURPOSE**

Trial service periods are working test periods and shall be an integral part of the selection process and shall be utilized as an opportunity to observe an employee's work, to train and aid the employee in adjustment to his or her position, and to reject any employee whose work performance fails to meet required work standards. The trial service period is also an opportunity for employees to learn how the County operates, determine whether the work is suited to their abilities and whether the County meets their expectations.

#### **13.020 EVALUATION**

The intent of the trial service period as a working test period calls for frequent and clear evaluations which include written feedback to the trial service employee at regular short intervals. There should be not less than two (2) evaluations given to the employee during the trial service period. This evaluation process should include, but is not limited to, a review of primary job duties and responsibilities, including required work standards and an assessment of whether or not the employee is meeting those standards. Forms developed for evaluating trial service employees must be complete and reviewed by and filed with the Human Resources Department.

#### **13.030 TRIAL SERVICE EMPLOYEE INTERNAL APPLICATION**

Trial service employees may apply for other county positions with the approval of their department head and/or Elected Official.

#### **13.040 TIME FRAME**

All initial, promotional, and transfer appointments of regular employees to a different classification, shall be tentative and subject to a trial service period which starts upon the effective date of an appointment.

The trial service period for initial appointment, promotion or reclassification and, where required by these policies, following a transfer, reduction in classification, or reinstatement, shall be the equivalent of six (6) months of full-time employment.

The department head and/or Elected Official may request up to a three (3) month extension of the trial service period by submitting a written request to the Human Resources Department indicating the reasons for the extension.

Time served in excess of sixty (60) calendar days in a temporary appointment just prior to a regular appointment shall be credited toward satisfaction of the required trial service period provided:

1.) the temporary appointment was in the same classification as the regular appointment, and

2.) there has not been more than a fifteen (15) day break in service between the appointments.

In the event an employee is on an unpaid leave of absence for more than ten (10) consecutive work days during a trial service period, the trial service period shall be extended by an amount of time equal to the period of leave.

#### **13.050 TRIAL SERVICE EMPLOYEE TERMINATION**

At any time during the initial trial service period the department head and/or Elected Official may remove an employee whose performance does not meet the required standards and the department head and/or Elected Official shall report the removal and the reasons in writing before the effective date of separation to the Human Resources Department and to the employee concerned. An employee discharged during the trial service period may not use the dispute resolution procedure.

#### **13.060 TRIAL SERVICE REVERSION**

A trial service employee who is removed from the new position for reasons determined by management to be other than misconduct and who was a regular employee in another position in the county immediately prior the new appointment, shall be reinstated in the former position or in one of like status and pay, where qualified. Where reinstatement through reversion is not possible because of the unavailability of the previously held position or one of like status and pay, the department head and/or Elected Official shall declare an individual layoff under Section 14.040 (3).

### **SEPARATION AND REINSTATEMENT**

#### **14.010 GENERAL**

The end of county employment due to voluntary resignation, retirement, reduction in force, and discharge are separations.

Employees who have separated from employment are eligible for reinstatement under this chapter if:

- a) the employee has provided written notice at least ten (10) working days prior to the effective date of a voluntary resignation or retirement,
- b) the employee has not resigned to avoid disciplinary action, and
- c) the employee has a satisfactory performance record.

#### **14.020 EFFECTIVE DATE OF SEPARATION**

Unless otherwise arranged and approved by the Department Head/Elected Official and the Human Resources Department, separations from employment will be effective on the employee's last day of work. To clarify, employees must work on their last day of employment; vacation, comp time, and floating holidays may not be used. All payment due the employee for accrued vacation and compensatory time shall be paid in full on the first payday following separation. For employees enrolled in the county's insured benefits plan (medical, dental), coverage will continue until the last day of the month separation occurs, and those employees will become eligible for continuation of coverage under COBRA rules.

#### **14.030 VOLUNTARY RESIGNATION**

A voluntary resignation should be submitted in writing by the employee to his or her immediate supervisor at least ten (10) working days prior to the effective date of the resignation. In unusual circumstances, the department head and/or Elected Official may waive the two (2) week notification period. Employees are required to contact the Human Resources Department to arrange an exit



interview including consultation regarding benefits continuation rights before the effective date of their resignation. In addition, the following are also considered voluntary resignations:

- (1) Retirement. The County is a member of the federal Social Security System, the Washington Public Employee's Retirement System (PERS), Public Safety Employees Retirement System (PSERS) and the Washington Law Enforcement Officers & Firefighters System (LEOFF).

Employees seeking to draw monthly retirement benefits from DRS must meet appropriate eligibility requirements regarding age and years of service. It is recommended that employees approaching retirement contact DRS between two and six months prior to the intended retirement date.

- (2) Abandonment of position. Employees who are absent from their position for three (3) consecutive working days without notice to their immediate supervisor or who fail to return to work after a leave of absence or who fail to return to work pursuant to a return-to-work plan shall be considered to have abandoned their position and voluntarily terminated their employment with the County unless, in the opinion of the department head and/or Elected Official and Human Resources Department, the failure to notify was clearly beyond the employee's control. Job abandonment occurs on the date specified. The Human Resources Department shall send a notice of presumption of abandonment by certified mail to the last address reflected in the employee's official personnel file within five (5) calendar days of the effective date of abandonment. Personal service of the notice on the employee may be substituted for certified mail.

#### 14.040 REDUCTION IN FORCE

A layoff will be declared when the elimination or reorganization of work, lack of funds, or other legitimate reason causes a reduction in hours or the elimination of one or more occupied positions.

- (1) Identification of layoff unit. The layoff unit shall consist of all positions in the affected job classification within the divisional organization affected by the reduction. In departments which have no division organization the layoff unit shall consist of all positions in the affected job classification within the department.
- (2) Order of layoff. In-training, acting, temporary and trial service period employees within the layoff unit shall be laid off first. Order of layoff between regular employees within the layoff unit shall be determined by considering each employee's job performance, qualifications, classification and job seniority according to procedures prescribed by the Human Resources Department, unless paragraph 3 below is applicable.

Employees shall first be considered for layoff in the following order:

- a) Employees who hold temporary and acting appointments.
  - b) Employees in an initial trial service period.
  - c) Job classification seniority in reverse order. Recently promoted employees who are within the Trial Service Period will be considered for layoff by their pre-promotion classification.
  - d) Job performance and qualifications.
- (3) Exclusions. In certain instances, there may be exceptions made to the order of layoff as outlined above. These exclusions to the established order would be made for specialty positions. A position within a classification may be excluded from a layoff unit as a specialty where; for example:

- a) The specialty position was filled using substantially different qualifications; and
- b) Transfer between the specialty and other positions in the classification does not normally occur; and
- c) Qualification for the specialty position could not be easily obtained through a short orientation or familiarization period.

Other exclusions would also include individual layoffs where one employee may be affected due to circumstances such as:

- Changes in technology
- Redundancy
- Trial Service Reversion (section 13.060)

- (4) Job classification seniority. Job classification seniority, for the purposes of consideration in layoff situations, is the period of unbroken service in the affected job classification and all classifications previously held within the same occupational group. An authorized leave of absence without pay does not constitute a break in service; however, time spent on such leave of thirty (30) consecutive calendar days or more will be subtracted from the seniority computation.
- (5) Transfer in lieu of layoff. Within the affected division, a regular employee who is scheduled for layoff may be offered, in lieu of layoff, a voluntary reduction in classification to a lower level job classification in the employee's occupational group, provided the employee meets the minimum qualifications, can obtain proficiency through a short orientation or familiarization period and has greater job classification seniority and a higher performance evaluation rating than the occupant (if any) of the position in the lower class. Such reductions in classification shall be restricted to occupational groups which are defined and established by the Human Resources Department.
- (6) Notice of layoff. A notice of layoff, signed by the department head and/or Elected Official, shall be given to affected employees at least ten (10) working days prior to the effective date. A copy of each layoff notice shall be provided to the Human Resources Department.
- (7) Placement of laid off employees on layoff register. The names of regular employees who have been laid off (including those who have accepted a reduction in classification) shall be placed on a layoff register for classifications from which the employees were separated.

An employee's name shall remain on the register for one (1) year from the date of layoff. An employee's name may be removed for any of the following reasons:

- a) Reappointment of the employee to his or her former classification.
- b) Notification from employee that they have no further interest in returning to county employment.
- c) Inability to contact the employee by mail at the employee's last address reflected in the employee's official personnel file.
- d) Rejection by the employee of an offer of employment in the same job classification.

#### 14.050 RECALL FROM LAYOFF

First consideration to fill vacancies in county positions shall be given to qualified employees on layoff registers.

#### 14.060 REINSTATEMENT

Reinstated employees will accrue sick leave and vacation based on years of service prior to layoff if reinstated within one (1) year of separation. Previous sick leave accrual balances not paid off in cash will be reinstated. Benefits will be subject to any restrictions or waiting periods imposed by the plan documents.

A reinstated employee who fails to complete any trial service period shall be returned to the layoff register for the remainder of the one (1) year period established by the date of the original layoff.

- (1) Reinstatement to the same classification. A regular or trial service period employee in good standing who is separated may be reinstated to a vacancy in the same classification within one (1) year of separation without competition. Such employees shall:
  - a) Assume the previous classification seniority with anniversary dates adjusted for the time separated.
  - b) Be given regular status only if reinstatement is with the department from which layoff occurred and if regular status had been previously attained. In other instances, a six (6) month trial service period must be served.
- (2) Reinstatement to classification not previously held. An employee who is reinstated from a layoff register to a classification not previously held shall be:
  - a) Required to serve a six (6) month trial service period.
  - b) Given new job classification seniority and anniversary dates.

### **DISPUTE RESOLUTION PROCEDURE**

#### 15.010 DISPUTE RESOLUTION - DEFINITION – LIMITATIONS

Dispute Resolution is defined as a specific challenge raised by an employee concerning the interpretation or application of the provisions of these policies, excepting those matters excluded by any terms of these policies from Dispute Resolution. Any Dispute Resolution which has been submitted, processed and/or decided under any process or in any forum other than that provided for in this chapter shall not be subject to the Dispute Resolution procedures provided in this policy.

#### 15.020 WHO MAY FILE FOR DISPUTE RESOLUTION

Any regular employee may file for Dispute Resolution except that initial trial service employees may not file for Dispute Resolution regarding termination and any employee on trial service may not file for Dispute Resolution regarding removal from that position.

Employees appointed by the Auditor, Assessor, County Clerk, District Court Judge, Superior Court Judge, Prosecutor, Sheriff and Treasurer, who are not members of bargaining units, deputy prosecuting attorneys (in accordance with RCW 36.27.040), and employees employed pursuant to an individual employment agreement may not file for Dispute Resolution concerning termination of employment.

#### 15.030 DISPUTE RESOLUTION PROCEDURE

Before filing a written Dispute, the employee and supervisor should discuss the facts of the incident and applicable personnel policy.

If the employee and supervisor are unable to resolve the matter, the procedure described below shall govern the conduct of the Dispute Resolution process. A written Dispute must be filed within ten (10) working days of the incident on which the Dispute is based. If an employee fails to submit a Dispute in a timely manner or to adhere to the time limits established in the steps below, the employee shall have waived the option of submitting for Dispute Resolution. If an employee does not receive a response within the number of working days outlined in the levels below, the next level in the Dispute Resolution process shall apply. The time limit specified in any of the levels may be extended by mutual agreement. If a Dispute Resolution response is not given to the employee within the time limit, the Dispute Resolution is automatically advanced to the next step. The following procedures govern the conduct of the Dispute Resolution process for regular covered employees:

**LEVEL I.** The written Dispute shall be submitted to the employee's supervisor. The Dispute shall set forth the facts of the incident, the sections of personnel policies alleged to be violated, and the remedy requested. A meeting to discuss the Dispute shall be held within ten (10) working days and within ten (10) working days thereafter the supervisor shall provide a written answer to the Dispute. If the department head and/or Elected Official is the employee's immediate supervisor, the Dispute Resolution shall be initiated at Level II.

**LEVEL II.** If the Dispute Resolution is not resolved at Level I, the Dispute Resolution shall be presented to the department head and/or Elected Official within ten (10) working days of the supervisor's answer. A meeting to discuss the Dispute shall be held within ten (10) working days and within ten (10) working days thereafter the department head and/or Elected Official shall provide a written answer to the Dispute.

**LEVEL III.** If the Dispute Resolution is not resolved at Level II, the Dispute Resolution shall be presented to the County Manager within ten (10) working days of receipt of the department head's and/or Elected Official's answer. Upon receipt of the appeal, the County Manager will notify the Department Head or Elected Official with responsibility and a meeting with the County Manager shall be held within five (5) working days, and within ten (10) working days thereafter the County Manager shall provide a written answer to the Dispute.

**LEVEL IV.** If the Dispute Resolution is not settled at Step III, the employee may refer the Dispute Resolution to an impartial arbitrator by giving a written request for arbitration to the Human Resources Department within ten (10) working days of receipt of the written Level III response to the Dispute Resolution. Upon receipt of the written request, the Human Resources Department will notify the appropriate Department Head or Elected Official.

If the written request for arbitration is not given to the Human Resources Department within the ten (10) working days, the right to refer the Dispute Resolution to arbitration is waived. The County and the employee shall first attempt to select an arbitrator by agreement.

If no agreement is reached on an arbitrator, the employee or County may request the Washington Arbitration & Mediation Service to provide a panel of seven (7) arbitrators residing in the Puget Sound area. The County and employee shall alternatively strike names of arbitrators until one arbitrator's name is left, who shall be the arbitrator; provided, however, that the County may reject an arbitrator who resides outside the Puget Sound area and may then request another panel of arbitrators from the Washington Arbitration & Mediation Service. The order of striking names shall be determined by the flip of a coin. The arbitrator shall have no right to amend, modify, ignore, add to, or subtract from the county's Personnel Policies. The arbitrator shall submit the arbitration decision within thirty (30) days following submission of post-hearing briefs. The decision of the arbitrator shall be final and

binding. The County shall pay the expenses of the arbitrator. All other costs incurred by a party shall be paid by that party.

#### 15.040 ELECTION OF REMEDY

Taking a Dispute appeal to arbitration constitutes an election of remedies and a waiver of all rights by the appealing employee to litigate or otherwise contest the appealed subject matter in any court or other available forum. Likewise, litigation or other contest of the subject matter in any court or other available forum shall constitute an election of remedies and a waiver of right to arbitrate the matter.

## **STANDARDS OF CONDUCT AND EMPLOYEE PROGRAMS**

#### 16.010 EMPLOYEE RESPONSIBILITIES

##### Purpose.

The orderly and efficient operation of county government requires that employees accept certain responsibilities. Personal standards of conduct as well as standard operating procedures are necessary to protect the health and safety of all employees, to maintain uninterrupted service and to protect the county's property.

##### Standards of conduct.

The County expects that certain standards of conduct will be maintained by county employees. Failure to follow such standards may result in disciplinary action. department heads and/or Elected Officials may establish additional standards appropriate to their organization. Such additional standards of conduct shall be submitted to the Human Resources Department and County Manager for review prior to taking effect. An employee may be disciplined, up to and including termination, for violating any personnel policy, for any of the following acts of misconduct, or for any other justifiable reason. The prohibited types of conduct below are examples only and are not intended to include all offenses which will subject a person to the described penalties. Conduct not listed will result in penalty which is the same as that established for listed conduct which is similar in nature and seriousness.

Note that this list is not intended to be exhaustive. Employees shall refrain from:

##### GROUP 1:

- (1) Wearing inappropriate dress.
- (2) Use of any identification or garments provided by the County while engaging in any activity other than county employment without the consent of the supervisor.
- (3) Acceptance of any gratuity for services performed as a part of county employment, or for not performing said duties.
- (4) Use of county electronic equipment for personal use except in case of necessity.
- (5) Negligent violation of safety rules or safety practices.
- (6) Excessive absenteeism or tardiness.
- (7) Gambling, lottery, or any other game of chance on county premises.
- (8) Soliciting or collecting contributions or permitting another person to do so for any purpose on county time without permission of management.
- (9) Failing to report promptly to his or her immediate supervisor when unavailable for work.
- (10) Failing to deal with the public, county officials and other county employees in a courteous and professional manner; engaging in impolite or rude language or behavior; or making false or malicious statements about another county employee.
- (11) Restricting or interfering with the work of others.

- (12) Smoking in prohibited areas on county property or offices and in any county vehicle or equipment as posted.

#### GROUP II:

- (1) Greater than de minimis use of county vehicles for other than county business during or outside regular hours, unless specifically authorized.
- (2) Incompetence or failure to meet job performance standards, or neglect of duty.
- (3) Creation of hazards of fire, safety or health.
- (4) Reporting for work while under the influence of intoxicants or controlled substances.
- (5) Disclosing confidential information.
- (6) Failure to follow safety regulations, including failure to properly utilize personal protective equipment, or to immediately report to his or her supervisor safety hazards, accidents or injury.
- (7) Engaging in soliciting while on duty.
- (8) Engaging in political activity while on duty.
- (9) Using county resources to conduct outside business activities or for the benefit of any outside individual or business.

#### GROUP III:

- (1) Possession of intoxicants or controlled substances while on duty.
- (2) Willful or grossly negligent violation of safety rules or safety practices.
- (3) Possession of illegal weapons on county property.
- (4) Insubordination.
- (5) Negligent damage to county property.
- (6) Violating county discrimination, harassment, anti-bullying or workplace violence policies or rules whether directed against another employee, a citizen or a visitor.
- (7) Failing to accurately record hours worked and/or leave taken on timesheet.

#### GROUP IV:

- (1) Willful destruction or damage of county property, tools, machines, equipment, or property of fellow employees in any manner.
- (2) Theft of property of the county or of other employees.
- (3) Falsifying records or application for employment, or knowingly giving false information to supervisors, employees, or others.
- (4) Absence from work without notifying the county, or failure to return upon expiration of leave of absence.
- (5) Gross neglect of duty.
- (6) Gross insubordination.
- (7) Sale or use of intoxicants or controlled substances while on duty.
- (8) Use of intoxicants or controlled substances while on county premises.
- (9) Fighting.
- (10) Dishonesty; moral turpitude.
- (11) Conviction of a crime that is job related or could have an adverse impact on an employee's job responsibilities.

#### Progressive Discipline.

The purpose of progressive discipline is to place an employee on notice that conduct is unacceptable and to provide an opportunity to modify behavior. Successively more serious consequences are imposed for successive incidents involving any prohibited conduct, not just in cases of repetition of the same prohibited conduct. Progressive discipline does not apply to Group IV cases.

- GROUP I: At the first instance of a Group I violation, managers will discuss the incident with the employee and document the discussion with a Verbal warning. Verbal reprimands are not discipline and are not placed in the employee's personnel file unless the inappropriate behavior continues and the manager then moves to:  
2nd Offense: Written reprimand  
3rd Offense: Final Written reprimand  
4th Offense: Termination of employment
- GROUP II: 1st Offense: Written reprimand  
2nd Offense: Final Written reprimand  
3rd Offense: Termination of employment
- GROUP III: 1st Offense: Final Written reprimand  
2nd Offense: Termination of employment
- GROUP IV: 1st Offense: Termination of employment

The issuance of verbal and written reprimands are not subject to the Dispute Resolution procedure contained in these policies, provided that written warnings or reprimands may be reviewed by the Human Resources Department at an employee's request.

## 16.020 PERFORMANCE EVALUATION

### Process.

The performance evaluation process is intended to improve productivity, job satisfaction, and skills development through communication and goal setting between supervisors and employees. Because of the wide diversity of jobs in the County, no single format for performance evaluation is mandated. Evaluations should be made no less frequently than annually. Evaluations must be based upon position-specific performance elements. Evaluation standards should be developed in conjunction with employees and should be reviewed by the Human Resources Department. Performance evaluations must meet the following criteria: must be written, must indicate clearly whether overall performance is satisfactory or unsatisfactory, must include a review of primary job duties and responsibilities including work standards and whether or not the employee is meeting those standards, must provide for employee feedback, must attempt to maximize face to face communication between the employee and supervisor, must include specific goals and objectives for the upcoming review period, and must include specific measures to be taken to correct unsatisfactory performance.

Completed performance evaluations are filed in the employee's official personnel file in the Human Resources Department. Performance evaluations may be viewed there in the presence of a Human Resources Department representative by a person having a job-related need to know and shall not be copied. Contents of an employee's performance evaluation are not subject to the Dispute Resolution procedure.

### Results.

Performance evaluation results may be used to determine salary adjustments, to determine whether or not to grant an unpaid leave of absence, to determine employee training and development needs or opportunities, to select employees for promotion, layoff, recall from layoff or out-of-class assignments and to substantiate other employment actions.

### 16.030 NEPOTISM

Applicants and current employees shall not receive a regular appointment to positions in the same department where a relative is already employed if any of the following conditions exist:

- (1) One member would have the authority or practical power to supervise, hire, remove or discipline the other;
- (2) One member would be responsible for financially auditing the work of another;
- (3) One member would handle confidential material which might create the appearance of improper or inappropriate access to that material by the other.
- (4) Where such appointment has the potential for creating an adverse effect on supervision, safety, security, or morale, or involves potential conflicts of interest.

For purposes of this policy, the term “relative” encompasses spouses (or spousal equivalent in a co-habitation situation), domestic partners as defined by RCW 26.60.030, a parent/child relationship (including in-laws or step); grandparent/grandchild; siblings (including in-laws or step); nieces and nephews; and any other relative residing in the same household as the employee.

If two current employees become relatives, and in the County’s judgment, the potential problems noted above exist or reasonably could exist, the County may in its discretion determine that only one of the employees will be permitted to stay with the County, unless appropriate changes can be made by the County to eliminate the potential problem. In such case, the decision as to which employee will remain with the County must be made by the two employees within ninety (90) calendar days of the date they marry, become related, or become domestic partners. If no decision is made during this time, the County reserves the right to terminate either employee.

### 16.040 CONFLICT OF INTEREST

No county employee may engage in any occupation or outside activity which is incompatible with the proper discharge of official county duties or which would impair or appear to impair independence of judgment or action in the performance of official county duties (RCW 42.52 Ethics in Public Service).

No county employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal award or any award if the individual has a real or apparent conflict of interest.

### 16.050 SAFETY

Every employee is responsible for maintaining a safe work environment and following the County’s safety policies. Employees must promptly report all unsafe or potentially hazardous conditions to the employee’s supervisor. The County will make every effort to remedy problems as quickly as possible.

Current employees who pose a direct threat to the health or safety of themselves or other individuals in the workplace will be placed on leave until an organizational decision has been made in regard to the employee’s immediate employment situation. If an employee endangers other employees or the public, the action may result in immediate disciplinary action up to and including termination.

Employees who are provided safety clothing or equipment for their personal protection are required to wear or utilize it in accordance with applicable regulations. Failure to do so may result in disciplinary action up to and including termination. Additionally, individual departments may promulgate policies or procedures to address any safety issues unique to that work group, and employees must observe those policies or procedures as outlined in the Standard Operating Procedures.



If an employee is injured while on the job, no matter how minor, the employee shall immediately notify their supervisor, department head or Human Resources about the injury. The supervisor should promptly complete appropriate forms, such as a County Accident Report and OSHA 301 report.

The County retains the right to inspect employees' lockers, work areas, desks, packages, computers and other work equipment and tools when there is a concern for the safety or security of County employees and/or members of the public. County employees have no expectation of privacy in furnishings or equipment provided to employees by the County, including but not limited to desks, lockers, work areas, computers, equipment and tools.

San Juan County has a six-member Safety Committee comprised of three non-management members, elected by their peers for one-year terms, with one member from the Department of Public Works and two representing all other county departments. The County Council appoints two management members in addition to the Safety Officer with one appointed every year. The Committee elects a chairperson who cannot be the Safety Officer and conducts its business consistent with WAC 296-800-13020. The Safety Officer provides support and information to the Committee as necessary.

Appointed Safety Committee members serve two year terms except for the Safety Officer and represents the interests of all departments on the Safety Committee and serves as liaison for information from or about the particular department(s) they represent. Every member has an obligation to become informed about safety matters, to be prepared for and to attend safety meetings during working hours, and to be willing to reasonably listen to the concerns of other employees about safety and relay the same to the committee at the earliest appropriate meeting.

#### 16.070 DISCHARGE PROCEDURE

The Human Resources Department will advise and assist department heads and/or Elected Officials in the handling of all terminations and shall conduct or assure that a pre-termination hearing is conducted if required by law. Department heads and/or Elected Officials will submit all contemplated discharges of employees to the Human Resources Department and the County Manager for review **prior** to taking action. When deemed necessary, Employees may be asked to leave work area without any prior notice. Employees must promptly return any property not located at the work site including public records.

## RECORDS AND REPORTS

#### 17.010 PERSONNEL RECORDS

(A) Central employee records depository in personnel. The Human Resources Department shall establish and maintain a personnel records system with a central depository in the Human Resources Department, which shall include a copy of each employee's application, the job title under which the employee is employed, the rate of pay, date of employment, the departmental assignment, reports of all personnel actions including disciplinary actions, commendations, performance evaluations, employment history and such other records, reports or information as deemed pertinent.

(B) Department files. Individual departments are authorized to maintain supplementary personnel files for the conduct of day-to-day business, including performance evaluations, disciplinary action, commendations, training and development records.

(C) Employee responsibility. All employees shall be responsible for notifying the Human Resources Department of any changes which may affect their personnel records (such as: changes in address, telephone number, marital status or dependents).

#### 17.020 REPORTS OF PERSONNEL ACTIONS

Every appointment, transfer, promotion, reduction in classification, termination, separation, suspension, leave of absence, change of pay rate or other short or long-term change in an employee's status shall be reported to the Human Resources Department in writing in the manner, time, form and method prescribed by the Human Resources Department.

#### 17.030 CONFIDENTIALITY OF PERSONNEL RECORDS AND FILES

Except as otherwise required by law, each employee's personnel records shall be confidential, shall remain in the personnel office and shall not be open to inspection by any person other than the employee, the employee's immediate supervisor, a prospective hiring supervisor, the employee's department head and/or Elected Official, Human Resources Department staff or the County Manager in the conduct of personnel administration, unless the employee consents in writing to other inspection.

Any employee who fails to maintain the confidentiality of personnel or departmental records and files (excluding their own file) shall be subject to disciplinary action, up to and including termination.

Each employee shall have access, with advance notice, to his or her personnel records or to any information pertaining to the employee which is maintained by the Human Resources Department during normal office hours. Employee's may ask that certain documents be removed so long as it does not violate county policy or local, state or federal laws or regulations.

- (A) Exempt from public disclosure. Personnel records and files specifically exempt from public disclosure by law shall be considered confidential and shall not be subject to public disclosure.
- (B) Subpoena or court order. The County may release any employee's personnel records in response to a subpoena or court order. The County shall promptly send written notice to the employee and his or her supervisor whose records are sought at the last address recorded in the employee's official personnel file.

#### 17.040 PUBLIC RECORDS

Such personnel records and files not specifically exempt from public disclosure by statute or not confidential under 17.030 shall be open to inspection by interested parties during normal office hours and in accordance with such procedures as the Human Resources Department may provide. Copies of public records shall be provided upon request at no more than the actual cost as determined by the Human Resources Department. For the purposes of these policies, public records shall include:

- (A) Human Resources Department policies and procedures;
- (B) Human Resources Department budget and program plans;
- (C) County classification and compensation plans;
- (D) Completed and approved factual staff reports and studies;
- (E) Collective bargaining agreements;
- (F) Such other documents, records and reports as the Human Resources Department may determine are subject to public disclosure.

Pursuant to RCW 42.56.070, the Human Resources Department may delete details to the extent required to prevent invasion of personal privacy when it makes available or publishes any public record.

#### 17.050 VERIFICATION OF EMPLOYMENT AND OTHER REFERENCES

(A) Verification of employment. It is the policy of the County that only the Human Resources Department shall respond to requests for verification of employment of current and former employees and that only the following information shall be provided, unless the employee has provided written consent to provide specific additional information:

- The employee's full name;
- Dates of employment;
- Employment status;
- Classification job title and pay range; and
- Department and division worked for.

(B) Reference requests. All requests for a personal reference on a current or former County employee should be directed to the Human Resources Department.