

DOUGLAS COUNTY



PERSONNEL POLICIES
(Revised Through February 10, 2021)

DOUGLAS COUNTY INDEX

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CHAPTER 4.01 - PURPOSE AND SCOPE OF PERSONNEL POLICIES

Sections:

- 4.01.010 Purpose
- 4.01.020 Employment "At Will"
- 4.01.030 Amendment of Policies
- 4.01.040 Employer Rights
- 4.01.050 Federal and State Laws and Collective Bargaining
- 4.01.060 Departmental Policies
- 4.01.090 Pilot Programs
- 4.01.100 Severability

4.01.010 Purpose. It is the purpose of the personnel policies in this Title to provide basic statements of policy. It is the intent of these policies that they be interpreted as a reasonable approach to personnel matters, and that they be considered as an integrated set of working procedures rather than each chapter, section, sub-section, sentence, phrase or word being interpreted in isolation and out of context. The policies in this Title are published to inform employees, supervisors, and administrators of the basis upon which the County shall conduct a comprehensive system of personnel management.

4.01.020 Employment "At Will". Except for those employees covered by Civil Service commission rules or a collective bargaining agreement, employment with the County is "**AT WILL.**" Nothing in this Title or its application to any person or circumstances, nor any specific guideline, policy or action by the Board or any Department Head, shall constitute or be construed to create a contract of employment or tenure. This Title is intended solely for the general 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.

4.01.030 Amendment of Policies. It shall be the duty of the Prosecuting Attorney to review any proposed modifications of these policies with Department Heads and elected officials. Policies may be modified at any time and such proposed modifications shall become effective only upon adoption by the Board.

4.01.040 Employer Rights. The County reserves any and all 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 against any employee, up to and including termination; relieve employees from duty because of lack of work, lack of funds, reorganization, or for other reasons as may be determined by the Board; maintain the efficiency of governmental operations; establish work guidelines, performance standards and attendance standards; 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.

4.01.050 Federal and State Laws and Collective Bargaining. The policies in this Title shall not supersede any federal or state laws, Civil Service Commission rules, or collective bargaining agreements.

4.01.060 Departmental Policies. It is recognized that each Department within the County may have unique duties and functions. A Department may adopt departmental personnel policies that supplement the policies set forth in this Title, after review by the Prosecuting Attorney and subject to final authorization by the Board. No departmental personnel policies may contravene the policies in this Title, any federal or state law, Civil Service Commission rules, or collective bargaining agreements.

4.01.090 Pilot Programs. The County may from time to time choose to implement pilot programs, subject to final approval by the Board. These pilot programs will be an effort to enhance communications, benefits or other areas in which programs may be offered to County employees in an effort to make the County an "employer of choice". These programs will not be permanent and shall not set precedent or establish an enforceable practice.

4.01.100 Severability. If any provision of this Title or its application to any person or circumstances is held invalid, the remainder of this Title or the application of such provision to other persons is not affected.

CHAPTER 4.02 - DEFINITIONS

Throughout this Title, the following terms shall have the following meaning. Terms defined in the body of the policies are not defined in this section.

- A. Accrual period. The month during which leave benefits are calculated.
- B. Board. The Douglas County Board of County Commissioners.
- C. Class. One or more positions sufficiently similar with respect to duties and responsibilities where all of the following apply:
 - (a) the same descriptive title may be used to designate each position in each class;
 - (b) the same general qualification requirements are needed for performance of the duties of the class;
 - (c) the same tests of fitness may be used to select employees; and
 - (d) the same schedule of pay may be applied to positions in the class under the same or substantially similar working conditions.
- D. 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.
- E. Continuous service. The period of employment from the last date of hire by the county until such time as there is an interruption in the employment relationships such as a voluntary resignation, termination or layoff. Interruptions resulting from an approved leave without pay in excess of ninety (90) calendar days will shorten the continuous service time by the length of leave without pay beyond the ninety (90) calendar days.
- F. County. Douglas County.
- G. Demotion. The change of an employee from one class to another class which has a lower pay rate.
- H. Department Head(s). The following appointed and elected officials and positions are each designated as a Department Head:

<u>Department</u>	<u>Department Head</u>
Administration/Human Resources	County Administrator
Assessor's Office	Assessor
Auditor's Office	Auditor
Clerk's Office	Clerk
Commissioners' Office	Board
Developmental Disabilities	Director

District Court	District Court Judge
Juvenile Probation	Administrator
Maintenance	Supervisor
Management Information Services	Director
NCW Behavioral Health (Lead Agency)	Administrator
NCW Fair	Manager
Prosecuting Attorney's Office	Prosecuting Attorney
Sheriff's Office	Sheriff
Solid Waste Department	Director
Superior Court	Superior Court Judge
Transportation and Land Services	Administrator
Treasurer's Office	Treasurer

- I. Disciplinary action. An action taken for the purpose of addressing inappropriate employee performance or behavior.
- J. Division. An organization, section or unit reporting directly to a department head, or other organization unit determined by a department head.
- K. FLSA exempt. An elected or appointed position which according to the Fair Labor Standards Act (FLSA) is not covered by the minimum wage and overtime provisions of the act. The following positions are FLSA exempt:

<u>Administration/Human Resources</u>	County Administrator
	Human Resources Officer
	Risk and Records Manager
<u>Assessor's Office</u>	Assessor (elected)
	Administrative Assistant
<u>Auditor's Office</u>	Auditor (elected)
	Chief Accountant
<u>Board of Commissioners</u>	Commissioner (elected)
	Clerk
<u>Clerk's Office</u>	Clerk (elected)
	Chief Deputy Clerk
<u>Coroner</u>	Chief/Deputy Coroner
<u>Developmental Disabilities</u>	Director
<u>District Court</u>	District Court Judge (elected)
	Court Administrator
<u>Juvenile Probation Department</u>	Administrator
<u>Management Information Services</u>	Director
<u>NCW Behavioral Health (Lead Agency)</u>	Administrator
<u>NCW Fair</u>	Manager
<u>Prosecuting Attorney's Office</u>	Prosecuting Attorney (elected)
	Chief Deputy Prosecuting Attorney
	Sr. Deputy Prosecuting Attorney
	Deputy Prosecuting Attorney

<u>Sheriff's Office</u>	Office Administrator Sheriff (elected) Undersheriff
<u>Solid Waste Department</u>	Director
<u>Superior Court</u>	Superior Court Judge (elected) Superior Court Administrator
<u>Transportation and Land Services</u>	Administrator County Engineer Assistant County Engineer Land Services Director County Surveyor Building Official
<u>Treasurer's Office</u>	Accounting Manager Treasurer (elected) Chief Deputy Treasurer

- L. FLSA non-exempt. An employee who according to the Fair Labor Standards Act (FLSA) is covered by the minimum wage and overtime provisions of the act.
- M. Full-time employee. An employee, other than a temporary employee, who works a regular schedule of at least 173.33 hours per month.
- N. 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.
- O. Minimum qualifications. The training, education, knowledge and abilities established for a given class.
- P. Nepotism. The exercise of preferential treatment based upon familial relationship.
- Q. Official personnel file. All records, reports and data concerning each employee's work history, including records maintained by Human Resources and the Auditor, except as authorized by the Board or as may be required by law to be segregated.
- R. Part-time employee. An employee, other than a temporary employee, who works a schedule of less than forty (40) hours per week, but one hundred (100) hours or more per month.
- S. Pay range. The rate(s) of pay assigned to a classification pay plan.
- T. Policies or personnel policies. The provisions of this Title.

- U. Position. A number of duties intended to be performed by one employee, which are assigned to the county classification system and for which a salary is authorized.
- V. Promotion. The change of an employee from one class to another class having a higher pay rate.
- W. Reclassification. The change of a position from one classification to another classification.
- X. Red circle. A circumstance where an employee is left in a pay range at a rate of pay, above the maximum for the class. This action may be authorized for an employee for a period not to exceed one year during which further pay increase may not be granted. At the end of the one year period, the employee's pay shall be reduced if it continues to exceed the maximum.
- Y. Reduction in force-layoff. The separation of an employee from the County resulting when the elimination or reorganization of work or the lack of funds causes a reduction in hours or the elimination of one (1) or more occupied positions. The authorized replacement of one employee by another employee that arises in accordance with these policies may also be considered a reduction in force-layoff.
- Z. Regular employee. A person holding a regular budgeted, classified position, either part-time or full-time, on a regular, year-round basis.
- AA. Reprimand. An oral or written statement to an employee, of formal discipline, for inappropriate behavior or action or an infraction of the standards of conduct.
- BB. Step. An established rate of pay within a pay range to which a job classification is assigned.
- CC. Step adjustment date. The date of assignment to an employee's current position and pay range unless adjusted by the provision of these policies. Step adjustments, when authorized, are effective on the first working day of the following month. For an employee who starts employment on or between the first and the fifteenth day of the month, the first of that month shall be the step adjustment date. For an employee who starts employment on or between the sixteenth day and the last day of the month, the employee's step adjustment date shall be the first day of the following month. The step adjustment date applies for payroll eligibility purposes and employee seniority, unless contract provisions provide otherwise.
- DD. Supervisor. An individual having substantial and recurring responsibility on behalf of management to participate in the performance of several of the following functions: recommend to hire, promote, transfer, evaluate

performance, suspend, terminate, adjudicate grievances, approval of sick leave, vacation leave or overtime, changes in job priorities and duties, and changes in priority of work.

- EE. Suspension. An interim removal of an employee from active service, with or without pay, for a specified period of time for disciplinary or investigatory reasons.

- FF. Temporary Employee. An employee who works less than one hundred (100) hours per month, or who works seasonally, or who works for less than six (6) months per calendar year, or who works in a budgeted position having less than twelve (12) months duration. This definition shall not affect eligibility for participation in PERS, according to its eligibility rules and regulations. Temporary employees are not eligible for participation in County benefit programs and do not receive paid holidays and accrue paid leave, except paid sick leave as provided by state revised code of Washington. (RCW 49.46.200).

- GG. Transfer. The change of an employee from one position to another position with the same pay rate.

(DCC Chapter 4.02 amended 12/19/2017, Resolution CE 17-54 and TLS 17-59; 8/1/2017, Resolution CE 17-31 and TLS 17-36; 10/25/2016, Resolution CE 16-40 and TLS 16-41; 12/08/20, Resolution CE 20-82 & TLS 20-66, CE 21-04)

CHAPTER 4.03 - GENERAL POLICIES

Sections:

- 4.03.010 Non-Discrimination and Equal Employment Opportunity
- 4.03.020 Affirmative Action
- 4.03.030 Sexual Harassment
- 4.03.040 Smoke Free Environment (Clean Indoor Air Act)
- 4.03.050 Controlled Substances and Alcohol (Drug Free Workplace)
- 4.03.060 Political Activity
- 4.03.070 Violence in the Workplace
- 4.03.080 Whistle Blower Protection

4.03.010 Non-Discrimination and Equal Employment Opportunity.

(1) It is the policy of the County that no person shall be subjected to harassment, retaliation, sexual harassment, or discriminated against in this organization or by its contractors because of race, color, national origin, sex, age, equal pay/compensation disparities, religion, creed, genetic information, marital status, pregnancy, families with children, domestic violence victim status, sexual orientation, gender identity, honorably discharged veteran or military status, political affiliation, or the presence of any physical, mental, or sensory disabilities, or due to the use of trained dog guide or service animal by a person with a disability as defined by state RCW and federal law.

(2) Methods of Administration. The County will not discriminate on the grounds of race, color, national origin, sex, age, religion, creed, genetic information, marital status, families with children, domestic violence victim status, sexual orientation, gender identity, honorably discharged veteran or military status, political affiliation, pregnancy, equal pay/compensation, retaliation, harassment or sexual harassment, or the presence of any physical, mental, or sensory disabilities or the use of a trained dog guide or services animal by a person with a disability, except as may be provided by law.

(3) Recruitment and Employment Practices. Recruiting and employment practices and activities, including hiring, performance evaluation, promotion, training and career development, will be conducted on a basis that does not discriminate because of race, color, national origin, sex, age, religion, creed, family medical history or genetic information, marital status, familial status, domestic violence victim status, sexual orientation, gender identity, honorably discharged veteran or military status, political affiliation, equal pay/compensation, or the presence of any physical, mental, or sensory disabilities, except as may be provided by law.

(4) Responsibilities of Employer. The overall responsibility for the implementation of and adherence to this Non-Discrimination Policy and Plan herein lies with the Board, elected officials, and the Department Heads.

- a) The Board of County Commissioners shall:

- I. Administer the Non-Discrimination Policy;
 - II. Administer the Internal Discrimination Complaint Procedure;
- b) Elected Officials and Department Heads shall:
- I. Inform staff of the Non-Discrimination Policy including complaint procedures;
 - II. Apprise the public of the County's Non-Discrimination Policy and discrimination complaint procedures;
 - III. Ensure that the Prosecuting Attorney and Human Resources are immediately notified whenever a notice of an investigation, compliance review or other inquiry is received from a civil rights enforcement agency.
- c) Human Resources shall:
- I. Provide copies of the Non-Discrimination Policy to all other interested parties;
 - II. Investigate and resolve complaints alleging discrimination;
 - III. Conduct periodic reviews of the County's programs for compliance of this Policy;
 - IV. Provide or locate technical assistance for administrators, supervisors, and staff on matters relating to this Policy;
 - V. Provide assistance and review information requests when investigations are being conducted by other civil rights enforcement agencies.

(5) Complaint Procedures.

a) Internal Complaints -

- I. All persons are encouraged to use this Internal Discrimination Complaint Procedure whenever it is believed discrimination has occurred during employment within the County.
- II. Retaliation against a person who files a complaint or assists in the investigation of a complaint is prohibited.
- III. All discrimination complaints should be delivered to Human Resources, 140 NW 19th St, East Wenatchee, WA 98802, within six (6) months after the act

of discrimination. For other timelines see External Complaints. The complaint should identify the perpetrator(s), victim(s), and the circumstances and date(s) of the alleged discriminatory act, together with the basis of the discrimination (race, creed, religion, color, national origin, age, sex, marital status, disability, etc.).

- IV. Douglas County Elected Officials and employees will follow the established grievance procedure of this Title when a complaint is filed.
- V. Findings are to be determined from the merits of each complaint and appropriate corrective action is to be taken promptly. All employees will cooperate with the individuals carrying out these responsibilities.
- VI. Use of the internal grievance policy process will not suspend any time limitations for filing complaints that are set by law, rule or regulation.

b) External Complaints - The rights of employees and the public are also protected through the remedies available under the Washington State Laws Against Discrimination, RCW Chapter 49.60, and the U.S. Civil Rights Act of 1964. In order to secure rights under RCW Chapter 49.60 a complaint must be filed directly with the Washington State Human Rights Commission within 6 months after the discriminatory act. A complaint may also be filed U. S. Equal Employment Opportunity Commission within sixty (60) days. Time limitations, may under certain circumstances be extended.

Washington State Human Rights Commission
Website: <https://www.hum.wa.gov/file-complaint>

US Equal Employment Opportunity Commission
Website: <https://www.eeoc.gov/employees/charge.cfm>

c) In addition, complaints may be filed with the office for Civil Rights, U. S. Center of Health and Human Services within 180 days after the date of the discriminatory act for the following types of complaints of discrimination:

- I. Discrimination on the basis of disability in employment (Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990);
- II. Pattern and practice discrimination on the ground of race, color, national origin or sex in employment (Title VII of the Civil Rights Act of 1964);
- III. Discrimination on the basis of age in the provision of services (The Age Discrimination Act of 1975).

Time limitations may, under certain circumstances, be extended beyond 180 days.

US Department of Health & Human Services

Website: <https://www.hhs.gov/civil-rights/filing-a-complaint/index.html>

(DCC 4.03.010, amended 10/25/2016, Resolution CE 16-40 and TLS 16-41; 12/08/20, Resolution CE 20-82 and TLS 20-66)

4.03.020 Affirmative Action. The policy of Douglas County is to encourage and support diversity in the work place.

4.03.030 Sexual Harassment. Sexual harassment in the workplace is unacceptable conduct and will not be tolerated or condoned by the County.

(1) Sexual harassment includes unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature. Sexual harassment will be regarded as a violation of this policy when: (a) submission to such conduct is made a condition of employment, or (b) submission to or rejection of such conduct is used as the basis for employment-related decisions such as promotion, performance evaluation, pay adjustment, discipline, work assignment, etc., or (c) such conduct otherwise interferes with work performance or creates an intimidating, hostile, or offensive work environment.

A. Sexual harassment can occur in a variety of circumstances, including but not limited to the following:

- i. The victim as well as the harasser may be a woman or a man. The victim does not have to be of the opposite sex.
- ii. The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a non-employee.
- iii. The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.
- iv. Unlawful sexual harassment may occur without economic injury to or discharge of the victim.
- v. The harasser's conduct must be unwelcome

(2) Any employee who feels that he or she has been sexually harassed has an obligation to notify his or her supervisor, Department Head, or the Prosecuting Attorney.

(3) All complaints of sexual harassment will be promptly and thoroughly investigated. The specific action taken in any particular case depends upon the nature and gravity of the conduct reported, and may include intervention, mediation, investigation and initiation of grievance and/or disciplinary actions. Where sexual harassment is found to have occurred, the County will act to stop the harassment, act to prevent its recurrence, and discipline those responsible.

(4) Complaints are confidential. To the extent reasonably possible, all persons involved in the investigation and resolution of a complaint, or otherwise involved in the

implementation of this policy, shall respect and maintain the confidentiality and privacy of individuals reporting or accused of sexual harassment. The County may be required by law to disclose information as part of a legal proceeding or in the event disclosure is required by a manifest interest in protecting the rights or safety of others.

(5) Retaliation against an individual for opposing employment practices that discriminate based on sex or filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or litigation will not be tolerated. However, false reporting and intentionally providing false information may be grounds for discipline.

(DCC 4.03.030, amended 12/08/20, Resolution CE 20-82 and TLS 20-66)

4.03.040 Smoking and Tobacco Free Environment. Smoking, the use of any and all tobacco products, and the use of e-cigarettes and other tobacco-free smoking devices are prohibited within all enclosed County premises and in County vehicles. Smoking, the use of tobacco products, and the use of e-cigarettes and other tobacco-free smoking devices are permitted only in outdoor areas that are located away from flammable materials and away from doorways, windows, and ventilation systems as provided by Washington law. Expectoration of tobacco products is prohibited within all buildings, vehicles, on any sidewalk, public water fountains and floors of any County premises or vehicle.

(DCC 4.03.040, amended 02/17/15, Resolution CE 15-07 and TLS 15-07; amended 05/08/01, Resolution 01-60)

4.03.050 Controlled Substances and Alcohol (Drug Free Workplace).

(1) Purpose.

a) Illegal drugs in the workplace are a danger to us all. They impair safety and health, promote crime, lower productivity and quality, and undermine public confidence in the work we do. The County will not tolerate the illegal use of drugs in the workplace. Under the federal Drug-Free Workplace Act, in order for this County to be considered a “responsible source” for the award of federal contracts, the County has developed this policy.

b) The use and abuse of alcohol and the abuse of legal drugs in the workplace are also a danger to us all. The County will not tolerate the use and abuse of alcohol and the abuse of legal drugs in the workplace.

(2) Applicability. Any location at which County business is conducted is declared to be a drug-free workplace.

(3) Definitions.

“Legal drugs” are legally prescribed drugs and over-the-counter medications, used according to the directions. Cautionary statements regarding driving or use of machinery must be strictly observed. It is the responsibility of each employee to notify his or her supervisor if a prescribed drug and/or medication will or may cause an adverse effect on his or her ability to work or threaten the safety of others.

“Illegal drugs” are any drugs or controlled substances defined as illegal by the U.S. Drug Enforcement Agency, the Washington State Board of Pharmacy as defined in RCW 69.50, as well as so-called “designer drugs” not approved for medical use by the U.S. Drug Enforcement Agency or the U.S. Food and Drug Administration.

“Workplace” means any location at which or during which County duties are performed by an elected official or employee. “Workplace” includes, without limitation, all county facilities, county vehicles, personal vehicles while being used in the course of performing County duties, hearings and meetings attended as a representative of the County, and any other location where County duties are performed by an elected official or employee.

(4) Prohibited Conduct. All elected officials and employees are absolutely prohibited from unlawfully manufacturing, distributing, dispensing, possessing, or using illegal drugs in the workplace. The following is a partial list of illegal drugs:

- Narcotics (heroin, morphine, etc.)
- Cannabis (marijuana, hashish)
- Stimulants (cocaine, methamphetamine, diet pills, etc.)
- Depressants (tranquilizers)
- Hallucinogens (PCP, LSD, “designer drugs”, etc.)

In addition, the possession or use of alcohol and the abuse of legal drugs are prohibited in the workplace.

Any employee violating this policy is subject to discipline up to and including termination. An elected official violating this policy shall be subject to action by the Board of County Commissioners, as it shall deem appropriate.

(5) Education. Employees have the right to know the dangers of drug and alcohol abuse in the workplace, the County’s policy about drug and alcohol abuse, and what help is available to combat drug and alcohol problems. The County will institute and maintain an education program for all employees on the dangers of drug and alcohol abuse in the workplace. To assist employees in overcoming abuse problems, the County may offer the following rehabilitative help:

- Medical benefits for substance-abuse treatment
- Information about community resources for assessment and treatment
- Counseling program
- Employee assistance program

In addition, the County will provide supervisor training to assist in identifying and addressing drug and alcohol abuse by employees.

(6) Notification Requirements. Any employee convicted of violating a criminal drug statute or an alcohol related criminal traffic offense in this workplace must report such conviction (including pleas of guilty and nolo contendere) to his or her Department Head within five days after the conviction. Failure to report will subject the employee to termination for the first offense. By law, the County will notify the federal contracting officer of a conviction for violating a criminal drug statute within 10 days after receiving such notice from an employee or otherwise receiving notice of such a conviction.

(7) Employee Acceptance. Each County employee must, in writing, acknowledge that he or she has read this policy and agree to abide by all its terms and conditions. The law requires this acknowledgment and agreement as a condition of the employee's continued employment.

4.03.060 Political Activity. Partisan political activity is at all times prohibited on County premises, while performing County business or employment duties, and while holding oneself out as a representative of the County.

4.03.070 Violence in the Workplace. The County strives to provide employees, volunteers, elected officials and the public with a safe environment in which to work and to conduct business.

(1) Violence and threats of violence will not be tolerated in the workplace. Acts of violence include any conduct, intentional or reckless, that harms or threatens to harm the safety of another person. A threat of violence includes any behavior that by its very nature could be interpreted by a reasonable person as an intent to cause physical harm to another person. The workplace includes all County premises and off-premise locations where employees and elected officials are engaged in County business.

(2) Violation of this policy will be treated as a serious disciplinary infraction and the violating employee will be subject to disciplinary action. The minimum discipline imposed shall be suspension without pay, but may include discipline up to and including termination. Any employee who intentionally brings false charges under this section will be subject to disciplinary action.

4.03.080 Whistle Blower Protection.

(1) Policy Statement. It is the policy of the County to encourage reporting by its employees of improper governmental action taken by County elected and appointed officials, officers and/or employees and to protect County employees who have reported improper governmental actions in accordance with established County policies and procedures.

(2) Definitions. As used in this policy, the following definitions shall apply:

“Improper governmental action” means any action by a County elected or appointed official, officer or employee:

- a. That is undertaken in the performance of the official’s, officer’s or employee’s official duties, whether or not the action is within the scope of responsibilities; and
- b. That is:
 1. in violation of any federal, state, or local law or rule,
 2. an abuse of authority,
 3. of substantial and specific danger to the public health or safety, or
 4. 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, reemployment, performance evaluations, reductions in pay, dismissals, suspensions, demotions, collective bargaining, violations of collective bargaining or civil service laws, alleged violations of labor agreements or reprimands.

“Retaliatory action” means any adverse change in the terms and conditions of employment of an employee that is a direct result of claims filed.

“Emergency” means a circumstance that if not immediately addressed may cause damage to persons or property.

(3) Procedures For Reporting. County employees who become aware of improper governmental actions should raise the issue first with their supervisor. The employee(s) shall submit a written statement to the supervisor, or to some person designated by the supervisor, stating in detail the basis for their belief that an improper governmental action has occurred. Where the employee reasonably believes the improper governmental action involves his or her supervisor, the employee may raise the issue directly with the next person above the supervisor in the chain of command or the Douglas County Prosecuting Attorney.

In the case of an emergency, where the employee believes that damage to persons or property may result if action is not taken immediately, the employee may report in writing the improper governmental action directly to the appropriate government agency with responsibility for investigating the improper action. The Prosecuting Attorney shall take prompt action to assist the County in properly investigating the report of improper governmental action. County officials, officers and employees involved in the investigation shall keep the identity of reporting employee(s) as confidential as possible to the extent under law, unless the employee authorizes the disclosure of his or her identity in writing. After an investigation has been completed, the employee(s) reporting

the improper governmental action shall be advised of a summary of the results of the investigation, except that personnel actions taken as a result of the investigation shall be kept confidential.

County employees and officers may report information about improper governmental action directly to the appropriate government agency with responsibility for investigating the improper action if they reasonably believe that an adequate investigation was not undertaken by the County to determine whether an improper governmental action occurred, or that insufficient action has been taken by the County to address the improper governmental action or that for other reasons the improper governmental action is likely to recur.

Douglas County employees who fail to make a good-faith attempt to follow Douglas County's procedures in reporting improper governmental action shall not receive the protection provided by this ordinance.

(4) Protection Against Retaliatory Actions. County officials, officers and employees are prohibited from taking retaliatory action against a County employee because he or she has in good faith reported an improper governmental action in accordance with these policies and procedures.

Employees who believe that they have been retaliated against for reporting an improper governmental action should advise their supervisor, the next employee above the supervisor in the chain of command or the Prosecuting Attorney. County officials, officers and supervisors shall take appropriate action to investigate and address complaints of retaliation.

If the employee's supervisor, the next in command, or the Prosecuting Attorney does not satisfactorily resolve the complaint of retaliation, the employee may obtain protection under this policy and pursuant to state law by providing a written notice to the Board that specifies the alleged retaliatory action and specifies the relief requested.

County employee(s) shall provide a copy of their written charge to the Board no later than thirty (30) days after the occurrence of the alleged retaliatory action.

The Board shall respond in writing within thirty (30) days to the charge of retaliatory action.

After receiving either the response of the Board or thirty days after the delivery of the charge to Board, the employee may request a hearing before a state administrative law judge. An employee seeking a hearing should deliver the request for hearing to the Prosecuting Attorney within the earlier of either fifteen (15) days after delivery of the County's response to the charge of retaliatory action, or forty-five (45) days after delivery of the charge of retaliation to the County for response.

Upon receipt of written request for a 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:

Office of Administrative Hearings
P. O. Box 42488, 4224 Sixth S.E.
Rowe Six, Bldg. 1
Lacey, WA 98504-2488
(360) 459-6353

The County will consider recommendations from the administrative law judge before determining appropriate remedies and is not bound by the judge's findings, conclusions and recommendations.

(5) False Reporting. An employee who knowingly alleges or is found to have filed a false complaint will be disciplined. Discipline may include termination.

(6) Responsibilities. The Board is responsible for implementing County policies and procedures for reporting improper governmental action and for protecting employees against retaliatory actions. This responsibility includes ensuring that this policy and these procedures are:

1. permanently posted where all employees will have reasonable access to them,
2. made available to any employee upon request, and
3. provided to all newly-hired employees.

Officials, officers, Department Heads, managers and supervisors are responsible for ensuring the procedures of this policy are fully implemented within their areas of responsibility.

(7) List Of Agencies. The following is a list of agencies responsible for enforcing federal, state and local laws and investigating issues involving potential improper governmental action. Employees having questions about these agencies or the procedures for reporting improper governmental action are encouraged to contact the following:

Douglas County Sheriff's Office
100 NW 19th St, St A
East Wenatchee, WA 98802
(509) 884-1535

Douglas County Prosecuting Attorney
P. O. Box 360
Waterville, WA 98858
(509) 745-8535

Chelan-Douglas Health District
200 Valley Mall Parkway.
East Wenatchee, WA 98802
(509) 886-6400

Washington Attorney General's Office
P.O. Box 40100
Olympia, WA 98504
(360) 753-6200

Washington State Auditor
302 Sid Snyder Ave. S.W.
Olympia, WA 98504-0021
(360) 902-0370

Washington Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600
(360) 407-6989

Washington Human Rights Commission
711 South Capitol Way, Suite 402
Olympia, WA 98504
1-800-233-3247

Washington Dept. of Labor and Industries
P.O. Box 44000
Olympia, WA 98504-4000
(360) 902-5800

Washington Dept. of Natural Resources
P. O. Box 47000
Olympia, WA 98504
(360) 902-1000

U. S. Dept. of Education
915 Second Avenue
Seattle, WA 98174

(206) 607-1655

Environmental Protection Agency
1200 Sixth Ave., Suite 900
Seattle, WA
(206) 553-1200

Equal Employment Opportunity Commission
909 First Ave., Suite 400
Seattle, WA 98104
(800) 669-4000

Federal Emergency Management Agency
130 228th St. S.W. S.W.
Bothell, WA
(425) 487-4400

U.S. Department of Labor
300 fifth Ave., Suite 1050E
Seattle, WA 98104-2397
(206) 373-6750

National Transportation Safety Board
505 South 336th St, Suite 540
Federal Way, WA 98003
(253) 874-2880

U.S. Department of Transportation
915 Second Avenue, Suite 644
Seattle, WA 98174
(206) 220-7754

CHAPTER 4.04 - PERSONNEL COMMITTEE

Sections:

4.04.010 Personnel Committee Established

4.04.020 Duties of Personnel Committee

4.04.030 Meetings of Personnel Committee

4.04.010 Personnel Committee Established. There shall be a Personnel Committee consisting of five (5) members. Permanent members shall be the Prosecuting Attorney, the Auditor, County Administrator, Risk Manager and Human Resources Officer.

4.04.020 Duties of Personnel Committee. The Committee shall:

(1) Advise and make recommendations to the Board concerning the operation of and improvement to the personnel system.

(2) Hear excluded grievances, reclassification requests, and salary appeals: provided, that the Risk Manager and Human Resources Officer shall not participate in such determinations, except that the Human Resources Officer shall serve as Clerk for the Committee.

(3) Adopt and publish standardized personnel forms for use in all departments of the County.

4.04.030 Meetings of Personnel Committee. The Committee shall conduct meetings as required by its duties. The Committee may adopt its own rules and procedures. The Human Resources Officer shall serve as clerk of the Committee.

(DCC Chapter 4.04 amended 8/1/2017, Resolution CE 17-31 and TLS 17-36; amended 02/09/2021; Resolution CE 21-07 & TLS 21-08)

CHAPTER 4.05 - RECRUITING AND HIRING

Sections:

- 4.05.010 Job Descriptions
- 4.05.020 Recruiting
- 4.05.030 Nepotism
- 4.05.040 Hiring
- 4.05.045 Appointed Positions
- 4.05.050 Veterans' Preference
- 4.05.060 Reimbursement and Relocation Expenses for FSLA Exempt Non-Bargaining Employees

- 4.05.080 Volunteers
- 4.05.090 Orientation
- 4.05.100 Length of Service

4.05.010 Job Descriptions. Each department shall maintain accurate job descriptions for each position within the department. Each job description shall outline the essential job functions of the position and the minimum education, skills, experience, licensing and/or certification necessary to qualify for the position.

4.05.020 Recruiting. Reasonable efforts shall be made to publicize opportunities for County employment in order to inform the public and to attract qualified applicants.

(1) Posting. Recruiting announcements for employment opportunities for regular, non-exempt positions shall be posted for at least five (5) working days prior to the closing date for applications.

(2) Other Publicity. Other means of publicity suitable to inform and attract qualified applicants are encouraged.

(3) Content of Announcements. Each recruiting announcement shall provide the following information:

- a) a description of the position to be filled, including title and pay range;
- b) minimum qualifications requirements and desirable qualifications that would be useful but are not required;
- c) a description of the essential job functions performed in the position; and
- d) information explaining how, when and where to apply, with the applications closing date.
- e) Equal Employment Opportunity and Americans with Disabilities Act compliance notices.

4.05.030 Nepotism. The practice of nepotism is disfavored. No person who is a relative of a regular County employee shall be hired when

- (1) One relative would have the authority or practical power to supervise, appoint, remove, discipline or evaluate the performance of another; or
- (2) One relative would be responsible for auditing the work of another; or
- (3) Other circumstances exist which would place the related employees in a situation of foreseeable or perceived conflict between the County's interests and their own personal interests.

For the purpose of this section a relative is defined as a parent, step-parent, sibling, step-sibling, spouse, child, step-child, in-law, grandparent, grandchild, and person related by blood or marriage residing in the home.

4.05.040 Hiring. The selection of an applicant for hiring shall be based upon the level of education, training, skills, experience, certification or licensing relevant to the position. No applicant shall be hired who does not meet the minimum necessary qualifications for the position. No applicant having a conviction for a felony crime that impacts job duty qualifications, performance or public safety shall be hired. Applicants having equal qualifications shall be selected based upon performance during the interview process, having in mind the County's policies regarding affirmative action and veterans' preference. Current County employees shall not receive any hiring preference. It is the policy of the County to hire the most qualified applicant.

4.05.045 Appointed Positions. Those employees listed at DCC 4.18.040 are appointed positions and serve solely at the pleasure of the appointing authority. Appointed positions are not subject to the recruiting and hiring policies set forth in this Chapter, except that no person having a conviction for a felony crime that impacts job duty qualifications, performance or public safety shall be hired to an appointed position. However, an appointing authority may recruit applicants for an appointed position. Nothing in this Title shall restrict, limit or proscribe the statutory rights of County elected officials to hire or terminate appointed employees (As an example, see RCW 36.27.040).

4.05.050 Veterans' Preference. It is the policy of the County to acknowledge honorable service in the United States Armed Forces by giving preference to veterans during the hiring process where applicants have equal qualifications.

4.05.060 Reimbursement and Relocation.

(1). Eligibility for Reimbursement

As part of the recruitment process, a new employee may be eligible for reimbursement of relocation expenses when all three of the following criteria are met:

- A. The new employee's position must be a regular, full-time, FLSA exempt, non-union position at the department head level or as otherwise approved by the Board of County Commissioners.

B. In lieu of commuting, the new employee relocates his or her household to a new location in Douglas County.

C. The Board of County Commissioners specifically authorizes one time reimbursement of the new employee's relocation expenses, in writing, after the first date of employment.

(2). Authorization for Reimbursement

The Board of County Commissioners, may in its discretion, authorize reimbursement of certain costs directly related to the relocation of a new employee's household. The authorization shall be made in writing to the employee within the employment offered. Reimbursement of relocation expenses is subject to the terms and conditions of this policy.

(3). Employee Signs Employment Relocation Agreement

Prior to receiving any authorized relocation reimbursement, the employee must execute an Employment Relocation Agreement. In addition to the maximum allowable reimbursement amount, the Agreement will specify all of the following:

The employee must remain employed on a regular, full-time basis with the County for at least two (2) years. Unpaid time and accrued leave balances will not count toward this two (2) -year requirement;

If the employee resigns or is terminated from employment prior to completing two (2) years of service, the employee will repay the relocation reimbursement amount within _fifteen (15) days after the last day of employment;

If the employee resigns or is terminated from employment prior to completing two (2) years of service, the employee authorizes the County, at its option, to deduct up to the full amount of relocation reimbursement from any wages or other amounts owed to the employee upon his/her separation from employment; and

Repayment of all or a part of the reimbursement may be waived by the Board of County Commissioners, in its discretion, if employment is terminated for reasons beyond the employee's control.

(4). Report to Internal Revenue Service

The County will report qualifying relocation reimbursements in the employee's taxable income to the Internal Revenue Service. Relocation reimbursements may be subject to federal and state income and/or employment taxes and related withholding. All federal and state taxes are the sole responsibility of the employee.

(5). "At Will" Employment Relationship

Employment with the County is "at will," which means that either the County or the employee can terminate the employment relationship at any time, with or without notice. This policy does not constitute an employment contract for a particular term or otherwise affect the employee's at-will employment status.

(DCC 4.05.060 Adopted 12/17/19, Resolution CE 19-72, with renumbering of following sections).

4.05.070 Temporary Employees. A Department Head may hire one or more temporary employees, if previously budgeted or approved by the Board. A temporary employee shall be paid at an hourly rate approved by the Board. Temporary employees shall not be entitled to or accrue any paid holidays, benefits or annual leave. A temporary employee shall accrue one (1) hour of sick leave for every forty (40) hours worked. A temporary employee shall remain on initial evaluation status throughout his or her County employment.

(DCC 4.05.060 amended 12/19/2017, Resolution CE 17-54 and TLS 17-59)

4.05.080 Volunteers. Volunteers are a valuable and important resource to the County. A Department Head may, from time to time, use volunteers. The use of volunteers shall not supplant the hiring of or increased hours for employees. Volunteers shall be held to the same standards of conduct as employees.

4.05.090 Orientation.

(1) Every employee shall receive an employee orientation on his or her first working day or as soon thereafter as possible.

(2) New employees, other than temporary employees, shall be introduced to the Board within the first week of employment. Introduction shall be made by the Department Head or supervisor.

4.05.100 Length of Service. An employee's length of service will be lost in the event of voluntary resignation, lay-off for a period of one (1) year or more, abandonment of employment, termination and retirement. Length of service will not accrue during any unpaid leave in excess of ninety (90) days or during a lay-off of less than one (1) year. Length of service will continue to accrue during all paid leaves.

CHAPTER 4.08 - HOURS OF WORK

Sections:

- 4.08.010 Regular Hours of Work
- 4.08.020 Regular Work Schedule
- 4.08.030 Nonstandard Work Schedules
- 4.08.040 Changes to Work Schedules
- 4.08.045 Absences Due to Inclement Weather
- 4.08.050 Time Reporting
- 4.08.060 Unauthorized Absences

4.08.010 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 or Department Head, the standard work week shall consist of the period from 12:00 midnight Friday to 11:59 p.m. the following Friday. Nothing in this policy 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 of work.

(1) Rest periods. 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. Rest periods shall be taken at times which are least disruptive to work flow. A rest period is paid time and is therefore considered a part of hours worked. All rest periods shall be taken at the employee's job site, unless otherwise approved by the employee's Department Head. County vehicles and/or equipment shall not be operated during rest periods.

(2) Meal break. An established meal break of not less than thirty (30) minutes nor more than sixty (60) minutes shall be allowed, which commences no less than two (2) hours no more than five (5) hours after the beginning of the shift. A meal break is not paid time and this time shall not be considered as a part of hours worked.

Employees may not forego meal breaks or rest periods in order to arrive to work late, lengthen meal breaks, leave work early, or accrue overtime or compensatory time.

(DCC 4.08.010 amended 10/01/2012)

4.08.020 Regular Work Schedule. The regular work schedule for employees shall be established by the immediate supervisor subject to the approval of the Department Head. Regular work schedules shall generally be one of the two following types:

(1) 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.

(2) 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 his or her immediate supervisor. Due to public or departmental demands, flex time may not be an option in every department.

4.08.030 Work Schedules. When it is found to be in the best interest of the County, a Department Head may establish a different work schedule for an employee, such as a four-ten schedule [four (4) ten (10) hour days per work week] or other schedule. In such cases, leaves of absence with pay, including vacation and sick leave, will be charged by the number of hours actually taken.

4.08.040 Changes to Work Schedules. 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. For long-term changes to an employee's work schedule, the County will make reasonable efforts to notify the employee at least ten (10) working days in advance of such change.

4.08.045 Absences Due to Inclement Weather.

(1) Job Site Open. When an employee's assigned job site is open during inclement weather, the day will be treated as a normal workday. Absence due to failure to report to work, late arrival and leaving early shall be taken as vacation leave or compensatory time off. To the extent the employee has no vacation leave or compensatory time off available, the absence shall be taken as leave without pay. Sick leave may not be taken due to inclement weather.

(2) Job Site Closed. When an employee's assigned job site is closed due to inclement weather, an employee scheduled to work that day and prevented from doing so by inclement weather, or who may arrive late or leave early, will not be required to take leave for the absence. An employee required to work will be allowed to take that time off, on an hour for hour basis, as the employee and Department Head shall arrange. An employee not scheduled to work or who pre-scheduled leave shall not receive any additional time off.

(3) Other Situations. This inclement weather policy shall also apply to other situations which cause the closure of a job site.

4.08.050 Time Reporting.

(1) FLSA non-exempt employees. An FLSA non-exempt employee shall report all hours worked, all hours absent and all hours for which leave is requested and/or approved in accordance with forms adopted by the Personnel Committee.

(2) FLSA exempt employees. An FLSA exempt employee is expected to work the amount of time necessary to accomplish the duties and tasks of the position, e.g. 30 hours one week and 60 hours the next week. An FLSA exempt employee shall report attendance by his or her presence or absence each day and is not required to report the number of hours worked. Absences which do not exceed four (4) hours or a one-half day equivalent need not be reported. However, FLSA exempt employees may be required to report all hours when necessary for the reporting to the Department of Labor & Industries, Employment Security Department and Department of Retirement systems, the administration of grants, the calculation of third party reimbursements, or the auditing of earmarked revenues.

4.08.060 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.

CHAPTER 4.09 - PAY ADMINISTRATION

Sections:

- 4.09.010 Pay Classification Plans
- 4.09.020 Rates of Pay
- 4.09.030 Pay Rate Adjustments
- 4.09.040 Additional Hours Worked
- 4.09.050 Advancement Within Pay Range
- 4.09.060 Pay Periods and Pay Days
- 4.09.070 Payroll Deductions
- 4.09.080 Final Pay on Separation

4.09.010 Pay Classification Plans. Each department has a pay classification plan for approved by the Board for employees not covered by collective bargaining.

4.09.020 Rates of Pay. No employee shall be paid at a rate of pay less than the minimum nor more than the maximum established for his or her position as set forth in the department's pay classification plan, unless otherwise provided for in these policies. All pay rates in the department's pay classification plan shall be based upon full-time employment at the normal working hours for the position. For purposes of pay administration, full-time employment is defined as work consisting of a regular schedule of at least 173.33 hours per month.

(1) Initial employment. New employees, will in most instances, be appointed at the minimum step of the pay range in effect for the particular classification or position to which the appointment is made. Approval from the Board is required for any salary offer in excess of the fourth step in a pay range.

(2) Part-time employees. Regular part-time employees shall be paid at an hourly rate of pay equivalent to the rate assigned to regular full-time positions in substantially the same classification.

(3) Reinstatement or recall. A person who is recalled from layoff within two (2) years, who returns from an unpaid leave of absence, or who is reinstated within one (1) year following separation from employment, and who is re-employed in the same classification as held before the break in service, shall receive the same step in the pay range as held prior to the break in service, subject to the availability of budgeted funds. If such person is re-employed in other than the original classification, the rate of pay shall be at the minimum step of the pay range for the new classification, unless otherwise approved by the Board.

(4) Red circle. A red circle rate may be approved by the Board for a period not to exceed (1) year. After expiration of the red circle rate the employee's salary shall decrease to the correct range and step. No employee shall receive any COLA or general wage increase while paid at a red circle rate.

(5) Direct deposit. All employee earnings shall be paid by electronic direct deposit into the personal account and financial institution identified by the employee. Each employee shall provide sufficient account and routing information for making electronic direct deposit. Earnings statements shall be available online via the Douglas County payroll system. Direct deposits will be ready for use the same day as the direct deposit is received by the employee's financial institution.

(DCC 4.09.020 amended 8/1/2017, Resolution CE 17-31 and TLS 17-36)

4.09.030 Pay Rate Adjustments.

(1) Promotion. An employee who is hired for a different position which has classification having a higher pay range shall be paid at a step in the new pay range which represents a one-step pay increase over the rate of pay received immediately prior to the promotion or at the minimum step of the new pay range, whichever is greater: provided, such increase shall not exceed the maximum step of the new pay range. Employees whose positions are reclassified to a higher salary range classification will be placed into the appropriate step that is recommended by the Personnel Committee, and approved by the Board of County Commissioners. A greater pay rate may be permitted upon hiring to correct the situation where a lead worker or supervisor would receive less than a subordinate through application of this policy.

(DCC 4.09.030(1) Amended, 12/08/20, Resolution CE 20-82 and TLS 20-66)

(2) Transfer. An employee within a department who transfers from one position to another within the same class, or from a position in one class to a position in a different class that is assigned the same or equivalent pay range, shall continue to receive the same rate of pay and maintain the same step adjustment date as before the transfer. With the concurrence of the Board, the Department Head and the affected employee may agree on the employee receiving a lower step of the pay range.

A transfer of an employee between Departments having different budget revenues shall first be approved by the Board. When such an approved transfer occurs between Departments there shall also be a fund transfer of all accrued vacation leave and sick leave balances to the budget revenue for the employee's new Department. Such fund transfer shall be based upon the salary rate of the employee immediately prior to the transfer.

(3) Demotion. Employees demoted to a lower classification for any reason other than reclassification, shall receive the step in the new salary range that represents a one (1) step reduction from the old salary range, provided the employee will receive the same rate of pay received prior to demotion (but not higher than the top step of the salary range) if the lower classified position requires performance of duties which are functionally related to the duties of the higher classified position held by the employee and the employee can satisfactorily perform all the duties of the position without a training period. This adjustment will occur on the first day of the month following the demotion. The step

increase date previously held will be preserved in the new position. With the concurrence of the Board, the Department Head and the affected employee may agree on the employee receiving a lower step of the pay range.

(4) Reclassification adjustments within departments. Rates of pay following personnel actions which result in changes of classification.

(a) Higher classification. An employee who occupies a position that is reclassified to another class with a higher pay range shall receive an increase in pay as provided for in cases of promotion.

(b) Lower classification. An employee who occupies a position that is reclassified for any reason to another class with a lower pay range shall have his or her salary at a red circle rate for a period not to exceed twelve (12) calendar months during which time, if the employee desires, the Department Head in cooperation with the Board, shall make a good faith effort to transfer the employee, if he or she desires, to another position or classification with the same pay range as originally held by the employee, if the employee meets the qualifications for that position. The date of reduction in class shall become the employee's new salary review date. Upon expiration of the twelve (12) calendar month period, the employee, if not transferred to another position in accordance with the above, shall be placed on a reemployment register for the original classification held or its equivalent, if any, and shall be paid at that step in the lower pay range that results in the least reduction in pay, provided that such reduction shall not exceed the maximum or be below the minimum step in the lower pay range.

If the Board awards a cost of living adjustment (COLA) during this twelve (12) calendar month period, those employees whose rate of pay has been frozen will not be awarded a COLA unless they are at a step lower than the top step of the range.

(c) Lateral classification. An employee occupying a position that is reclassified to another position within the same pay range shall receive the same rate of pay as before the reclassification.

(5) Temporary Assignment of Excluded positions to higher classification. An excluded employee who is temporarily assigned to a higher classification for 40 hours or more will be paid at the rate of pay assigned to the higher classification/position for all full-time worked from the first hour in the higher classification. The rate of pay will be determined by the Elected Official or Supervisor. The temporary assignment must be approved by the Elected Official and Board of Commissioners. When the temporary assignment is complete the employee will return to their current salary range and step, unless an increase would have occurred, then the next step would be applied.

(DCC 4.09.030(5) Amended, 12/08/20, Resolution CE 20-82 and TLS 20-66)

4.09.040 Additional Hours Worked.

(1) Call out pay. When a FLSA non-exempt employee has completed his or her regularly scheduled shift or work week and is "called-out" at a time that is not an extension of the next regular shift, the employee shall be paid at the rate of one and one-half (1 1/2) times his or her regular rate of pay for actual hours worked: provided, that if the employee is called out and subsequently works less than three (3) hours, he or she shall receive a minimum of three (3) hours of pay at straight time. This provision is not applicable to call outs occurring one (1) hour or less before start of the employee's shift. When the total number of hours worked in one (1) week exceeds forty (40) hours, the call out provisions of this section shall cease to apply and the overtime provisions of this policy shall apply.

Employees whose jobs normally require attendance at meetings outside of normal office hours or whose working conditions require regular call outs as a normal part of the job shall not be entitled to call out pay.

(2) Holiday pay. All work on holidays for FLSA non-exempt employees 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. Compensatory time in-lieu of pay at the rate one and one half (1 1/2) times the hours actually worked may be granted if requested by the employee and approved by the immediate supervisor prior to the time being worked. Stipulations concerning compensatory time contained elsewhere in this policy should be followed. Temporary employees do not receive holiday pay.

To be eligible for holiday pay the employee must work the scheduled workday before and the scheduled workday after the paid holiday or be on approved leave with pay.

Employees who are on leave without pay are not eligible to receive payment for holidays or the County-paid portion of health and welfare benefits, except as provided Section 4.12.070 Family Medical Leave.

(3) Extended shift. Departments may schedule additional hours for employees originally scheduled to work less than forty (40) hours in their normal work week. Employees whose normal work week schedule is less than forty (40) hours will be paid at their normal rate of pay for hours worked up to and including the fortieth (40th) pay status hour in the work week. Leave will not accrue for any additional hours above the normal work week.

With approval before work is performed, an employee can request that additional hours worked beyond the normally scheduled work week, up to and including the fortieth (40th) pay status hour in the work week be recorded as compensatory time. These hours are recorded on an hour-for-hour basis. The maximum hours that can be accrued is eighty (80) hours.

(4) Overtime and compensatory time.

(a) FLSA nonexempt employees.

i. Overtime. All overtime work must be specifically authorized by the immediate supervisor before it is actually performed. Eligibility for overtime compensation is based upon actual hours worked. Employees who work overtime shall be compensated at the rate of one and one-half (1-1/2) times the employee's standard rate of pay for hours worked in excess of forty (40) hours in any work week. Hours compensated for but not worked, whether based upon holidays or leave, shall not be used in the calculation of overtime.

ii. Compensatory time. An employee must request that he or she receive compensatory time instead of overtime pay before the work is actually performed. Compensatory time off is accrued at a rate of one and one-half (1 1/2) hours for each hour of overtime worked. An employee must request and receive approval in advance from his or her supervisor to use accrued compensatory time. It is preferred that accrued compensatory time be used during the same month it is accrued or, if accrued during the last week of the month, before the end of the next calendar month. If accrued compensatory time is not so used, the employee and his or her supervisor shall agree upon use of compensatory time as soon as practicable. Compensatory time accrued but unused will be paid upon transfer or termination of employment at the employee's then regular rate of pay.

(b) FLSA Exempt. An employee in an FLSA exempt position is being paid to perform a job which may not necessarily be completed in his or her normal work week or the department's normal work week, and is not entitled to overtime compensation or compensatory time.

(DCC 4.09.040(2) amended 8/1/2017, Resolution CE 17-31 and TLS 17-36; DCC 4.09.040(4)(a)(i) amended 10/1/2012)

4.09.050 Advancement Within a Pay Range. Employees will receive increases in pay within the steps of the pay range for their classification contingent upon satisfactory job performance as determined by evaluation. Employees are eligible to be considered for such performance increase on each step adjustment date representing the completion of continuous service in the same job classification at the same step in the pay range. Any increase in an employee's rate of pay shall be effective on the first working day of the month following successful completion of the applicable period of service.

(1) Step adjustment date. The step adjustment date for a step increase shall be adjusted under the following circumstances:

(a) Upon promotion or demotion, the existing step adjustment date shall be eliminated and the date of such promotion or demotion shall be used to calculate the new step adjustment date.

(b) When an employee is demoted following probationary promotion, the step adjustment date held prior to such promotion shall be reestablished.

(c) When an employee returns from layoff or unpaid leave of absence and is re-employed in the same classification as originally held, the original step adjustment date will be extended by an amount of time equal to the period of layoff or leave of

absence in order to give credit for time served in a pay step prior to such layoff of leave of absence. The step adjustment date shall only be adjusted on a day-for-day basis equal to the duration of unpaid leave beyond ninety (90) calendar days.

(d) When an employee returns from layoff or unpaid leave of absence and is re-employed in a classification other than that originally held, the original step adjustment date shall be used to calculate the new step adjustment date.

(2) Alternative advancement program. The Board may adopt alternative advancement programs covering specific occupations. Such programs may modify or supersede the policies described in this chapter, subject to approval by the Board. Criteria for advancement in such programs may include but are not limited to employee performance, demonstrated knowledge, skill or ability, completed training and/or education, and increased longevity.

(3) Deferral of performance increase. Performance increases are contingent upon satisfactory performance on the job. If an employee's performance is less than satisfactory during the year preceding the step adjustment date for a step increase, the Department Head may 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 performance increase shall be provided to the employee in writing. A performance increase that has been previously denied may be approved at any time the immediate supervisor determines that the employee has demonstrated satisfactory performance improvement. If the denial exceeds six (6) months because the employee's performance has not improved sufficiently, any pay increase shall be withheld until the employee's next step adjustment date.

4.09.060 Pay Periods and Pay Days.

(1) Pay period. The pay period for all elected and appointed officials and employees shall be the calendar month.

(2) Pay day. Pay day shall be the fifth (5th) day of the month following the pay period.

(3) Holidays and weekends. In the event a pay day or draw day falls on a day which is a holiday or on Saturday or Sunday, checks shall be issued on the last work day prior to the holiday, Saturday or Sunday.

(4) Draw on pay. An elected or appointed official or regular employee may request a mid-month draw. The mid-month draw shall be paid on the twentieth (20th) day of the month. The draw may not exceed 40% of monthly gross salary. Regular employees paid on an hourly basis may not draw more than 40% of earnings through the fifteenth (15th) day of the month. Temporary employees are not eligible for draws. Draws must be requested on the form adopted by the Personnel Committee and be received by the Auditor prior to the payroll period due date schedule.

(5) Partial month worked. A regular, salaried employee shall be paid a percentage of his or her monthly salary when less than a full month is worked due to being a new employee, taking unpaid leave, or separation. The percentage shall be the number of days on paid status divided by the number of working days in the month. A mid-month draw shall be limited to 40% of the percentage of monthly salary determined.

4.09.070 Payroll Deductions. The Auditor shall deduct from the pay of each elected or appointed official and employee all taxes, contributions and other deductions required by federal or state law, authorized by a collective bargaining agreement, and authorized by the official or employee pursuant to any benefit program offered by the County or a collective bargaining unit. The Auditor shall also deduct amounts to reimbursement the County for unauthorized, improper, or personal travel expenses, credit card use and/or cellular telephone use incurred on the credit of the County, or improperly paid leave.

4.09.080 Final Pay on Separation. On separation an employee shall be issued his or her final pay within the time limits prescribed by state law.

CHAPTER 4.10 - EMPLOYEE BENEFITS

Sections:

- 4.10.010 Eligibility Defined
- 4.10.020 Insurance Plans
- 4.10.030 Flex-Plan
- 4.10.090 Retirement
- 4.10.100 Administration by Auditor

4.10.010 Eligibility Defined. Unless otherwise provided for in these policies, or by benefit plan documents, regular full-time and part-time employees are eligible for the full range of benefits as outlined in this Chapter. Benefit programs, employer contributions, and the levels of benefit programs are established and provided at the sole discretion of the Board.

4.10.020 Insurance Plans. Regular full-time and part-time employees may participate in health, dental, life and disability insurance programs as may be offered by the County provided that they meet the eligibility requirements specified in such group policies and in the contracts with the companies providing these programs. Health insurance coverage shall commence on the first day of the month following completion of eighty (80) hours of work each month, subject to the County's policies, procedures, criteria and plans for insurance coverage.

(DCC 4.10.020 amended 8/1/2017, Resolution CE 17-31 and TLS 17-36)

4.10.030 Flex-Plan. Regular full-time and part-time employees may participate in any Flex-Plan benefit programs adopted by the County under Section 125 of the Internal Revenue Code according to the eligibility requirements of such programs.

4.10.090 Retirement.

(1) State retirement systems. The County participates in the Public Employees Retirement System (PERS) and the Law Enforcement Officers and Firefighters System (LEOFF). Employee participation is determined under state law, depending upon the position, hire date, and status of each particular employee. Contributions towards retirement under these plans are made by both the County and the participating employee. The participating employee's contribution is dependent upon wages earned and is paid by monthly payroll deduction.

(2) Social security. The gross wages of County employees are subject to withholding for social security employee taxes and County employees participate in the social security retirement program.

(DCC 4.10.090 Amended 12/19/2017, Resolution CE 17-54 and TLS 17-59)

4.10.100 Administration by Auditor. The Auditor shall administer benefits programs for the County. Applications and information concerning these benefit programs and changes to these benefit programs shall be provided to all eligible employees. The Auditor shall arrange for payroll deductions to cover each participating employee's contributions, when applicable.

CHAPTER 4.11 - HOLIDAYS AND
AUTHORIZED NON-DISABILITY ABSENCES

Sections:

- 4.11.010 Holidays
- 4.11.020 Vacation Leave

- 4.11.040 Domestic Violence Leave
- 4.11.050 Court Appearance Leave
- 4.11.060 Military Leave
- 4.11.070 Public Service Leave
- 4.11.075 Emergency Response Leave
- 4.11.080 Professional Development Leave
- 4.11.090 Personal Leave of Absence
- 4.11.100 Administrative Leave
- 4.11.140 Benefits During Unpaid Leave
- 4.11.150 Return from Unpaid Leave

4.11.010 Holidays. Holidays are equal to the hours scheduled to work the date that each holiday accrues. The following days are currently recognized as holidays with pay for all regular Douglas County employees:

New Year's Day	Labor Day
Martin Luther King Day	Veterans' Day
President's Day	Thanksgiving Day
Memorial Day	Day after Thanksgiving Day
Independence Day	Christmas Day

(1) Floating Holiday. Eligible employees shall receive one floating holiday as paid holiday leave which must be used by the last working day of each calendar year and must be scheduled in advance. The floating holiday is equal to an employee's regularly scheduled hours at the time the holiday is taken. Employees are eligible for one floating holiday at the date of hire and on January 1 of each year thereafter. The floating holiday is noncompensable upon termination and is not carried forward from year to year.

(2) Holidays falling on Saturday, Sunday or other regularly scheduled days off. When a recognized County 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 an employee's regularly scheduled days off, other than Saturday or Sunday, the employee may take an alternative day off by arrangement between the employee and his or her supervisor or Department Head.

(3) Holidays occurring while on paid leave status. Holidays that occur during vacation, sick leave or while on other paid leave status shall be charged as holiday leave.

(4) Forfeiture of holiday pay. An eligible employee must be in a normal pay status on the working day before and the working day after the holiday to be eligible for holiday

pay. However, a new, salaried employee starting work on the first working day of January shall be paid for the New Year's Day holiday.

(DCC 4.11.010(1) amended 8/1/2017, Resolution CE 17-31 and TLS 17-36)

4.11.015 Additional Unpaid Holidays. Each regular employee shall be entitled to two (2) unpaid holidays per calendar year for a reason of faith or conscience or an organized activity conducted under the auspices of a religious denomination, church or religious organization. The employee may select the days on which the employee desires to take the two unpaid holidays after consultation with the employee's Department Head and/or supervisor. If the employee desires to take the two unpaid holidays on specific days the request shall be granted unless the employee's absence will impose an undue hardship on the County, as defined by the Washington State Office of Financial Management, or the employee is necessary to maintain public safety.

(DCC 4.11.015 adopted 07/14/2014, Resolution CE 14-30 and TLS 14-35)

4.11.020 Vacation Leave. Regular employees accrue vacation leave based on the number of hours actually worked or while on paid leave status in accordance with the schedule shown in this section, based on hours in a pay status, not to exceed forty (40) hours per week. Vacation leave shall not accrue during periods of leave without pay nor for hours worked in excess of forty (40) hours per week. Temporary employees shall not accrue vacation leave.

(1) Vacation leave accrual. During each year of employment, regular employees shall accrue vacation leave up to and including the maximum amount in the following schedule. Employees who are on regular pay status for less than a leave accrual period or who work less than forty (40) hours per week, shall accrue vacation leave proportionately to the number of regularly scheduled hours. Overtime hours shall not increase accrual of vacation leave. Vacation leave accrual shall be based on the total time of continuous service. Vacation leave accrued shall accrue so long as the employee has eighty-seven (87) hours of paid status during the accrual period.

<u>Year of continuous service</u> <u>days per year</u>	<u>Hours accrued</u> <u>Hours Accrued per month</u>	<u>Per Year</u> <u>per year</u>
1st and 2nd year	8.00	96
3rd and 4th year	9.33	112
5th through 9th years	10.33	124
10th through 14th years	12	144
15th through 19th years	13	156

20th year or more

15.00

180

(4.11.020(1), amended November 27, 2007, Resolution TLS 07-56; CE 07-90; 02/09/2021; Resolution CE 21-07 & TLS 21-08)

(2) Use of vacation leave. Vacation leave may be used as it is accrued. Employees are required to have advance approval from the Department Head prior to the use of vacation leave. Scheduling should be requested as far in advance as possible. When it is not in the best interests of the County and no other alternatives can be agreed upon, requests for vacations may be denied. If the Department Head determines that the nature of the work is such that no employees or a limited number of employees may be on a vacation at a given time, he or she may establish non-leave periods and priority lists for assigning the order in which vacation leaves may be taken. Employees who are on scheduled vacation leave are not eligible to receive sick pay unless they are seriously incapacitated (i.e. hospitalized).

FLSA exempt employees shall only report vacation leave if it exceeds four (4) hours or one half-day. Absences of less than four (4) hours or one half-day shall not be reported as leave, except as provided in DCC 4.08.050(2).

(DCC 4.11.020(2) amended 8/1/2017, Resolution CE 17-31 and TLS 17-36)

(3) Vacation leave - maximum accrual – buy-out.

A. It is the policy of Douglas County that the use of vacation leave by employees is a benefit to both the employee and to the County. Department Heads and supervisors shall encourage each employee's use of vacation leave and facilitate orderly vacation scheduling of employees that balances the benefit of vacation leave and the service demands of the Department. Employees shall take reasonable vacation leave.

B. As of December 31 of each calendar year, regular, full-time employees shall not accrue in excess of three hundred twenty (320) hours of vacation leave. Regular, part-time employees shall not accrue more than a maximum calculated on a pro-rata basis. Each employee shall be responsible to insure that his or her accrued vacation leave does not exceed these limits.

C. Excess vacation leave existing as of December 31 of each calendar year and accrued during that calendar year shall be bought out in the following January on an hour-for-hour basis and at the employee's the rate of pay when accrued. The vacation leave hours bought out shall be deducted from the employee's accrued vacation leave. (As an example, if an employee has 360 hours of accrued vacation leave as of December 31 and earned all 40 excess hours in that calendar year, the employee will be paid for an amount equal to 40 hours at the pay rate when the excess hours were accrued. The 40 excess hours will be deducted from the employee's accrued vacation leave.)

D. The failure of an employee to take reasonable vacation leave and to continue to accrue vacation leave in amounts exceeding the maximum may, with the concurrence of the Board and the Department Head, result in imposition of mandatory vacation leave.

(DCC 4.11.020(3), amended 04/18/00 and amended 7/23/03)

(4) Vacation leave - payment upon termination. Upon termination from County employment, a regular, full-time employee shall be paid a lump sum payment for all accrued vacation leave up to the maximum of three hundred twenty (320) hours. Any accrued vacation leave in excess of the three hundred twenty (320) hours shall be forfeited. The maximum for regular, part-time employees shall be calculated on a pro-rata basis. Upon the death of an employee in regular pay status, his or her estate shall be paid for accrued vacation leave according to the limitations stated above.

(DCC 4.11.020, amended 7/23/03)

4.11.035 Bereavement Leave. Upon notification to the employee's Department Head, an employee shall be entitled to three (3) days of paid bereavement leave in the event of the death of an employee's spouse, domestic partner, parent, step-parent, child, step-child, grandchild, sibling, step-sibling or grandparent. If funeral services or a family gathering will occur outside the North Central Washington area or other circumstances warrant additional time off from work, then the Department Head may grant up to two (2) additional days, with pay. The Department Head may grant bereavement leave for relatives other than those listed as paid, unpaid or a combination of paid/unpaid leave. Additional days of unpaid bereavement leave may be granted by the employee's Department Head if the employee is serving as the personal representative of the deceased's estate or if warranted by other circumstances. An employee may use accrued vacation leave, sick leave and compensatory time off in lieu of unpaid bereavement leave.

(DCC 4.11.035 amended 8/1/2017, Resolution CE 17-31 and TLS 17-36; DCC 4.11.035 added 11/20/2012)

4.11.040 Domestic Violence Leave

A. Purpose. The purpose of domestic violence leave policy is to implement state laws providing for domestic violence leave and to provide restoration of employment and employee benefits protection to employees of the County.

B. Definitions. Unless the context clearly requires otherwise, these definitions apply throughout this section:

(1) "Domestic violence" means and includes domestic violence, as defined in RCW 26.50.010, "sexual assault" as defined in RCW 70.125.030, and "stalking" as defined in RCW 9A.46.110.

(2) "Dating Relationship" has the same meaning as in RCW 26.50.010

(3) "Family member" means any individual whose relationship to the employee can be classified as a child, spouse, parent, parent-in-law, grandparent, or person with whom the employee has a dating relationship.

(4) "Intermittent leave" and "reduced leave schedule" have the same meaning as in RCW 49.76.020.

(5) "Sick leave and other paid time off" has the same meaning as in RCW 49.12.265.

C. Leave Authorized.

(1) An employee may take reasonable leave from work, intermittent leave, or leave on a reduced leave schedule, without pay, to:

(a) Seek legal or law enforcement assistance or remedies to ensure the health and safety of the employee or employee's family members including, but not limited to, preparing for, or participating in, any civil or criminal legal proceeding related to or derived from domestic violence, sexual assault, or stalking;

(b) Seek treatment by a health care provider for physical or mental injuries caused by domestic violence, sexual assault, or stalking, or to attend to health care treatment for a victim who is the employee's family member;

(c) Obtain, or assist a family member in obtaining, services from a domestic violence shelter, rape crisis center, or other social services program for relief from domestic violence, sexual assault, or stalking;

(d) Obtain, or assist a family member in obtaining, mental health counseling related to an incident of domestic violence, sexual assault, or stalking in which the employee or the employee's family member was a victim of domestic violence, sexual assault, or stalking; or

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

(2) An employee who is absent from work pursuant to this policy may elect to use the employee's sick leave and other paid time off, compensatory time, or unpaid leave time.

D. Notice of Domestic Violence Leave.

An employee or his or her designee shall provide the employee's Department Head with not less than five (5) days prior notice of the employee's intention to take domestic violence leave. When prior notice cannot be given due to an emergency or unforeseen circumstances resulting from domestic violence, the employee shall provide notice to the employee's Department Head no later than the end of the first day that the employee takes such leave. The notice shall state the dates and times the employee intends to take domestic violence leave.

E. Verification of Domestic Violence Leave.

(1) The employee's Department Head may request that the request for domestic violence leave be supported by verification that the employee or employee's family member is a victim of domestic violence, sexual assault, or stalking and that the leave was taken for one of the purposes allowed under this policy. The employee shall provide verification in a timely manner.

(2) An employee may satisfy verification by providing one or more of the following:

(a) A police report indicating that the employee or employee's family member was a victim of domestic violence, sexual assault, or stalking;

b) A court order protecting or separating the employee or employee's family member from the perpetrator of the act of domestic violence, sexual assault, or stalking, or other evidence from the court or the prosecuting attorney that the employee or employee's family member appeared, or is scheduled to appear, in court in connection with an incident of domestic violence, sexual assault, or stalking;

(c) Documentation that the employee or the employee's family member is a victim of domestic violence, sexual assault, or stalking, from an advocate for victims of domestic violence; an attorney; a member of the clergy; or a medical or other professional;

(d) An employee's written statement that the employee or the employee's family member is a victim of domestic violence, sexual assault, or stalking and that leave is for one of the purposes allowed in this policy; or

(e) An employee's written statement, a birth certificate, a court document or similar documentation evidencing a family member relationship.

(3) All information provided by the employee shall remain confidential and may not be disclosed except if disclosure is requested or consented to by the employee, in response to an order of a court or administrative agency, or as otherwise required by federal or state law.

F. Pay, Benefits and Restoration of Employment.

(1) The taking of domestic violence leave pursuant to this policy shall not result in a loss of any employee pay or benefits that accrued before the date on which the leave commenced.

(2) To the extent allowed by law, the employee shall continue to be covered under the employee's health insurance plan during approved domestic violence leave.

(3) An employee who takes domestic violence leave pursuant to this policy shall be entitled, upon return from such leave, to be restored to the same position held by the employee when the leave commenced or to an equivalent position, with equivalent benefits, pay and terms and conditions of employment: provided, however, that the County may deny restoration of employment if the employee was hired for a specific term or only to perform work on a discrete project, the employment term or project is over, and the employee's employment would not otherwise have continued.

(4) The employer shall maintain the confidentiality of all information provided by the employee under this section, including the fact that the employee or employee's family member is a victim of domestic violence, sexual assault, or stalking, that the employee has requested or obtained leave under this chapter, and any written or oral statement, documentation, record, or corroborating evidence provided by the employee.

(a) Information given by an employee may be disclosed by an employer only if:

(i) Requested or consented to by the employee;

(ii) Ordered by a court or administrative agency; or

(iii) Otherwise required by applicable federal or state law.

(DCC 4.11.040 adopted February 23, 2009; Amended 12/08/20, Resolution CE 20-82 and TLS 20-66)

4.11.050 Court Appearance Leave. Regular 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 he or she is not a party or not appearing as a witness in the course of his or her County duties. Prompt notice should be given to the employee's immediate supervisor of the expected days required for court appearance leave. An employee should, when possible, return to work for the remainder of the work day and continue his or her normal work schedule. To receive regular pay, an employee shall submit to the Auditor the amount of the court warrant, minus any mileage reimbursement if the employee used his or her own vehicle. Employees on swing or graveyard shifts shall be transferred to day shift during a period of jury duty. When employees receive notice of jury duty they shall notify their supervisor within two (2) working days of receipt of the notice.

4.11.060 Military Leave.

(1) Short-term military leave. Any regular employee who is a member of the national guard or organized military reserve or armed forces of the United States and who

is ordered to attend a period of active duty training shall be entitled to leave with pay not to exceed twenty-one (21) working days during each calendar year. Any such request must be in writing and accompanied by a validated copy of military orders. Such leave shall be in addition to any vacation or sick leave to which the employee is entitled, and shall not involve any loss of efficiency rating, privileges or pay (RCW 38.40.060).

(2) Long-term military leave. Any regular employee who is a resident of this state and who voluntarily or upon demand, vacates a position of employment to determine his or her physical fitness to enter, or who actually does enter active duty or training in the Washington National Guard, the armed forces of the United States or the United States public health service shall, provided he or she meets the requirements of RCW 73.16.035, be re-employed forthwith: provided, that the County need not reemploy such person if circumstances have so changed as to make it impossible, unreasonable, or against the public interest for the County to do so.

Any regular employee who upon demand is placed on active duty as described above, may, but shall not be required to, use paid leave options (such as: compensatory time, floating holiday and accrued vacation) before being granted an unpaid leave of absence. In addition, specific emergency provisions for such employees may be made to continue medical benefits coverage and/or other benefits as the Board sees fit for a specified length of time.

If such person is still qualified to perform the duties of his or her former position, he or she shall be restored to that position or to a position of like status and pay upon returning from leave. If he or she is not so qualified as a result of disability sustained during service, or during the determination of fitness for service, but is nevertheless qualified to perform the duties of another County position which is available, he or she shall be re-employed in such other position: provided, that such position shall provide him or her with like status and pay, or the nearest approximation thereto consistent with the circumstances of the case.

(3) Military Family Leave. During a period of military conflict, a regular employee who is the spouse of a member of the armed services of the United States, National Guard or reserves is entitled to fifteen (15) days of unpaid leave per deployment after the military spouse has been notified of an impending call or order to active duty and before deployment or when the military spouse is on leave from deployment. The employee shall provide notice to the employee's Department Head within five (5) days after receiving official notice of an impending call or order to active duty or of leave from a deployment. The employee may elect to use paid leave in the form of accrued vacation leave, compensatory time and/or floating holidays for all or part of such military family leave. If, due to taking unpaid leave, the employee is not eligible for any employer contribution to medical or dental benefits, the employee may continue, at the employee's expense, medical or dental insurance coverage, including any spouse and dependent coverage, in accordance with state or federal law.

(DCC 4.11.060 amended, Resolution CE 09-15 and TLS 09-13, February 23, 2009)

4.11.070 Public Service Leave. Any regular 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 by his or her Department Head, subject to the approval of the Board, without pay, to perform public service. The employee may use accrued vacation leave and/or compensatory time in conjunction with such unpaid leave.

4.11.075 Emergency Response Leave.

A. A regular employee may, with prior Department Head approval, serve as an on-call emergency medical technician or fire fighter for a local fire district, hospital district or emergency medical services district and may respond to emergency response call-outs during scheduled work hours under the following terms and conditions:

1. Emergency Response Leave may only be used for absences due to emergency response call-outs, including travel to and from the location where the employee reports for call-out duties;
2. The employee shall provide immediate notice of each emergency call-out in accordance with procedures adopted by the Department Head;
3. The employee shall promptly report back to assigned County duties upon the completion of all call-out duties, if completed during the employee's scheduled work hours;
4. The employee shall not use a County vehicle during any call-out; and
5. The employee shall not use County equipment during any call-out, unless use is authorized by an Interlocal Agreement with the district or directed by the Department Head;

B. The employee's Department Head may limit or suspend the employee's emergency call-out availability based on the Department's workload and needs.

C. An approved Emergency Response employee shall receive 50 hours of paid Emergency Response leave each calendar year. If the employee exhausts all Emergency Response leave prior to the end of the calendar year, then the employee shall use annual vacation leave to respond to subsequent call-outs. If the employee has no available annual leave, then the Emergency Response Leave shall be unpaid. Unused Emergency Response Leave shall not carry over from year-to-year and shall not be paid to the employee upon separation from employment.

D. While on call-out, the employee is on leave for that portion of the call-out occurring during the employee's scheduled work hours. The employee is not acting as an employee of the County. The employee is not covered by the County's industrial insurance in the event of the employee's death or injury during the call-out, including travel to and from

the location of call-out duties. Employees seeking Department Head approval to serve as an on-call emergency medical technician or firefighter are encouraged to discuss vehicle liability and industrial insurance coverage with the district to be served.

(DCC 4.11.075 adopted 02/26/02; Resolution TLS 02-11 and CE 02-53)

4.11.080 Professional Development Leave. An employee may be granted by his or her Department Head a leave of absence with pay to attend conferences, seminars or other education or training programs only when such events or programs occur during the employee's regularly scheduled work time and the events or programs are deemed by the Department Head to improve or upgrade the employee's job-related knowledge, skills or abilities. Employees may, subject to prior approval, take time off with pay to take job related qualifying exams or to interview for positions within the County.

4.11.090 Leave without pay. Any leave without pay status that is not related to Family Medical Leave Act, Washington Paid Sick or Family Leave, or out on Workers Compensation must have prior approval by the Elected Official or Department Head.

(1) Leave without pay considerations will only be approved in extenuating circumstances.

(2) The maximum use of leave without pay is sixty (60) hours. Unauthorized or unreported leave without pay may be cause for disciplinary action up to and including termination.

(DCC Chapter 4.11.090 Amended 12/08/20, Resolution CE 20-82 and TLS 20-66)

4.11.100 Administrative Leave. Administrative leave is paid leave authorized by a Department Head under the following circumstances:

(1) Administrative leave may be granted by a Department Head to an FLSA exempt, salaried employee in order to reward extraordinary hours worked. In the case of an appointed Department Head, such administrative leave may be granted by the Board. Administrative leave is paid leave which is entirely discretionary. Administrative leave is not earned or accrued by an FLSA exempt, salaried employee. Administrative leave is not directly tied to any particular number of hours worked during any workday or workweek. An FLSA exempt, salaried employee is expected to work the amount of time necessary to accomplish the duties and tasks of the position. Administrative leave may only be granted when the tasks and duties of the position require an extraordinary number of work hours that is unreasonable to expect from a salaried employee. Administrative leave granted to an FLSA exempt employee may not exceed eighty (80) hours per calendar year, unless otherwise authorized by the Board. A Department Head shall document the basis for rewarding extraordinary hours worked when granting administrative leave.

(DCC 4.11.100(2) amended 7/23/03)

(2) An employee may be placed on administrative leave during an investigation of possible violations of the policies of this Title. Administrative leave for investigative purposes shall not exceed ten (10) working days, unless otherwise authorized by the Board.

4.11.140 Benefits During Unpaid Leave. Except as may be specifically provided in this Title or by federal or state law, during any period of unpaid leave under this Title employees anticipated to work less than 80 hours in a month shall be responsible for payment of all insurance benefit premiums, both the County's portion and the employee's co-payment. If premiums are raised or lowered, then the amount to be paid by the employee shall be adjusted. The employee's insurance coverage shall be terminated for nonpayment if the employee's payment is not received by the Auditor by the last working day of the current month for the following months premiums. The employee shall reimburse the County for all premiums paid by the County if the employee fails to return to employment from leave, unless the failure to return to employment is beyond the control of the employee or as may be specifically provided in this Title.

(DCC Chapter 4.11.140 Amended 12/08/20, Resolution CE 20-82 and TLS 20-66)

4.11.150 Return from Unpaid Leave. At the expiration of any authorized unpaid leave, per applicable laws, every effort will be made to return the employee to his or her last held position unless other conditions were agreed upon in writing when the leave was granted or unless otherwise provided in these policies. Any employee who fails to return to work within three (3) working days after the expiration of such unpaid leave shall be considered to have voluntarily resigned employment with the County, unless the employee, prior to the expiration of such leave, has requested and been granted a leave extension.

CHAPTER 4.12 - ABSENCES DUE TO DISABILITY

Sections:

- 4.12.010 Sick Leave Benefit
- 4.12.020 Sick Leave Accrual
- 4.12.030 Notice of Absence
- 4.12.040 Sick Leave Qualifying Uses
- 4.12.050 Accrued Sick Leave - Payment Upon Termination
- 4.12.060 Disability Leave
- 4.12.070 Family Medical Leave
- 4.12.080 Maternity Disability Leave
- 4.12.090 Certification of Health Care Provider
- 4.12.100 Shared Leave

4.12.010 Sick Leave. Sick leave is provided as a benefit to protect employees in the event of an absence from work due to a health related reason or the birth or adoption of child. Employees are encouraged to accumulate sick leave to carry them through unforeseen and/or lengthy illnesses, injuries, disabilities and through the birth or adoption of an employee's child. Employee use of paid sick leave for unauthorized purposes pertaining to RCW 49.46.210(1)(b) and (C) may be grounds for disciplinary action up to and including termination.

(DCC Chapter 4.12.010 Amended 12/08/20, Resolution CE 20-82 and TLS 20-66)

4.12.020 Sick Leave Accrual. Regular full-time employees shall accrue sick leave at the rate of eight (8) hours per month. Regular part-time employees shall accrue sick leave proportionately to the number of hours worked per month with a minimum accrual of at least one (1) hour of paid sick leave for every forty (40) hours worked as an employee. Full eight (8) hours of sick leave shall accrue after eighty-seven (87) hours of paid time during the month. Sick leave shall not accrue in excess of one thousand one hundred fifty-two (1152) hours. Sick leave may be used as accrued.

Temporary or seasonal part time employees shall accrue at least one hour of paid sick leave for every forty hours worked as an employee. Temporary or seasonal part time employees are entitled to use accrued paid sick leave beginning on the ninetieth (90) calendar day after the commencement of his or her employment.

An employee who has total accrued sick leave in excess of nine hundred sixty (960) hours as of December 31 of each year may elect to cash out the excess hours earned during that calendar year. The election must be made on or before January 15. The cash out shall be on a fifty percent (50%) basis at the employee's rate of pay when accrued. The sick leave hours cashed out shall be deducted from the employee's accrued sick leave. (As an example, if an employee has 1000 hours of accrued sick leave as of December 31 and earned all 40 excess hours in that calendar year, the employee may elect to cash out the excess 40 hours by January 15. If the election is made, then the employee will

be paid for an amount equal to 20 hours at the pay rate when the excess hours were accrued. The 40 excess hours will be deducted from the employee's accrued sick leave.)

District Court judges, pursuant to RCW 3.34.100, shall accrue and use sick leave as provided in this Chapter. No other provisions of this Chapter shall be applicable to District Court judges.

FLSA exempt employees shall only report sick leave if it exceeds four (4) hours or one half-day. Sick leave of less than four (4) hours or one half-day shall not be reported, except as provided in DCC 4.08.050(2).

(DCC 4.12.020 amended 7/23/03; 12/08/20, Resolution CE 20-82 and TLS 20-66)

4.12.030 Notice of Absence. In order to qualify for sick leave, an employee must report the inability to work to his or her immediate supervisor or Department Head as soon as possible and, preferably, at least one (1) hour prior to the beginning of the employee's absence. A disregard or willful failure to report may result in the denial of sick leave and/or disciplinary action. Upon returning to work, the employee shall submit a Request for Approval of Leave form explaining the reason for the absence and requesting approval of sick leave.

For absences exceeding three (3) days, an immediate supervisor or Department Head has the right to request the employee provide written certification from a health care provider attesting to illness or injury as interfering with the employee's ability to perform his or her duties. Failure to provide a written certification upon request may result in the denial of sick leave benefits and/or other disciplinary action. Nothing shall prohibit the County from requiring an employee to be examined by a health care provider of the County's choice. The County shall pay the costs of such examination which exceed those covered by any insurance carrier. The employee shall pay to the County any insurance reimbursement received for such examination.

(DCC 4.12.030 amended 12/19/2017, Resolution CE 17-54 and TLS 17-59)

4.12.040 Sick Leave Qualifying Uses. An employee may use accrued sick leave for absence due to any one or more of the following:

(1) an absence resulting from the employee's mental or physical illness, injury, or health condition; to accommodate the employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or the employee's need for preventive medical care;

(2) to allow the employee to provide care for a family member with a mental or physical illness, injury, or health condition; care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or care for a family member who needs preventive medical care;

(3) when the County's operations have been closed by order of a public official for any health-related reason, or when the employee's child's school or place of care has been closed for such a reason;

(4) because of the birth of a child and in order to care for such child or because of placement of a child with the employee for adoption and in order to care for such child; or

(5) quarantine in accordance with health regulations.

For the purposes of subsection (2), a "family member" includes:

- a. A child, including a biological, adopted, or foster child, stepchild, or a child to whom the employee stands in loco parentis, is a legal guardian, or is a de facto parent, regardless of age or dependency status;
- b. A biological, adoptive, de facto, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child;
- c. A spouse;
- d. A registered domestic partner;
- e. A grandparent;
- f. A grandchild; or
- g. A sibling.

(DCC 4.12.040 amended 12/19/2017, Resolution CE 17-54 and TLS 17-59)

4.12.050 Accrued Sick Leave - Payment Upon Termination. Upon termination from County employment, a regular employee shall be paid a lump sum payment, based on the rate of pay and work scheduled on the last day of active employment, equal to accrued sick leave in excess of seven hundred twenty (720) hours, but less than nine hundred sixty (960) hours, which is a maximum payment equal to two hundred forty (240) hours. Any accrued sick leave in excess of nine hundred sixty (960) hours shall be forfeited. Upon the death of any employee in regular pay status, his or her estate shall be paid for accrued sick leave in accordance with this section.

If an employee is rehired within one (1) year after termination of employment, previously accrued sick leave not paid to the employee upon termination shall be reinstated. Employees returning after one (1) year are only allowed to carry over paid sick leave in excess of forty (40) hours.

(DCC 4.12.050 amended 12/19/2017, Resolution CE 17-54 and TLS 17-59; 12/08/20, Resolution CE 20-82 and TLS 20-66)

4.12.060 Disability Leave.

(1) Disability - Not Job Related. When an employee is disabled and unable to perform the essential duties of his or her position as a result of an injury or disability which is not job related or which does not entitle the employee to temporary time loss benefits under the industrial insurance act, leave may be granted subject to the terms, conditions and provisions of Family Medical Leave, DCC Chapter 4.13.

(2) Disability - Job Related. 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 scheduled work day of injury without deduction from his or her sick leave or vacation accruals. When an employee is disabled and unable to perform the essential duties of his or her position as a result of an injury or disability which is job related and entitles the employee to temporary time loss benefits under the industrial insurance act, then any paid leave taken as a result of the injury shall be reimbursed to the extent retroactive temporary time loss benefits are paid to the employee for such period of paid leave. Upon the employee's written request, accrued sick leave may be used to supplement temporary time loss 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. Accrued vacation leave and compensatory time may be used in a like manner after accrued sick leave is exhausted.

An employee who is temporarily disabled and being compensated through industrial insurance for temporary time loss is entitled to continue to receive insurance benefits subject to any co-payment requirements. If insurance premiums are raised or lowered, the portion paid by the employee shall be adjusted. Insurance benefits shall be terminated for nonpayment by the employee if payment of the employee's portion of the premium is thirty (30) days past due and the employee has been previously provided fifteen (15) days written notice of nonpayment. Sick leave and vacation shall only accrue for hours in regular County pay status and shall not accrue based upon temporary time loss.

(3) Restoration of employment. An employee must submit a completed return to work authorization form to his or her Department Head and obtain approval before returning to any duties after disability leave. An employee returning from a job related disability leave shall assume his or her former position with adjustments to the employee's step increment date and continuous service date for leave accrual purposes in accordance with these policies. Where appropriate, placement in light duty assignments may be made to accommodate medical restrictions. If it is determined that the employee will not be able to return to work in his or her usual occupation at any future time, the County will make reasonable efforts to accommodate the disabled employee in another position for which the employee is qualified. If it is determined that the disabled employee is not able to return to work in any capacity, the employee may be terminated at that time.

4.12.070 Family Medical Leave. Unpaid family medical leave under federal and state laws is authorized, subject to the terms, conditions and restrictions of Family Medical Leave, DCC Chapter 4.13.

4.12.080 Maternity Disability Leave. A female employee may request maternity disability leave for the entire period of time that she is sick or temporarily disabled because of pregnancy or childbirth. This leave shall be taken pursuant to the terms, conditions and restrictions of Family Medical Leave, DCC Chapter 4.13: provided, that any time limitations of family medical leave shall not apply.

4.12.090 Certification of Health Care Provider.

(1) An employee shall provide, upon request, written certification issued by his or her health care provider regarding the need for use of paid sick leave for an authorized purpose under RCW 49.46.210 (1)(b) and (c) for the employee or the employee's spouse, child or parent, which is the basis for leave under this Chapter. Certification shall contain all relevant information as may be applicable, including

- (a) the date on which the health condition commenced;
- (b) the probable duration of the condition;
- (c) a statement that the employee is needed to care for a spouse, child or parent who has a health condition and an estimate of the amount of time that such care by the employee is needed;
- (d) a statement that the employee is unable to perform the essential functions of the position of the employee due to a serious health condition;
- (e) the date on which the health condition commenced, the probable duration of the condition, and appropriate medical facts regarding the condition; and/or
- (f) the expected duration of the serious medical condition and the dates on which planned medical treatment is to be given.

(2) If the employee anticipates that the requirement will result in an unreasonable burden or expense, the employee must be allowed to provide an oral or written explanation to their employer which asserts:

- (a) That the employee's use of paid sick leave was for an authorized purpose under RCW 49.46.210 (1)(b) or (c); and
- (b) How the employer's verification requirement creates an unreasonable burden or expense on the employee.

(3) The employer must consider the employee's explanation. Within ten calendar days of the employee providing an explanation to their employer about the existence of an unreasonable burden or expense, the employer must make a reasonable effort to identify and provide alternatives for the employee to meet the employer's verification requirement in a manner which does not result in an unreasonable burden or expense on the employee. A reasonable effort by the employer to identify and provide alternatives could include, but is not limited to:

- (a) Accepting the oral or written explanation provided by the employee, as outlined in (a)(i) and (ii) of this subsection, as a form of verification which meets the employer's verification requirement; or

(b) Mitigating the employee's out-of-pocket expenses associated with obtaining medical verification.

(c) If after the employer considers the employee's explanation, the employer and employee disagree that the employer's verification requirement results in an unreasonable burden or expense on the employee:

(i) The employer and employee may consult with the department regarding the verification requirement; and

(ii) The employee may file a complaint with the department.

(4) This section shall not supersede any requirements of Family Medical Leave, DCC Chapter 4.13.

(DCC Chapter 4.12.090 Amended 12/08/20, Resolution CE 20-82 and TLS 20-66)

4.12.100 Shared Leave. Shared leave is authorized pursuant to Shared Leave, DCC Chapter 4.15.

(DCC Chapter 4.12.100 Amended 12/08/20, Resolution CE 20-82 and TLS 20-66)

CHAPTER 4.13 - FAMILY MEDICAL LEAVE

Sections:

- 4.13.010 Purpose
- 4.13.020 Definitions
- 4.13.030 Family Medical Leave
- 4.13.040 Notice of Family Medical Leave
- 4.13.050 Requirement Certification by Health Care Provider
- 4.13.060 Both Spouse Employed by County
- 4.13.070 Restoration of Employment
- 4.13.080 Employee Benefits Protected
- 4.13.090 Periodic Reporting and Recertification

4.13.010 Purpose. The purpose of this family medical leave policy is to implement federal and state laws providing for family and medical leave and to provide restoration of employment and employee benefits protection to employees of the County.

4.13.020 Definitions. Unless the context clearly requires otherwise, the definitions in this section apply throughout this Chapter.

(1) "Child" means an employee's biological, adopted or foster child, a stepchild, or a legal ward, or a child of a person in loco parentis who is either under eighteen years of age or is eighteen years of age or older and incapable of self-care because of a mental or physical disability.

(2) "Continuing treatment" means

(a) A three-day period of incapacity that involves at least two visits to a health care provider or a regimen of continuing treatment under a health care provider's supervision;

(b) Any period of incapacity due to pregnancy, even if no treatment is obtained, or for prenatal care;

(c) Any period of incapacity due to a chronic condition, even if no treatment is obtained;

(d) Any period of absence to receive multiple treatments for restorative surgery or a serious illness; or

(e) Any permanent or long-term incapacity, even if treatment is not being provided.

(3) "Employee" means a person, other than an independent contractor, who has been employed by the County for at least twelve months and for at least 1,250 hours during the twelve months immediately preceding the request for family medical leave.

(4) "Family medical leave" means unpaid leave from employment taken for one or more of the following

(a) because of the birth of a child and in order to care for such child;

(b) because of placement of a child with the employee for adoption or Washington state administered foster care;

(c) in order to care for the spouse, child or parent of the employee suffering from a serious health condition; or

(d) because of a serious health condition that makes the employee unable to perform the essential functions of his or her position.

(e) Absences due to alcohol or drug use shall not qualify for family medical leave unless taken for the purpose of treatment.

(5) "Health care provider" means a physician, osteopath, podiatrist, dentist, clinical psychologist, clinical social worker, optometrist, chiropractor, nurse practitioner, or nurse mid-wife licensed under Washington state law and any health care provider authorized by the employee's group health plan provided through Douglas County.

(6) "Parent" means a biological, adoptive or step or foster father or mother,, or someone who stood in loco parentis to the employee when the employee was a son or daughter. Parent for FMLA purposes does not include in-laws.

(7) "Reduced leave schedule" means a family medical leave schedule that reduces the usual number of hours or days per workweek of an employee.

(8) "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; or continuing treatment by a health care provider involving either inpatient care or continuing treatment by a health care provider.

(9) "Spouse" means a husband or wife as defined or recognized in the state where the employee was married and includes individuals in a same-sex marriage or common law marriage.

(DCC Chapter 4.13.020 Amended 12/08/20, Resolution CE 20-82 and TLS 20-66)

4.13.030 Family Medical Leave.

(1) An employee is entitled to unpaid family medical leave for one or more of the following

(a) because of the birth of a child and in order to care for such child;

(b) because of placement of a child with the employee for adoption or administered foster care;

(c) in order to care for the spouse, child, or parent of the employee suffering from a serious medical condition; or

(d) because of a serious health condition that makes the employee unable to perform the essential functions of his or her position.

The right to family medical leave under subsections (1)(a) and (b) of this section shall expire twelve months after the birth or placement of the child: provided, that this policy shall not limit or impair any unpaid leave of absence to which a female employee is otherwise entitled under state law due to sickness or temporary disability because of pregnancy or childbirth.

(2) Family medical leave because of a birth or placement of a child may be taken on a reduced leave schedule or intermittently with the approval of the employee's Department Head. Family medical leave because of a serious health condition may be taken intermittently or on a reduce leave schedule when medically necessary: provided, that, if such leave is foreseeable based on planned medical treatment, then the employee may be required to transfer temporarily to an available alternative position for which the employee is qualified, if such position has equivalent pay and benefits and better accommodates recurring periods of leave.

(3) All family medical leave shall be taken concurrently with available paid leave and compensatory time off. The employee shall first use all other accrued leave, both vacation leave and sick leave, and all accrued compensatory time off, to which the employee is otherwise entitled, unless allowed by a state or federal regulation. The remaining balance of family medical leave, if any, shall be unpaid. The total of paid leave and unpaid family medical leave taken under this policy shall not exceed twelve workweeks (480 hours) within a twelve month period, which includes the length of current family medical leave being taken by the employee.

(DCC Chapter 4.13.030 Amended 12/08/20, Resolution CE 20-82 and TLS 20-66)

4.13.035 Care of Service Member. An employee who is the spouse, child, parent or next of kin of a covered service member who is recovering from a serious illness or injury sustained in the line of duty while on active duty is entitled to a combined total of twenty-six (26) workweeks (960 hours) of family medical leave during a single 12-month period for the purpose of caring for such service member.

(DCC 4.13.035 adopted February 2009)

4.13.040 Notice of Family Medical Leave.

(1) An employee planning to take foreseeable family medical leave because of the birth or placement of a child shall provide the employee's Department Head with not less than thirty (30) days' notice before the leave is to begin. The notice shall state the dates during which the employee intends to take family medical leave. The employee shall adhere to those dates. If the birth or placement requires family medical leave to begin in less than thirty (30) days, the employee shall provide notice as soon as is practicable, but at least within one working day after the need for leave becomes known to the employee.

(2) If family medical leave due to planned medical treatment for a serious health condition is foreseeable, then the employee shall provide the employee's Department Head with not less than thirty (30) days' notice before the leave is to begin. The notice shall state the dates on which the employee intends to take family medical leave. The employee shall make a reasonable effort to schedule the leave so as not to unduly disrupt the operations of the employee's department. If planned medical treatment requires family medical leave to begin in less than thirty (30) days, the employee shall provide notice as soon as is practicable, but at least within one working day after the need for leave becomes known to the employee.

(3) If an employee fails to give timely advance notice of the foreseeable need for family medical leave, then the County may deny the taking of family medical leave until thirty (30) days after the date the employee provides notice.

(4) In the event of an absence from work that is taken by an employee without prior notice, the employee shall provide a reason for the absence to the employee's Department Head within two working days after returning to employment. The failure to provide a reason for absence or a reason that qualifies under this policy, will preclude employee protection under this policy.

(5) An employee shall be notified, in writing, of the Department Head's designation of an absence as family medical leave taken under this policy. Such notice shall be provided within two working days after the reason for the absence is made known to the Department Head. The notice to the employee shall include a description of the employee's obligations under this policy.

4.13.050 Requirement for Certification by Health Care Provider

(1) The employee shall provide written certification issued by a health care provider regarding the serious health condition of the employee or the employee's spouse, child or parent, or the medical necessity of a reduced leave schedule or intermittent leave. Certification shall contain all relevant medical information as may be applicable, including

(a) the date on which the serious health condition commenced;

(b) the probable duration of the condition;

(c) the appropriate medical facts within the knowledge of the health care provider regarding the condition;

(d) a statement that the employee is needed to care for a spouse, child or parent who has a serious health condition and an estimate of the amount of time that such care by the employee is needed;

(e) a statement that the employee is unable to perform the essential functions of the position of the employee due to a serious health condition;

(f) the date on which a serious health condition commenced, the probable duration of the condition, and appropriate medical facts regarding the condition; and/or

(g) a statement of the medical necessity for any reduced leave schedule or intermittent leave, the expected duration of the serious medical condition, the dates on which planned medical treatment is to be given and the duration of such treatment, and the schedule of intermittent leave and reduced leave.

(2) A Department Head may require, at the County's expense, that the employee obtain the opinion of a second health care provider selected by the County concerning any information required under subsection (1) of this section. If the opinion of the second health care provider differs from the original opinion, the County may require, at the expense of the County, that the employee obtain the opinion of a third health care provider designated or approved jointly by the County and the employee. The opinion of the third health care provider shall be final and binding on both the County and the employee.

(3) If an employee fails to provide in a timely manner any requested medical certification to substantiate the need for family medical leave due to a serious health condition, family medical leave may be denied until such certificate is submitted.

4.13.060 Both Spouses Employed by County. If both a husband and wife are employed by the County, they shall be limited to an aggregate total of twelve workweeks of family medical leave during the twelve month period if such leave is taken in order to care for a newborn child, because of placement of a child for adoption or foster care, or in order to care for a parent suffering a serious health condition.

4.13.070 Restoration of Employment.

(1) Subject to subsection (2) of this section, an employee who takes family medical leave for the intended purpose of the leave shall be entitled, upon return from such leave, to be restored to the same position held by the employee when the leave commenced or to an equivalent position, with equivalent benefits, pay and terms and conditions of employment.

(2) The County may deny restoration of employment under the following circumstances

- (a) If an employee fails to provide certification of the ability to return to work from the employee's health care provider.
- (b) If the employee would not otherwise have been employed if family medical leave had not been taken.
- (c) If the employee gives unequivocal notice of his or her intent not to return to work.
- (d) If the employee is among the highest paid ten percent of County employees and if
 - (i) such denial is necessary to prevent substantial and grievous injury to the operations of the County;
 - (ii) the key employee is notified of the intent to deny restoration on such basis at the time the County determines that such injury would occur; and
 - (iii) in any case in which family medical leave has already commenced, the key employee elects not to immediately return to employment after receiving such notice.

4.13.080 Employee Benefits Protected.

(1) The taking of family medical leave under this policy shall not result in the loss of any benefit, including seniority or pension rights, accrued before the date on which the leave commenced.

(2) All policies applied to the classification of County employees to which the employee on leave belongs shall apply to the employee during family medical leave.

(3) During any period of family medical leave, the County shall maintain coverage for the employee under any group health plan at the level and under the conditions coverage would have been provided if the employee had been continuously employed for the duration of such family medical leave. The portion of the premium for group health plan coverage paid by the employee shall continue to be paid during the period of family medical leave. If premiums are raised or lowered, the portion paid by the employee shall be adjusted. Group health plan coverage shall be terminated for nonpayment by the employee if payment of the employee's portion of the premium is thirty (30) days past due and the employee has been previously provided fifteen (15) days written notice of nonpayment. The employee shall reimburse the County for all group health plan premiums paid by the County if the employee fails to return to employment from family medical leave, unless the failure to return to employment is based upon a new, continuing or recurring serious health condition or is beyond the control of the employee. The employee shall reimburse the County for all premiums paid by the County if the employee

fails to return to employment from leave, unless the failure to return to employment is beyond the control of the employee or as may be specifically provided in this Title.

(4) Nothing in this policy shall be construed to require the County to grant benefits to any employee, including continuing accrual of seniority or pension rights, during any period of unpaid family medical leave.

(DCC Chapter 4.13.080(3) Amended 12/08/20, Resolution CE 20-82 and TLS 20-66)

4.13.090 Periodic Reporting and Recertification. The County shall have the right to require the employee to report periodically on the status and intention of the employee to return to work and to reasonably require subsequent recertification of a serious health condition.

CHAPTER 4.14 - PAID SICK AND FAMILY LEAVE

4.14.010	Purpose
4.14.020	Employee Eligibility
4.14.030	Employee Notice to Employer
4.14.040	Concurrent Leave.
4.14.050	Employee notice of rights.
4.14.060	Employment protection.
4.14.070	Continuation of health benefits.
4.14.080	No Supplementation
4.14.090	Non Paid Status
4.14.100	Premiums

This policy applies when an employee meets eligibility criteria under the state Paid Family Medical Leave Law (PFML) for an absence from work.

4.14.010 Purpose: Paid Family and Medical Leave. RCW Title 50A The legislature declares it to be in the public interest to create a family and medical leave insurance program to provide reasonable paid family leave for the birth or placement of a child with the employee, for the care of a family member who has a serious health condition, and for a qualifying exigency under the federal family and medical leave act, and reasonable paid medical leave for an employee's own serious health condition and to reasonably assist businesses in implementing and maintaining a program to support their employees and family.

4.14.020 Employee Eligibility. Employees are eligible for family and medical leave benefits after working for at least eight hundred twenty (820) hours in employment during the qualifying period.

4.14.030 Employee notice to employer.

(1) If the necessity for leave for the birth or placement of a child with the employee is foreseeable based on an expected birth or placement, the employee shall provide the employer with not less than thirty days' notice, before the date the leave is to begin, of the employee's intention to take leave for the birth or placement of a child, except that if the date of the birth or placement requires leave to begin in less than thirty days, the employee shall provide such notice as is practicable.

(2) If the necessity for leave for a family member's serious health condition or the employee's serious health condition is foreseeable based on planned medical treatment, the employee:

(a) Must make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the employer, subject to the approval of the health care provider of the employee or the health care provider of the family member, as appropriate; and

(b) Must provide the employer with not less than thirty days' notice, before the date the leave is to begin, of the employee's intention to take leave for a family member's serious health condition or the employee's serious health condition,

except that if the date of the treatment requires leave to begin in less than thirty days, the employee must provide such notice as is practicable.

(3) When leave is foreseeable and the employer has provided notice to the employee of available leave options, if the employee fails to submit application for State WAPFML in a timely manner and verification from the State WAPFML accepting and approving the WAPFML prior to the current period payroll deadline the employer will apply the employees current leave balance for that pay period. The leave balances will not be credited and the employee will not be allowed to buy back the leave applied.

4.14.040 Concurrent Leave: Leave taken under this title must be taken concurrently with any leave taken under the federal family and medical leave act of 1993.

4.14.050 Employee Notice Of Rights. Whenever an employee of an employer who is qualified for benefits under this title is absent from work to provide family leave, or take medical leave for more than seven consecutive days, the employer shall provide the employee with a written statement of the employee's rights under this title in a form prescribed by the commissioner. The statement must be provided to the employee within five business days after the employee's seventh consecutive day of absence due to family or medical leave, or within five business days after the employer has received notice that the employee's absence is due to family or medical leave, whichever is later.

4.14.060 Employment protection.

(1) Except as provided in RCW 50A.30.010(5) and subsection (6) of this section, any employee who takes family or medical leave under this title is entitled, on return from the leave:

- (a) To be restored by the employer to the position of employment held by the employee when the leave commenced; or
- (b) To be restored by the employer to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.

(2) The taking of leave under this title may not result in the loss of any employment benefits accrued before the date on which the leave commenced.

- (3) Nothing in this section shall be construed to entitle any restored employee to:
- (a) The accrual of any seniority or employment benefits during any period of leave; or
 - (b) Any right, benefit, or position of employment other than any right, benefit, or position to which the employee would have been entitled had the employee not taken the leave.

(4) In order for an employee to return to work the employee must provide certification from the employee's health care provider that the employee is able to resume work

(5) The employer requires an employee on leave to report periodically to the employer on the status and intention of the employee to return to work.

(a) Employee has been employed by the employer for twelve (12) months or more:
and

(b) The employee has worked for the current employer for at least one thousand two hundred fifty (1250) hours during the twelve months immediately preceding the date on which leave will commence

(c) An employer may deny restoration under this section to any salaried employee who is among the highest paid ten percent of the employees employed by the employer within seventy-five miles of the facility at which the employee is employed if:

(i) Denial is necessary to prevent substantial and grievous economic injury to the operations of the employer;

(ii) The employer notifies the employee of the intent of the employer to deny restoration on such basis at the time the employer determines that the injury would occur; and

(iii) The leave has commenced and the employee elects not to return to employment after receiving the notice.

4.14.070 Continuation Of Health Benefits. If required by the federal family and medical leave act, as it existed on October 19, 2017, during any period of family or medical leave taken under this title, the employer shall maintain any existing health benefits of the employee in force for the duration of such leave as if the employee had continued to work from the date the employee commenced family or medical leave until the date the employee returns to employment. If the employer and employee share the cost of the existing health benefits, the employee remains responsible for the employee's share of the cost. This section does not apply to an employee who is not in employment for an employer at the time of filing an application for benefits.

4.14.080 No Supplementation. Douglas County will not provide supplementation of benefits while on Paid Family and Medical Leave.

4.14.090 Non Paid Status. While out on Paid Family Medical Leave employees will be on non-paid status with the county, since they will be receiving payments from an outside agency.

4.14.100 Premiums. Premiums for the state Paid Family and Medical Leave will be collected from the employee and employer in accordance to RCW 50A.10.

(DCC Chapter 4.14, Adopted 12/08/20, Resolution CE 20-82 and TLS 20-66, renumber of Chapters 4.14, 4.15)

CHAPTER 4.15 - SHARED LEAVE

Sections:

- 4.15.010 Purpose
- 4.15.020 Definitions
- 4.15.030 Eligibility to Receive Shared Leave
- 4.15.040 Limitation of Hours Received
- 4.15.050 Eligibility to Donate Shared Leave
- 4.15.060 Inter-department Transfers
- 4.15.070 No Reduction in Pay or Benefits
- 4.15.080 Rate of Donation
- 4.15.090 No Reversion of Donated Hours
- 4.15.100 When Shared Leave Reimbursed
- 4.15.110 Confidentiality of Donors
- 4.15.120 Administration by Auditor

4.15.010 Purpose. The purpose of the shared leave program is to permit County employees, at no additional cost to any County fund other than the administrative costs of administering the program, to come to the aid of a fellow County employee who is suffering from or has an immediate family member suffering from an extraordinary or severe illness, injury, impairment, or physical or mental condition which has caused or is likely to cause the employee to take leave without pay or to terminate his or her employment.

4.15.020 Definitions. For the purpose of administering the shared leave program, the following definitions shall apply:

A. "Employee" shall mean any employee who is entitled to accrue sick leave or vacation leave and for whom accurate leave records are maintained.

B. "Immediate family member" shall mean a spouse, child or step-child living with the employee. Exceptions may be granted for other persons living with the employee who are related to the employee by blood or marriage and for whom the employee is the primary caregiver.

C. "Paid leave" shall mean vacation leave, sick leave, accrued compensatory time or floating holidays.

D. "Severe" or "extraordinary" shall mean a condition which is serious, extreme and/or life threatening.

4.15.030 Eligibility to Receive Shared Leave. A Department Head, with the Board of County Commissioners' concurrence, may approve a donee employee to receive shared leave under this program if:

(1) The employee suffers, or has an immediate family member suffering from, an illness, injury, impairment, or physical or mental condition which is of an extraordinary or severe nature and which has caused, or is likely to cause, the employee to go on leave without pay status or to terminate his or her employment with the County.

(2) An employee has successfully completed six (6) months of continuous County employment.

(3) The employee has depleted or will shortly deplete his or her total available paid leave and compensatory time off.

(4) Prior to the use of shared leave, the employee has abided by the County's policies regarding the use of sick leave.

(5) The employee has diligently pursued and is found to be ineligible for state industrial insurance time loss benefits: provided, that if a state industrial insurance time loss claim is approved subsequent to receiving shared leave, the donee employee shall reimburse the County as provided in this policy.

(6) The use of shared leave will not significantly increase the costs of any fund, except for those costs which would otherwise be incurred in the administration of this program or which would otherwise be incurred by the employee's department.

(7) The use of shared leave, if requested for a period of more than two (2) months, will not significantly adversely impact the management, administration, policy development and/or policy implementation operations of the donee employee's Department or the County.

4.15.040 Limitation on Hours Received. The Department Head, with the concurrence of the Board, shall determine the amount of shared leave, if any, which a donee employee may receive under this ordinance. Prior to approval or disapproval, the donee employee shall be required to provide appropriate medical justification and documentation for both the necessity for the leave and for the time which the employee can reasonably be expected to be absent due to the condition. A donee employee shall not receive more than a total of one thousand forty (1,040) hours of shared leave throughout the employee's total County employment. To the extent possible, shared leave should be used on a consecutive basis. Shared leave may not be used retroactively by the donee employee to replace paid or unpaid leave taken in a prior pay period.

(DCC 4.14.040 amended 8/1/2017, Resolution CE 17-31 and TLS 17-36)

4.15.050 Eligibility to Donate Shared Leave. A donor employee may request his or her Department Head to approve the transfer of a specified amount of accrued vacation (annual) leave, sick leave or compensatory time off to a donee employee who is authorized to receive shared leave as provided herein:

a. In order to be eligible to donate vacation leave, a donor employee must have a total of more than eighty (80) hours of accrued vacation leave, have taken at least eighty (80) hours of vacation leave within the calendar year or have a total of accrued and used vacation leave of greater than eighty (80) hours for the calendar year. In no event shall a transfer of leave be approved which would result in a donor employee reducing his or her total vacation leave in a calendar year to less than eighty (80) hours. The donor employee's Department Head shall not transfer vacation leave in excess of the amount specified in the request.

b. In no event shall a transfer of sick leave be approved which would result in a donor employee reducing his or her total sick leave to less than seven hundred twenty (720) hours. The donor employee's Department Head shall not transfer sick leave in excess of the amount specified in the request.

c. All donations shall be voluntary.

d. The Department Head shall determine that no significant increase in County costs will occur as a result of a donation prior to approval or disapproval of the request.

(DCC 4.14.050, amended 03/22/00)

4.15.060 Inter-department Transfers. As provided in this chapter, a donor employee may transfer vacation leave, sick leave and/or compensatory time off from one department to an employee of the same department, or, with the concurrence of both Department Heads, to an employee within another department: provided, that transfers between departments having different budget funds shall be allowed with approval of the Board of County Commissioners and the affected Department Heads.

(DCC 4.14.060, amended 03/22/00)

4.15.070 No Reduction in Pay or Benefits. While a donee employee is using shared leave, he or she will continue to be classified as a County employee and shall receive the same treatment, in respect to pay and benefits, as the employee would otherwise receive if using paid leave.

a. All pay and benefits payments made to the donee employee on a shared leave shall be made by the department employing the person using the shared leave.

b. The donee employee's pay rate shall not change as a result of being on shared leave nor, under any circumstances, shall the total of the donee employee's pay and other benefits, including but not limited to state industrial insurance or any other benefits received as result of payment by the County to an insurer, health care provider, or pension system, exceed the total of pay and benefits which the donee employee would have received had he or she been in a regular pay status.

(DCC 4.14.070, amended 03/22/00)

4.15.080 Rate of Donation. Vacation leave, sick leave and compensatory time off shall be transferred on an hour-for-hour basis, with a minimum transfer of four (4) hours.

(DCC 4.14.080, amended 03/22/00)

4.15.090 No Reversion of Donated Hours. Once vacation leave, sick leave and/or compensatory time off is transferred to the donee employee, the hours shall remain in the donee employee's accrual until exhausted and shall not revert back to the original donor employee except as provided in this chapter. In no event will any unused shared leave be paid to the donee employee upon leaving County employment.

(DCC 4.14.090, amended 03/22/00)

4.15.100 When Shared Leave Reimbursed. In the event a donee employee receives state industrial insurance time loss benefits, social security disability benefits, disability insurance benefits or any third party payments which compensate the employee for time loss from employment during any period of shared leave, the donee employee shall reimburse the County for all shared leave received by the donee employee, limited to the total of such benefits and payments received. All such reimbursed shared leave shall be returned to the donor employees.

4.15.110 Confidentiality of Donors. The identity of any donor employees shall remain confidential and shall not be disclosed.

4.15.120 Administration of Program. The Auditor's Office shall be responsible for monitoring the donated leave and compensatory time off and the shared leave, and shall also be responsible for initiating the Personnel/Payroll Action Form adjusting the accrued balances to show the transfer of hours for both the donor and recipient. Records of all hours transferred shall be maintained. The Auditor's Office shall monitor the use of shared leave with the objective of establishing uniform administration of this program for all employees of the County. Inappropriate use or treatment of the shared leave provision may result in the cancellation of the donated leave or use of shared leave.

(DCC 4.14.120, amended 03/22/00)

CHAPTER 4.16 - PERFORMANCE EVALUATIONS, TRAINING AND EDUCATION

Sections:

- 4.16.010 Performance Evaluations
- 4.16.020 Initial Evaluation Periods
- 4.16.030 Training
- 4.16.040 Compensation During Training
- 4.16.050 Sponsored Training
- 4.16.060 Tuition Reimbursement
- 4.16.070 At Will Employment

4.16.010 Performance Evaluation.

(1) Purpose. Responsible and equitable methods for evaluating employee performance are increasingly necessary to demonstrate fair employment practices. The purposes of performance evaluation are:

- a) to establish and maintain communication between supervisors and employees;
- b) to improve productivity through communication;
- c) to apply constructive methods of recognizing superior performance, or to deal with less than satisfactory performance;
- d) to acknowledge changes that have occurred in an employee's performance, whether positive or negative; and
- e) to provide a firm basis and documentation for difficult personnel management decisions.

(2) Process. Because of the wide diversity of jobs in the County, no single format for performance evaluation is mandated. Each Department Head may determine the written form that is used and it should be reviewed and approved by the Personnel Committee. Evaluations must be based upon position-specific performance elements. Evaluation standards should be developed in conjunction with employees. Performance evaluations should meet the following criteria: Be written, indicate clearly whether overall performance is satisfactory or unsatisfactory, include a review of primary job duties and responsibilities including work standards and whether or not the employee is meeting those standards, provide an opportunity for the employee written feedback, and attempt to maximize face to face communication between the employee and supervisor. Completed performance evaluations are filed in the employee's personnel file. The contents of an employee's performance evaluation are not subject to the grievance procedure.

(3) Frequency. Each employee shall participate in monthly written performance evaluations during any initial evaluation period and at least annually thereafter.

(4) Results. Performance evaluation results may be used to determine salary adjustments; to determine whether or not to grant a leave of absence; to determine

employee training and development needs; and to select employees for promotion, layoffs or out-of-class assignments.

4.16.020 Initial Evaluation Period.

(1) Initial Evaluation Period Required. An initial evaluation period shall be required for all initial classified employment and following a transfer, promotion, demotion, layoff and reinstatement.

(2) Length. The initial evaluation period starts on the effective date of initial employment or change of employment and shall be for twelve (12) months of continuous service, except:

(i) In the event an employee is on an paid or unpaid leave for more than twenty-one (21) consecutive work days during an initial evaluation period, the completion date shall be extended by an amount of time equal to the entire period of leave;

(ii) Time served by a regular employee in a temporary upgrade or out of class assignment prior to a regular appointment shall be credited toward satisfaction of the required initial evaluation period if: a) the temporary upgrade or out of class assignment was in the same or higher classification as the regular position, and b) there has not been a break in service between the appointments of more than fifteen (15) working days.

(iii) An employee who is serving the initial evaluation period and is promoted or transferred to another position will serve a full twelve (12) months initial evaluation period in the new position.

(iv) An employee and the employee's Department Head may agree, in writing, to extend the initial evaluation period for not more than six (6) additional months.

(3) Purpose. The initial evaluation period shall be a working test period that is 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 provide the employee with an opportunity to bring performance up to standards. All initial appointments, promotions, transfers, demotions and reinstatements are tentative and shall be subject to an initial evaluation period under this policy. Before the end of an initial evaluation period, a determination will be made whether to continue or terminate the employment relationship. The initial evaluation period is also an opportunity for an employee to learn how the County operates, to determine whether the work is suited to his or her abilities, and to determine whether the County meets his or her expectations.

(4) Evaluation. The employee and the supervisor should have ongoing communication regarding the employee's job performance during the initial evaluation period. This communication may include written feedback to the employee at regular short intervals. There shall be at least monthly written evaluations given to the employee. 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. All forms developed for initial evaluation period employees should be approved by the Personnel Committee.

(5) Removal During Initial Evaluation Period. An employee may be terminated at any time during his or her initial evaluation period. An employee terminated during the initial evaluation period may not use the grievance procedures under this Title or take any action against the County for termination.

(DCC 4.15.020 amended 07/14/2014, Resolution CE 14-30 and TLS 14-35)

4.16.030 Training. The County encourages the ongoing training of all employees in order to continually improve the levels of service that the County provides. However, each employee is expected to continually demonstrate the minimum skills, education and experience which initially qualified the employee for the position. Each department shall develop training programs to meet personnel and department needs. Each department shall maintain an individual training plan for each employee which shall establish a schedule for training and shall record all training attended by the employee and the results of such training on the employee's performance.

4.16.040 Compensation During Training. All hours in training which are part of an employee's individual training plan or are required to maintain certification or licensing required by the employee's position shall be paid hours. Further, regular employees may request Professional Development Leave, pursuant to DCC 4.11.080, for other training or education that may benefit the County.

4.16.050 Sponsored Training. The County shall pay or reimburse tuition and travel expenses for pre-approved training by a sponsor other than the County.

4.16.060 Tuition Reimbursement. If it is found to be in the best interests of the County, reimbursement to a regular, full-time employee for the cost of tuition for classes at an accredited educational institution may be allowed subject to the availability of funds and the prior approval of the Board, in accordance with appropriate reimbursement procedures. Any regular, full-time employee who desires to enroll in an accredited educational institution shall apply to their Department Head at least ten (10) working days in advance of the proposed enrollment and submit a course description. If approved, reimbursement for the cost of tuition will be contingent upon satisfactory completion of the course (a grade of "C" or better or the equivalent thereof) and any time away from work will be in accordance with County procedures. It is not the intention of the County to fund a degree, however, approval for a course leading to a graduate or undergraduate degree may be granted subject to the criteria in this section. An employee who is granted tuition reimbursement and then voluntarily terminates County employment may be required to repay any reimbursement that is received during the last six (6) months of his or her employment.

4.16.070 At Will Employment. Nothing in this chapter shall alter "**AT WILL**" employment status or shall create or be construed to create any right or confer any

benefit, either substantive or procedural, that may be enforceable by an employee against the County.

CHAPTER 4.17 - EMPLOYEE WORK RULES AND STANDARDS OF CONDUCT

Sections:

- 4.17.010 Employee Responsibilities
- 4.17.020 Political and Business Activities
- 4.17.030 Conflict of Interest and Misuse of Office
- 4.17.040 Outside Employment
- 4.17.050 Use of County Property
- 4.17.052 Vehicle Use
- 4.17.055 Computer Use
- 4.17.060 Safety
- 4.17.070 Accidents and Property Damage Reporting
- 4.17.080 Travel
- 4.17.090 Standards of Conduct
- 4.17.100 Forms of Disciplinary Action
- 4.17.110 Demotion
- 4.17.120 Disciplinary Guidelines

4.17.010 Employee Responsibilities. The orderly and efficient operation of County government requires that employees of the County 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.

4.17.020 Political and Business Activity. Political and/or private business solicitations or activities shall not be conducted on duty or on County premises.

4.17.030 Conflict of Interest and Misuse of Position. Each County employee is expected to demonstrate the highest standards of ethics. No County employee shall engage in any conduct that results in or may give the appearance of a conflict of interest contrary to the interests of the County or the public, as may be determined by the Board. Employees shall not use County employment for personal gain and are prohibited from accepting any fee, gift, consideration or benefit in the performance of his or her County employment duties.

4.17.040 Outside Employment. No regular, full-time employee shall engage in any employment outside the County without first notifying his or her Department Head through use of an Outside Employment Request and Authorization Form. Any changes in authorized outside employment shall also require notice and authorization.

Outside employment requests or changes shall be authorized unless the Department Head determines that the outside employment conflicts or interferes with, or is likely to conflict or interfere with, the duties of the employee's position with the County, or causes or is likely to cause the employee to be less effective or productive, or tends to impair the

mental or physical capacity or functioning of the employee, or may result in a violation of federal, state or local law.

4.17.050 Use of County Property. County property, including vehicles and equipment, shall be used only for official County business in accordance with this chapter. County property shall not be removed from the workplace without the prior approval of the Department Head.

(Amended, 10/24/2006, Resolution CE 06-87)

4.17.052. Vehicle Use.

A. Authorized Use of County Vehicle. County employees shall be authorized to operate a vehicle on County business only as provided in this policy. Employees shall be subject to a driving history record review and must demonstrate the ability and willingness to drive in a safe and legal manner prior to being authorized.

B. Limitations on Personal Use. County vehicles shall be used only within the scope and course of County business. Employees may not use County vehicles for personal matters (including transportation of children to school or daycare facilities) except under one of the following conditions:

- i. When driving to switch to a personal vehicle will result in an extra and unnecessary expenditure of County time and money;
- ii. Travel to and from the employee's residence, if the vehicle is permanently assigned for use to the employee and use for commuting is authorized. Each employee commuting in a County vehicle is subject to Internal Revenue Service rules regarding vehicle use benefits, other than law enforcement officers using emergency response vehicles and unmarked vehicles. Each employee commuting in a County vehicle is responsible for providing a written record of all miles used for commuting and providing such record to the Auditor as may be required by the Auditor. Failure to provide such a record will result in a reconstruction of all commuting use by the Auditor and a report of such reconstructed use to the Internal Revenue Service;
- iii. Authorized commuting in a County vehicle does not authorize personal business use of the vehicle ; or
- iv. Limited and incidental personal use, with de minimis cost to the County, such as driving to eating establishments while traveling, stopping for a brief personal errand where switching to a personal vehicle is impracticable or will result in unnecessary expenditure of County time and resources, and unforeseen emergencies.

The County maintains a "no deviation" policy. Employees who use County vehicles for purposes outside this policy are not considered "at work" and any injuries resulting from accidents during such times are not subject to compensation, including workers compensation.

C. Passengers and Animals. Only persons directly engaged in activities which are County business may ride as passengers in a County vehicle. With permission of the employee's Department Head, a spouse may ride as a passenger traveling to or from employment related conferences and meetings. No animals may be transported in County vehicles, other than official K-9 unit animals.

D. Use of Personal Vehicle for County Business. Personal vehicles may be used for County business in accordance with this policy:

- i. Personal vehicles shall not be used on County business unless prior approval from the employee's Department Head has been granted.
- ii. Drivers who routinely use their personal vehicle on County business shall provide, upon request, proof of insurance with adequate limits of liability insurance .
- iii. Douglas County does not insure private vehicles used by employees for County business and the employee's automobile insurance is the primary carrier for liability purposes. Each employee who uses a personal vehicle for County business is required to notify the employee's insurance carrier of the business use.
- iv. Mileage reimbursement for business use of a personal vehicle includes compensation for fuel, insurance coverage, insurance deductibles for collision and comprehensive losses, vehicle depreciation, and vehicle maintenance.

E. Safety. County vehicles and personal vehicles used for County business shall be operated in a safe and prudent manner. Vehicles may be used only when in safe operating condition. All employees authorized to operate vehicles on County business shall receive County approved safe driver training, emergency vehicle operation training, or defensive driver training. All employees shall complete safe driver training at least once every three years. Emergency vehicle operation training or other driver training for fully commissioned Sheriff's personnel shall be completed as determined by the Sheriff. Employees who operate vehicles or have positions that require a commercial driver's license shall complete other training as required by law and the Department Head.

F. Use of Tobacco, Alcohol, and Drugs Prohibited. In addition to complying with the County's Smoke Free Environment and Drug-Free Workplace policies, County employees shall not smoke in County vehicles and shall not drive a County vehicle, or personal vehicle on County business, while under the influence of alcohol or any drug. If alcohol and/or drug use is determined to be a contributing factor to any vehicle accident, traffic violation or criminal traffic offense committed while operating a County vehicle or a personal vehicle for County business, such use

shall be grounds for separate disciplinary action up to and including termination of employment.

G. Seat Belts. All drivers and passengers in County vehicles or in private vehicles used on County business must use seat belts and other safety restraints in accordance with RCW 46.61.688.

H. Use of Cell Phones. Employees operating County vehicles or driving personal vehicles on County business shall not use cellular phones while the vehicle is moving unless such use is an emergency or the cell phone is equipped with "hands free" capability.

I. Safety Equipment. Each County vehicle shall be equipped with a first aid kit a fire extinguisher, and flares.

J. Fuel. County vehicles shall be fueled at County provided or approved facilities whenever practical. County or private credit cards will be used only if such facilities are not available.

K. Vehicle Operator Responsibilities. Every operator of a County vehicle shall:

- i. Not use a vehicle if operating and/or or safety problems are known to exist.
- ii. Promptly report any equipment problems, deficiencies or failures to the employee's supervisor.
- iii. Operate the vehicle in a safe, legal, courteous and defensive manner, including obeying speed limits and proper use of seat belts or other vehicle safety restraints as required by law and employees shall not use obscene gestures or language, overuse the vehicle horn, or engage in other behavior which may cause other driver's to retaliate.
- iv. Take adequate precautions to protect the County vehicle from damage or theft.
- v. Promptly report any vehicle accident to the employee's supervisor and the proper law enforcement agency using the required reporting forms.
- vi. Possess a current and valid Washington driver's license, including a commercial driver's license when required for the job classification and/or vehicle operated. The employee will immediately report any suspension, revocation, expiration or other loss of a valid operator's license to the employee's supervisor.
- vii. Complete a County approved driver safety training course within ninety (90) days after hiring and at least once every three years thereafter.

(Additional or more frequent training may be required by the employee's Department Head).

L. Driving Offenses. An employee shall immediately report to the employee's supervisor any traffic infraction or criminal traffic offense charged while operating a County vehicle or a personal vehicle on County business. Employees are personally responsible for payment of any and all fines and civil penalties imposed as a result of traffic infractions and criminal traffic offenses committed while operating a County vehicle or personal vehicle on County business.

M. Failure to Comply. The failure to comply with the provisions of this policy shall result in disqualification of the employee to operate County vehicles and to use a personal vehicle on County business. The failure to comply may result in discipline up to and including termination of employment.

N. License and Driving Records. Employees required or authorized to operate a vehicle on County business, whether a private vehicle or a County vehicle, must possess a valid Washington State driver's license and comply with any licensing restrictions. An employees authorized to operate a vehicle on County business may, at any time, have the employee's Department of Licensing driving record obtained and reviewed by the County. An employee authorized to operate a vehicle on County business shall notify the employee's supervisor or Department Head of any suspension or revocation of licensed status or any restriction placed upon the employee's license. The failure to report a change in license status is a violation of this policy.

O. Disqualification from Driving. An employee may be disqualified from operating a vehicle on County business under one or more of the following circumstances:

- i. Conviction of a felony or criminal traffic violation within the last five (5) years.
- ii. Commission of three or more moving traffic infractions within the last three (3) years
- iii. Operation of any vehicle on County business while under the influence of drugs or alcohol, whether or not a criminal traffic offense has been charged or a conviction sustained.
- iv. Operation of any vehicle in a reckless, negligent, or careless manner while on County business.
- v. Involvement in three or more vehicle accidents within in a period of two years where the employee is fully or partially at fault.
- vi. A history of traffic offenses and/or a failure to comply with this policy.
- vii. Inability to drive safely due to health or physical abilities.

An employee who is subject to disqualification from operating a vehicle on County business due to one or more of the foregoing circumstances may have the employee's vehicle use immediately suspended by the employee's supervisor or Department Head until a final disqualification determination is made.

Disqualification from operating a vehicle on County business due to suspension or revocation of a driver's license or violation of this policy is grounds for termination of employment in all positions requiring driving as an essential job function. Termination from employment under such circumstances shall be in the sole discretion of the County.

P. Volunteers. Volunteers must be at least 18 years of age in order to operate County vehicles. Volunteers shall not operate County vehicles unless authorized by a Department Head or a member of the Sheriff's Reserve or the Sheriff's Auxiliary. Volunteers shall comply with and be subject to all requirements of this policy applicable to employees.

(DCC 4.17.052, adopted 10/24/06, Resolution CE 06-87)

4.17.055 Technology Use by Employees.

A. Purpose of Policy. Computers, wireless communication devices, e-mail, voice mail and the Internet are useful tools designed to promote the efficient and effective exchange of information. The purpose of this policy is to provide standards for appropriate computer, wireless communication device, e-mail, voice mail and internet use by employees.

B. Personal Use of Technology. County computers, wireless communication devices, e-mail and the Internet may not be used for prohibited purposes. Personal use of computers, wireless communication devices, e-mail and the Internet is governed by the same tests of reasonableness as personal use of the County's telephone system. Personal use is permissible if the following four criteria are met:

- (1) The personal use does not result in increased or incremental cost to the County;
- (2) The personal use is moderate in time;
- (3) The personal use does not interfere with the performance of the employee's or a co-worker's job duties; and
- (4) All outgoing E-mail not reflecting an official position of the County must include the following disclaimer: "The opinions expressed here are my own and do not necessarily represent those of Douglas County."

County technology equipment may only be used for streaming of audio or video for the personal listening of or viewing by an employee, unrelated to the County's business, with the approval of the employee's Department Head.

C. Prohibited Uses of Technology. Prohibited purposes for computer, wireless communication device, e-mail, voice mail and Internet use include the following:

- (1) Commercial Use - any form of commercial use is prohibited.
- (2) Copyright Violations - any use that violates copyright laws is prohibited.

- (3) Harassment – any use resulting in harassment of employees, vendors, customers, and others is prohibited.
- (4) Identity Misrepresentation - any use of aliases or anonymity is prohibited and any misrepresentation of an employee's job title, job description, or position in the County is prohibited.
- (5) Inappropriate Subject Matter – racism, sexism, and other such inappropriate behavior and/or communications are not tolerated within the County's operations and any use promoting or exhibiting such behavior and/or communication is prohibited.
- (6) Misinformation and Confidential Information - any communication of untrue, misrepresented or confidential information regarding County business is prohibited.
- (7) Non-Business Related Information - any file transfer, downloading, or any other method of obtaining or retrieving information that is not related to the County's business is prohibited. This specifically includes, but is not limited to, information or files from entertainment sites or any sites containing or promoting pornography.
- (8) Political Use – any use for political purposes is prohibited.
- (9) Solicitations – any use to promote or solicit the purchase or sale of property or services not related to the County's business is prohibited.
- (10) Chat Rooms – any communications within forums operating as “chat rooms.”
- (11) Use by Others – any use by anyone other than an authorized employee.

Subsections (4), (5), (7), (9) and (10) shall not apply to authorized sheriff's office, prosecuting attorney's office and MIS employees when reasonable necessary for the performance of official duties.

D. Use of Wireless Communication Devices

(1) General Guidelines

- (a) Use of wireless communication devices to conduct county business must be authorized by the employee's elected official or department head. All use shall be in conformance with DCC 4.17.055.
- (b) Wireless communication devices shall not be used outside of work hours in any manner that results in compensable overtime.
- (c) The loss or theft of a county-owned wireless communication device must be reported to the employee's department head, MIS and Risk Management within 24 hours after the loss or theft.
- (d) A county-owned wireless communication device must be turned-over by the employee to whom it was issued in response to a request by the employee's supervisor, Official/Department Head, the Public Records Officer or the Prosecuting Attorney.

(2) Text Messaging. The use of text messaging to conduct county business is authorized under the following conditions.

(a) The employee is authorized by the Official/Department Head to use text messaging to conduct county business.

(b) An acknowledgement is signed by the employee(s) that text messaging will be used to conduct county business and that all text messages are subject to dissemination as public records.

(c) Text messaging using the iMessage application on wireless communication devices shall be disabled and is not a permitted application for text messaging until such time as iMessage supports administrative monitoring, review and retention of iMessage content.

(d) The content of all text messages sent or received by county-owned wireless devices will be obtained from the service provider on a monthly basis. Copies of the messages/transcripts shall be distributed to the following on request:

- (i) The employee's department head;
- (ii) The Board of County Commissioners; and
- (iii) The Risk Manager.

(e) Authorization may be terminated at any time in the event the employee's use of text messaging does not conform to DCC 4.17.055.

(3) Wireless Device Applications. Downloading and/or installing applications on county-owned wireless devices is prohibited except as required to administer authorized county social media accounts or as approved by the employee's elected official or department head, and by MIS. Applications for personal, non-county use are prohibited.

(a) Applications installed to administer authorized county social media accounts shall not be accessed using personal log-in information or accounts, unless required by the application (e.g. Facebook).

- (i) All application data will be made available to MIS, Risk Management and the Board of County Commissioners as requested and in accordance with the County's Social Media Policy.

D. Technology Use Legal Issues.

(1) Personal Opinions. All outgoing e-mail not reflecting an official position of the County must include the following disclaimer: "The opinions expressed here are my own and do not necessarily represent those of Douglas County."

(2) Copyrights.

a) Computer and wireless communication device software and application copyrights shall not be violated by the County and use of software and applications is subject to the applicable license. Information and files available from or existing on the Internet may also be copyrighted. It is illegal to reproduce or distribute copyrighted software, applications, information or files, regardless of the source. It is illegal to use software and applications contrary to the applicable license. Shareware is also subject to copyright and licensing.

b) Under certain circumstances, an employee's use of a County software program or application on personally owned technology equipment may be permitted by the applicable license. Any such use of County software must be pre-approved by the employee's Elected Official or Department Head and by MIS, with the employee executing a County Software Home Use Agreement. Upon withdrawal of the approval or upon termination of employment, the employee shall immediately discontinue all use of the county software and applications and shall immediately remove such software and applications from all personally owned technology equipment..

c) It is the responsibility of each Elected Official and Department Head to ensure that copyrights and licenses are not violated by employees.

(3) Discrimination. Harassing messages, derogatory comments, or other forms of discrimination that are based upon race, sex, religion, national origin or creed are against the law. It is the responsibility of each Elected Official and Department Head to ensure that employees do not engage in discriminatory behavior while using County technology.

(4) Privacy. An employee's rights while using County computers, wireless communication devices, e-mail, voice mail and Internet tools do not include the right to privacy. The County reserves the right to monitor and review, in any way it deems appropriate, the activities of employees while using County technology and to review the content of all employee communications. Elected Officials, Department Heads and their designees shall monitor and audit employee use within their respective departments. The County Management Information Services Department (MIS) will archive employee use and provide the Elected Officials and Department Heads with such information upon request.

An employee may only use personally owned technology equipment to conduct County business, such as a wireless communication device or computer, if authorized by the employee's Department Head. Employees do not have a right

to privacy in records relating to the business of the County which are on created or retained on the employee's personally owned technology equipment. An employee's use of personally owned technology equipment may subject the employee's equipment to inspection and retrieval of data in response to a request under the Public Records Act.

E. File Transfers Using Portable Disks, E-Mail and Internet.

(1) Downloading. Files are not to be downloaded from portable disks or the Internet without express approval from the employee's Elected Official or Department Head, or their designee. Program files and applications, such as demonstration programs, shareware, executable files applications, shall not be download without MIS approval. The possibility of downloading a file with a virus or malware is great and care must be taken not to contaminate County technology equipment, software and applications. This prohibition includes an employee's software, applications and/or files from personally owned technology equipment. Files downloaded from a portable disk or the Internet, or any other outside service, must be scanned by a virus checking software prior to being saved or viewed on County technology equipment. Elected Officials and Department Heads shall contact MIS to assure that all department technology equipment has virus checking software/applications and that all department employees are trained to use such software/applications prior to downloading files.

(2) Uploading. Files are not to be uploaded to the Internet without express approval from the employee's Elected Official or Department Head, or their designee. Files uploaded to the Internet have the possibility of being intercepted by others and used against the County's interest.

(3) E-mail Attachments. An e-mail attachment involves uploading and downloading of a file that is attached to e-mail. A recipient should open an attachment to an e-mail only if the originating sender is known to the recipient. An attachment should be sent only to a recipient having the program necessary to view the attachment. Files received as an e-mail attachment must be scanned by a virus checking software/application prior to being saved or viewed on County technology equipment. Elected Officials and Department Heads shall contact MIS to assure that department technology equipment has virus and malware checking software/applications and that their employees are trained to use such software/applications prior to downloading files.

(4) Internet Web Addresses. While not always possible, a recipient should attempt to verify that any Internet Web Address links contained in an e-mail do not point to an "unacceptable use" Internet address. Internet websites may be a source of a virus or malware. A recipient should use an embedded Internet Web Address only if the originating sender is known to the recipient.

(5) Spam E-mail. Spam E-mail is unsolicited, typically unwanted, e-mail broadcast throughout the Internet. It is typically used to market products, but has also been

used for pyramid schemes or chain e-mail. Victims of Spam E-mail shall not forward the e-mail to any other user and shall not respond to the originator. Victims shall, instead, notify MIS. MIS shall track the Spam E-mail activity and take such action as may be necessary.

(6) Junk E-mail. Junk E-mail is inevitable. Junk E-mail shall be avoided by limiting general broadcasts. E-mail recipients should be chosen appropriately. When sending a large group mailing, attachments shall not be used, as an attachment increases the load on the network. When receiving e-mail considered "junk", the recipient should reply to it immediately, but politely and firmly, and request removal from the sender's distribution list.

(7) Return Receipts. The "Return Receipt" option for e-mail shall not be used unless a return receipt is absolutely necessary. Return receipts slow down the e-mail system by increasing the load on the network.

F. E-Mail and Text Messaging Create Public Records. Access to e-mail and text messaging is provided to assist employees to perform the work of the County more effectively and efficiently. As with any tools provided to employees, e-mail, text messaging and the work product created using e-mail and text messaging are the property of the County. Therefore, communications and other records created through e-mail and text messaging to conduct the business of the County are public records within the scope of the Public Records Act, RCW Chapter 42.56.

(1) The public has the right to examine public records. Communications involving confidential or sensitive issues, such as performance reviews, disciplinary actions and attorney-client privileged communications and work product, should not be made using e-mail or text messaging. Even in circumstances where such a communication is entitled to the protection of confidentiality, that protection may be waived or lost if the communication is disclosed to or forwarded to others. If a communication must be private, use the telephone or, if written communication is necessary, then use interoffice mail, the United States Postal Service (USPS) or a commercial carrier (i.e. Federal Express, Airborne Express, United Parcel Service) should be used, rather than e-mail or text messaging, and the communication should be marked "personal and confidential."

(2) All emails sent by County technology equipment shall contain the following statement at the end of the communication, "This email may be subject to disclosure as a public record under the Public Records Act, RCW Chapter 42.56."

(3) The use of personal wireless communication devices and other personal technology devices to conduct county business is discouraged. Records on a personal wireless communication device or other personal technology device conducting county business constitute public records subject to disclosure under the Public Records Act. An employee may be requested to search personally owned wireless communication devices and/or other personal technology devices determine if responsive public records exist on the personal devices. If

responsive records exist, the employee shall provide the personal device to enable all responsive public records to be retrieved by MIS. If responsive records do not exist, the employee shall certify under penalty of perjury that the device(s) was searched by the employee and no records conducting business exist on the device(s).

G. Hardware Installation and Relocation

MIS shall install all technology hardware. Technology hardware shall not be relocated without MIS approval.

H. Discipline for Violations

Employees found in violation of any of the provisions of this policy may be subject to disciplinary action up to and including termination of employment.

(DCC 4.17.055, adopted 08/25/99, Resolution 99-084; amended 10/24/06, Resolution CE 06-87; amended 07/14/2014, Resolution CE 14-30 and TLS 14-35, amended 05/02/2016, Resolution TLS 16-18 and CE 16-21.)

4.17.060 Safety. The County will establish and maintain safety programs and policies to protect the safety and health of all County employees. Every employee will be expected to follow County safety policies at all times in an effort to prevent on-the-job injuries or face possible disciplinary action, up to and including termination. Any hazardous condition or on-the-job injury should be reported immediately to an employee's supervisor.

4.17.070 Accidents and Property Damage Reporting. Any incident that occurs while performing County duties, while driving a County vehicle or while driving a personal vehicle for County business, and which results in personal injury and/or damage to County or private property, must be immediately reported to the employee's supervisor. The involved employee shall complete and submit an Incident Report Form to his or her supervisor on the same day of the incident, regardless of when the employee's shift may end. All vehicle accidents shall be reported to law enforcement as required by state law.

4.17.080 Travel.

(1) Definitions. As used in this section the following definitions shall apply:

- a) **Regular Work Place:** The regular work place is the location where the employee normally performs his or her duties or work.
- b) **Official Business:** Normal business activity that is necessary to conduct employment responsibilities.
- c) **Travel Voucher:** A form used for claiming reimbursement of travel expenses.

d) Travel Advance: Monies that are advanced to employees for travel related expenses.

(2) Travel approval.

- a) Travel within the boundaries of Douglas County shall be approved by the employee's immediate supervisor.
- b) Travel outside Douglas County, but within the boundaries of the State of Washington shall be pre-approved by the employee's Department Head.
- c) Travel outside the boundaries of Washington shall be pre-approved by the Board before travel occurs.
- d) Travel authorization, advance travel and reimbursement requests shall be submitted using forms adopted by the Personnel Committee.
- e) When traveling on County business by vehicle, whether or not such vehicle is owned by the County, an employee may be accompanied by his or her family or other person not employed by the County only upon the prior approval of the employee's Department Head.

(3) Travel reimbursement. Reimbursement shall be made according to the following:

a) Meals:

- I. For travel in the County, employees shall be reimbursed for meals consumed during normal meal times if they are required to represent the County on official business at such meals.
- II. For travel outside the County, employees shall be reimbursed for meals consumed during normal meal times if on official business and over 15 miles from their regular work place.
- III. Employees shall be reimbursed at meal allowance rates as established by the Board without requiring documentation of actual expenses. In lieu of meal allowance rates, an employee may elect to use a County issued credit card, so long as credit card receipts are provided and the meal expenditures are equal to or less than the applicable meal allowance(s). Reimbursement for meal expenses in excess of meal allowance rates may be paid with approval of the Department Head, if receipts and documentation supporting the purpose and reasonableness of the expenses are provided. Gratuities are in addition to meal allowance rates and shall not exceed 15% of the cost of the meal and taxes. Alcoholic beverages shall not be reimbursed to any employee or charged on County issued credit cards.

IV. Hosting of others is authorized if approved in writing by the Department Head. When requesting reimbursement for hosting, the reimbursement must include who was hosted, their location of employment, the County business of the meeting, and each individual's meal cost.

b) Lodging:

I. Reasonable costs incurred in conjunction with official business travel will be paid or reimbursed. Questionable or unreasonable costs require an explanation and Department Head approval. All lodging shall either be billed to the County, paid with the use of advance travel monies approved for the employee, or reimbursed to the employee if the employee pays for the lodging with personal funds.

II. An itemized receipt is required for all lodging.

III. Employees will be reimbursed at no more than single occupancy, government rate, if available to the employee. Non-county employees traveling with an employee will be required to incur all costs above the single occupancy rate.

c) Mileage: Employees will, with prior approval of the Department Head, be reimbursed for private vehicle mileage when used for County business: provided, that such reimbursement shall be limited to one-half the authorized rate if a private vehicle is used in lieu of an available County vehicle.

d) Air/Train/Bus Fares/Car Rentals: All air/train/bus fares and car rentals shall receive prior approval by the Department Head.

e) Other Travel Expenses: Receipts shall be presented to receive reimbursement for all miscellaneous expenses such as taxis, ferry fares, bridge tolls, parking fees, reasonable accommodation under American Disabilities Act, etc.

(4) Non-Reimbursable Travel Expenses. Alcoholic beverages, fines, penalties, or personal entertainment or any other unreasonable or unnecessary expenses shall not be reimbursed.

(5) Advance Travel Procedures.

The Advance Travel Expense Account shall be used solely for travel advances. Monies may be advanced to employees who are going on travel status for travel-related expenses that he/she will pay out of his/her own pocket. It shall not be used for personal loans or reimbursements to employees for travel already incurred.

Within three (3) working days from return from travel status, a Claim for Expenses report shall be filed for every approved travel request. If reimbursement is from the State,

indicate that on the Advance Travel Request. The time frame for reimbursement of Advance Travel from the State will be 30 days or as needed and three (3) days to file the travel expense report. This claim shall be filed with the custodian of the Advance Travel Fund. Such claim shall list and document the items of expense. The claimant shall list the amount of any travel advance and shall show a reconciliation of funds due to the traveler or funds due to the County. Any funds due to the County shall accompany the Claim for Expenses report. The Claim for Expenses shall be signed by the traveler and the Department Head who authorized the Advance Travel.

Any employee who defaults in accounting for or in repaying an advance within three (3) working days following the close of the travel period shall render the full unpaid amount immediately, with interest at the rate of 12% per annum but not less than \$5.00 dollars, from the date of default until paid. To protect against any losses on advances, the County shall have a prior lien against and the right to withhold such funds from wages or other monies that may be owed to the traveler. No future advances will be given to any officer or employee until the delinquent account is paid.

(6) County Credit Card Use.

a) The Board shall authorize those commercial credit card(s) that may be made available for issuance to employees and the credit limits available to employees. An employee requesting issuance of a commercial credit card shall submit such form(s) to the Auditor as shall be adopted by the Personnel Committee, including a signed reimbursement agreement/payroll deduction authorization. The request must be approved by the employee's Department Head. The credit card shall be issued in the name of the employee and all monthly billing statements shall be sent to the employee at the address he or she may designate.

b) The employee shall submit each monthly billing and all receipts for charges reflected on the billing to the Auditor within ten (10) days after receipt of each monthly billing. A personal expense voucher is required for all travel expenses in order to authorize county payment of travel expenses. The employee shall be personally liable for and shall immediately pay any and all charges for which he or she does not have a receipt and for unauthorized and/or non-reimbursable charges. The employee shall be personally responsible and shall immediately pay any and all interest, finance and late payment penalty charges which result from failure to submit monthly billing information within ten (10) days.

c) No person other than the employee to whom the credit card is issued may use a county credit card.

d) The Auditor shall annually notify each credit card issuer of the names of each employee for whom a credit card has been issued and the credit limit to be maintained for each employee.

e) In the event of the loss of a credit card, the employee shall immediately notify the issuer and the Auditor.

f) Credit cards may be used for travel and meal expenditures. Office supplies may be purchased using credit cards by designated employees only, with the approval of the Department Head, and in accordance with County purchasing policies. No other retail purchases may be made using a credit card, except that a detective in the Sheriff's office may use his or her credit card for the purchase of street clothes as allowed in any collective bargaining agreement. Under no circumstances may any credit card be used for the purchase of personal goods or services.

g) A credit card issued to an employee may be canceled by the Auditor for failure to comply with this section.

(DCC 4.17.080 amended 6/18/2018, Resolution CE 18-33 and TLS 18-32; amended 8/1/2017, Resolution CE 17-31 and TLS 17-36; amended 09/01/99, resolution 99-087)

4.17.090 Standards of Conduct. The County expects that certain standards of conduct will be maintained by all County employees, in addition to all specific employment policies and work rules. These standards of conduct include, but are not limited to:

- (a) Honesty, including but not limited to honesty in securing employment;
- (b) Efficiency;
- (c) Attention to duty;
- (d) Respect of authority;
- (e) Regular and on-time attendance;
- (f) Reporting of any absence prior to the start of the work shift;
- (g) Following all safety regulations, including proper utilization of personal protective equipment, and immediately reporting to the supervisor any safety hazard, accident or injury;
- (h) Properly using County property, records or other materials;
- (i) Dealing with the public, County officials and other County employees in a courteous and professional manner;
- (j) Orderly conduct while on duty;
- (k) Following Drug-Free Workplace policies which state that employees will not consume, possess or sell controlled drugs or substances or intoxicating beverages while on duty, or report to work while under the influence of such substances or beverages;
- (l) Allowing others to freely do their work;
- (m) Performing assigned work unless to perform such work would constitute a safety hazard;
- (n) Engaging only in proper work activity while on duty; no political activity, personal business or soliciting;
- (o) Using a position only for its intended purpose;
- (p) Possessing no unauthorized firearms or weapons;
- (q) Obtaining approval from the supervisor or Department Head before removing any County property from County premises;
- (r) Following any lawful order, directive or policy of a superior;

- (s) Respecting the law and having no conviction for criminal activity which is job related, or which would have an adverse impact on an employee's ability to perform his or her job, or which involves moral turpitude or dishonesty;
- (t) Following the County non-discrimination and anti-harassment policies or rules with regard to other employees, citizens or visitors;
- (u) Following the County smoking policy;
- (v) Maintaining confidentiality as required;
- (w) Maintaining grooming standards and attire which are appropriate to his or her job functions and which reflect favorably upon the County;
- (x) Following any applicable department or professional code of ethics;
- (y) Following any departmental or other regulations imposed by the Douglas County Code and County policies and procedures.

Department Heads may establish additional standards of conduct and/or work rules appropriate to their departments which do not conflict with the policies set forth in this Title.

4.17.100 Forms of Disciplinary Action. Employment with the County is “**AT WILL.**” Nothing in this chapter or its application to any person or circumstances, nor any specific guideline, policy or action by the Board or any Department Head, shall create a contract of employment or tenure, nor create any right or confer any benefit, either substantive or procedural, which is enforceable by any employee against the County. It is the specific policy of the County that discipline need not be progressive. The County, in its sole discretion, may take any one or more disciplinary actions. Disciplinary actions may include but are not limited to any of the following: Oral warning or reprimand, written warning or reprimand, suspension with or without pay, deferral of salary increase, demotion, or termination. The issuance of oral and written warnings or reprimands is not subject to the grievance procedure. The employee’s supervisor or Department Head shall consult with the Prosecuting Attorney or designated outside legal counsel regarding disciplinary action.

4.17.110 Demotion. An employee may be demoted for the following reasons:

- (a) Reorganization.
- (b) Voluntary.
- (c) In lieu of termination (as a severe form of discipline or because of inability to perform the job duties).
- (d) Accommodation.

CHAPTER 4.18 - SEPARATION

Section:

- 4.18.010 General
- 4.18.020 Resignations
- 4.18.030 Reduction in Force Layoff
- 4.18.040 Termination
- 4.18.050 Exit Interview
- 4.18.060 Return of County Property
- 4.18.070 Reinstatement

4.18.010 General. The end of County employment due to voluntary resignation, abandonment of position, retirement, reduction in force-layoff or termination is considered a separation.

4.18.020 Resignations.

(1) Voluntary resignation. A voluntary resignation is separation initiated by the employee with notice to the County. A voluntary resignation should be submitted in writing by the employee to his or her Department Head at least ten (10) working days prior to the effective date of the resignation. In unusual circumstances, the Department Head may waive the two (2) week notification period. An employee is required to contact the Auditor to arrange a resignation consultation regarding benefits continuation rights before the effective date of resignation.

(2) Retirement. The County is a member of the federal social security system, the Washington Public Employees Retirement System (PERS) and where applicable, the Washington Law Enforcement Officers and Firefighters System (LEOFF). When an employee reaches the appropriate retirement age for his or her retirement system(s), has accumulated a sufficient number of years in the appropriate retirement system(s) and meets all other eligible requirements, he or she may retire. The County does not have a mandatory retirement age.

(3) Abandonment of position. An employee who is absent from his or her position for three (3) consecutive working days without notice to his or her immediate supervisor or Department Head shall be considered to have abandoned his or her position and voluntarily terminated employment with the County, unless in the opinion of the Department Head the failure to notify was clearly beyond the employee's control. A notice of presumption of abandonment shall be sent by certified mail to the last address reflected in the employee's official personnel file after the three (3) consecutive days of absence.

4.18.030 Reduction in Force Layoff. A reduction in force-layoff (RIF) will be declared when the elimination or reorganization of work or lack of funds causes a reduction in hours, the elimination of one (1) or more occupied positions, authorized replacement by another employee, or other legitimate reasons arise in accordance with these policies.

The impact and scope of a RIF with respect to each department and division within a department shall be determined by the Board.

(1) Identification of layoff unit. The layoff unit shall consist of all positions in the affected job classification within the division affected by the reduction. Departments without divisions will be considered as the whole layoff unit.

(2) Order of layoff. Temporary, in-training, and probationary period within the layoff unit shall be laid off first. Order of layoff between regular employees shall be determined by considering each employee's seniority according to procedures prescribed by the Personnel Committee, unless an exclusionary reason exists as provided in this section. Seniority for the purposes of consideration in layoff and bumping situations is the period of unbroken service as a regular, full-time employee. An authorized leave of absence without pay does not constitute a break in service; however, seniority dates shall be adjusted on a day-for-day basis for all leave days in excess of ninety (90) calendar days.

(a) Layoff. Employees shall be considered for layoff in the following order:

- (i) Temporary employees, within a layoff unit, will be affected first.
- (ii) Employees who hold in-training positions within the layoff unit will be affected next.
- (iii) Employees in a probationary period, within the layoff unit, will be affected next.
- (iv) The remaining regular employees in the layoff unit shall be laid off after considering past work history, performance and qualifications, and seniority in the present position .

(b) Procedure for a tie. In the event of a tie between two or more employees, the following procedure will be used until the tie is broken.

- (i) The employee with the least total unbroken service in the affected division shall be laid off first; if a tie still exists then,
- (ii) The employee with the least total unbroken service in the affected department shall be laid off first; if a tie still exists then,
- (iii) The employee with the least total unbroken County service shall be laid off first.

(3) Exclusions. In certain instances, there may be exceptions made to the order of layoff. These exclusions to the established order would be made for:

(a) Specialty positions. A position within a classification may be excluded from a layoff unit as a specialty where:

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

(b) Performance, training or skill. An employee may be laid off out of job classification seniority order when:

(i) Documented evidence of uncorrected problems are presented, reviewed and approved by the Department Head. Acceptable evidence can be, but not limited to, letters of reprimand or other documented discipline that was delivered to the employee prior to the time the need for layoff was determined.

(ii) Evidence demonstrates that the operating needs of the department require a special qualification, training or skill as determined by the Department Head.

(4) Options in lieu of layoff. A regular employee scheduled for a layoff may be offered, in lieu of layoff, a transfer to a vacant position in a job classification at the same level or a demotion to a lower level classification that has a different budget source, provided that the employee meets the minimum qualifications and can obtain proficiency through a short orientation or familiarization period. Such transfers or demotions may be made without posting. The employee accepting this option shall serve a probationary period. An employee offered this option must indicate acceptance or rejection within three (3) working days after receipt of the offer. Failure to do so shall constitute rejection of the offer.

No employee shall be offered a promotion as a direct result of being affected by a layoff situation but may apply for any available promotional opportunity in accordance with the policies covering application.

(5) Notice of layoff. A notice of layoff, signed by the appropriate Department Head, shall be given to affected employees at least twenty (20) working days prior to the effective date of the layoff. Less than twenty (20 working days' notice may be necessary in the event of a fiscal emergency. A copy of each layoff or corrected layoff notice should be provided to the Auditor.

When the County finds it necessary to adjust a layoff date, a corrected notice of layoff will be issued to affected employees. The date of layoff for an employee receiving such corrected notice will be adjusted to ensure the employee at least five (5) working days' notice of the change.

4.18.040 Termination. An employee is terminated when he or she is separated from County employment because of poor performance, misconduct or other justifiable reasons. Department Heads shall submit all contemplated terminations of regular employees to the Prosecuting Attorney and County Administrator for review prior to taking action. The Prosecuting Attorney or designated outside legal counsel, and the County Administrator will advise and assist Department Heads in the handling of all terminations. The following employees serve at the pleasure of the appointing authority and the employee's appointment may be terminated or the employee may be demoted to a previously held position at any time, so long as the Department Head has consulted the Prosecuting Attorney and the County Administrator to determine if termination or demotion is subject to legal prohibitions or limitations or may subject the County to liability:

Appointing Authority

Position

Assessor

Auditor

Board of Commissioners

Administrative Assistant

Chief Deputy Auditor

Clerk of Board

County Administrator

Courthouse Maintenance Supervisor

Developmental Disabilities Director

Human Resources Officer

MIS Supervisor

Records/Risk Manager

Solid Waste Director

TLS Administrator

County Engineer

Building Official

Land Services Director

Clerk

Chief Deputy Clerk

Coroner

Chief/Deputy Coroner

District Court Judge

Court Administrator

Probation Administrator

Superior Court Judges

Court Commissioner

Court Reporter

Law Clerk

Juvenile Court Administrator

Prosecuting Attorney

Chief Deputy Prosecuting Attorneys

Deputy Prosecuting Attorneys

Sheriff

Undersheriff

Administrative Assistant

Chief Criminal Deputy

Chief Civil Deputy

Chief Deputy Treasurer

Treasurer

All initial evaluation period employees and temporary employees

(DCC 4.18.040 amended 8/1/2017, Resolution CE 17-31 and TLS 17-36)

4.18.050 Exit Interview. Each separated employee shall participate in an exit interview prior to issuance of final pay. The exit interview shall cover subject matters and use forms as shall be adopted by the Personnel Committee.

4.18.060 Return of County Property. All County property issued to or in the possession of an employee shall be returned prior to receiving his or her final pay. Such property includes, but is not limited to, County equipment, manuals, keys, cellular telephones, pagers, credit cards and identification. Failure or refusal to return County property will result in the replacement cost of such property and/or the cost of changing locks being withheld from any pay or other money owed to the employee by the County.

4.18.070 Reinstatement. Reinstatement is the return to County employment within one (1) year after separation. An employee shall be eligible for reinstatement if qualified and selected for a vacant position and:

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

Reinstated employees will accrue vacation leave at a rate based on years of service as of the time of separation, if reinstated. Previous sick leave accrual balances will be reinstated; however if any payment for accrued sick leave was made to the employee, it must first be repaid within sixty (60) days of reinstatement at the rate at which it was paid off. Benefits will be in accordance with any restrictions or waiting periods imposed by the plan documents.

(1) Reinstatement to the same classification. A regular or probationary period employee who is separated from a job classification in good standing may be reinstated to a vacancy in the same classification within one (1) year of separation. Such employees shall:

(a) Assume the previous job classification seniority and step adjustment dates adjusted for the time gone.

(b) Assume regular status only if reinstatement is to the department previously employed and regular status had been previously attained. In other instances a probationary period must be served.

(2) Reinstatement to classification not previously held. A regular or probationary period employee who is separated from a job classification in good standing may be reinstated to a classification not previously held and shall:

(a) Be given new job classification seniority and step adjustment dates.

(b) Serve a probationary period.

CHAPTER 4.19 - GRIEVANCE PROCEDURE

Sections:

4.19.010 Grievance - definition - limitations

4.19.020 Grievance procedure

4.19.010 Grievance - Definition - Limitations. A grievance is defined as a specific challenge raised by an employee concerning the interpretation, application or violation of this Title, excepting those matters excluded by any terms of these policies from grievance. This grievance procedure does not apply to employees covered by a collective bargaining agreement, to temporary employees, and to employees who serve at the pleasure of an appointing authority. Complaints under Title VII and RCW Chapter 49.60 (non-discrimination) shall follow affirmative action guidelines.

4.19.020 Grievance Procedure. If an employee fails to submit a grievance in a timely manner or to adhere to the time limits established in the steps below, the employee shall have waived the right to file a grievance. If an employee does not receive a response within the number of working days outlined in the steps below, the next step in the grievance process shall apply. The time limit specified in any of the steps may be waived by mutual agreement.

(1) The following procedures govern the conduct of the grievance process:

Step 1. An employee shall have five (5) working days from the occurrence of the event giving rise to the grievance, or from the time when the employee should have been reasonably expected to know of the event, to present the grievance to his or her immediate supervisor in writing. The written grievance shall contain the policies or rules allegedly violated, the date or dates involved, the name of each involved employee, a statement of facts about the alleged violation, and the remedy which is desired, with all further actions limited to the matters specified. The written grievance shall be signed and dated by the aggrieved employee. The supervisor shall meet with the employee within five (5) working days to discuss the grievance. The supervisor shall provide the employee with a written response within five (5) working days. A copy of the written response shall be provided to the Department Head.

Step 2. [Applies if the Department Head is not the employee's immediate supervisor.] An employee dissatisfied with his or her supervisor's response shall have five (5) working days from the day of such response to submit the written grievance to the Department Head. The Department Head will review the grievance, will meet with the employee and that employee's immediate supervisor within five (5) working days to discuss the grievance, and will respond in writing within ten (10) working days after the meeting.

Step 3. In the event the grievance is not settled satisfactorily at step 2, the employee shall have five (5) working days from the date of the step 2 response to request a hearing before the Personnel Committee. The Committee will hold a hearing within fifteen (15) working days to investigate the grievance, hear any evidence and statements of the Department Head and the employee, and to make

a report and a recommendation. Such report and recommendation shall be provided to the Board, with copies to the employee and the Department Head, within fifteen (15) working days after the hearing. The Board shall review the report and recommendation of the Committee and render a final decision within fifteen (15) working days. The decision of the Board shall be advisory only with respect to a disciplinary action taken by an elected official that has been appealed by an employee.

(2) Grievance hearings before the Committee are privileged and shall not be open to the public, except where both parties request an open hearing. Hearings may be informal. The technical rules of evidence shall not apply, except the rules of privilege recognized by law or court rule. The employee and his or her immediate supervisor and Department Head shall be notified at least (5) working days in advance of the hearing. The parties may give evidence to the Committee, including presentation of testimony. All witnesses shall be subject to cross-examination. Any party intending to use legal counsel shall notify the Committee of the intent to use legal counsel at least ten (10) working days prior to the hearing. The Auditor shall be responsible to provide timely notification of such intent to the personnel board and the other party by certified mail or personal service.

(3) A tape recording, or similar record, shall be made of all proceedings and retained according to state law. No new evidence will be admitted or considered after the close of the hearing before the Committee.

CHAPTER 4.20 - RECORDS AND REPORTING

Sections:

- 4.20.010 Personnel Records
- 4.20.020 Reports of Personnel Actions
- 4.20.030 Disclosure of Personnel Records and Files
- 4.20.040 Public Records
- 4.20.050 Verification of Employment and References Requests

4.20.010 Personnel records.

(1) Central employee records depository in personnel. The Auditor shall establish and maintain a personnel records system with a central depository in the personnel department. These official personnel files 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 organizational unit assignment, reports of personnel actions and such other records, reports or information as deemed pertinent. Personnel files are maintained for current and former employees.

(2) Department files. Individual departments shall maintain personnel files for the conduct of day-to-day business, including performance evaluations, disciplinary action and training and development records. Employee medical records are confidential and shall be maintained separately and securely within each department.

(3) Employee responsibility. All employees shall be responsible for promptly notifying the Auditor of any changes which may affect their personnel records (such as change in address, telephone number, marital status, dependents or change in driver's license status).

4.20.020 Reports of personnel actions. Every appointment, transfer, promotion, demotion, 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 Auditor in writing in the manner, time, form and method prescribed by the Personnel Committee.

4.20.030 Disclosure of personnel records and files. Under the Washington State Public Disclosure Law, all County employee files fall within the definition of public records. Release of information from employee files will be done in accordance with RCW Chapter 42.17 and County policy. Medical records shall not be disclosed. Other personal information, to the extent that disclosure would violate an employee's right to privacy, is exempt from public disclosure [RCW 42.17.310 (b)]. Each employee shall have access, during normal working hours, to his or her personnel records or to any information pertaining to him or her which is maintained by the Auditor.

4.20.040 Public records. Personnel records and files that are not specifically exempt from public disclosure by statute shall be open to inspection by interested persons

during normal office hours and in accordance with such procedures as the Auditor may provide. Copies of public records shall be provided upon request at no more than the actual cost to the Auditor. For the purposes of these policies, public records shall be taken to include: Personnel policies and procedures; personnel budget and program plans; personnel classification and compensation plans; factual staff reports and studies; collective bargaining agreements; and such other documents, records and reports as the Auditor may determine are subject to public disclosure.

Pursuant to RCW 42.17.260, the Auditor may delete details to the extent required to prevent invasion of personal privacy when making available or publishing any public record.

4.20.050 Verification of employment and references requests.

(1) Verification of employment. Only the Auditor shall respond to requests for verification of employment of current and former employees and shall provide only the following information, 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 in which employed.

(2) Reference requests. A response to a reference request must be authorized, in writing, by the employee. A Department Head or supervisor who responds to a reference request shall limit remarks to objective information that is verifiable by documented facts contained within the employee's personnel file.

CHAPTER 4.21 DOUGLAS COUNTY GLOBAL
POSITIONING SYSTEM (GPS)

Sections:

- 4.21.010 Installation
- 4.21.020 Purposes
- 4.21.030 Conditions Applicable to the Use of GPS Information and Data

4.21.010 Installation. After the initial installations, the GPS Diagnostic units will be installed in the remaining equipment as determined by the County Administrator.

4.21.020 Purposes of GPS units. The purposes of the GPS Diagnostic units were identified as follows:

- A. Cost saving on fuel, primarily by more closely monitoring the idle times on equipment.
- B. Ability to diagnose some if not most mechanical breakdowns from the shop on vehicles anywhere in the county.
- C. Public inquiries and management responses to people calling in saying their road has not been bladed or plowed. The GPS will provide the proof to show when the work was done and what piece of equipment did it.
- D. Safety during the winter months when hazardous conditions such as drifting occur, Management will be able to better monitor the vehicles progress up to the point of whether or not it is moving or stuck.
- E. Management will be able to prove or disprove complaints about windshields being broken and other kinds of vehicle damage by showing the speed and location of our equipment when it is on the road.
- F. Management will be able to ascertain productivity and activity in the field to confirm efficiency and productivity of our trucks and heavy equipment.
- G. If there are issues about employees and equipment being in the correct locations and performing their jobs, the GPS information will supply management with the ability to address employee performance.
- H. Access to the GPS information will be provided to key people, as determined by the County Administrator, on a "need to know" basis depending on what the issues are and the vehicle information needed.

4.21.030 Conditions Applicable to the Use of GPS Information and Data.

- A. The Employer has and will adhere to the above process for installation, orientation and administration of the GPS program.
- B. The Employer and Union agree that with respect to issues which may arise pertaining to employee performance, misconduct, violations and disciplinary action per Douglas County Personnel Policy, and within the disciplinary guidelines of each collective bargaining agreement.
- C. Disciplinary actions can be administered using GPS information as part of the basis for disciplinary action and will be subject to the just cause standards in the labor agreement and personnel policy.
- D. Monitoring of the GPS system as it relates to disciplinary actions using GPS information will be based on the just cause. "Monitoring" means the Employer can review the GPS database by identifying a geographical area as well as timeframe and direct the system to reveal data. For example, the Employer may monitor vehicles exceeding the legal speed limit within any or all TLS Areas to address violations (s) and/or misconduct (s) which could result in disciplinary action. This definition of monitoring is not limited to addressing only speed limit issues. Other examples include idling, snow plowing, herbicide applications, choice of route, etc. In addition, the parties agree that this same type of monitoring can occur when there is an incident- specific complaint, patterns of performance problems, misconduct (s) and/or violation (s).
- E. Information contained in and derived from any GPS reports shall be disclosed to persons who have a need to know. For example, but not limited thereto, management, supervisors, attorneys for the parties, union representatives, expert witnesses, regular witnesses and other persons who may be associated with disciplinary proceedings and grievances.
- F. Information obtained from GPS programs and systems for disciplinary purposes, the Employer shall provide a copy of the relevant GPS data and information to the employee.
- G. Information obtained from GPS programs and systems for infractions such as "idling" and "off route," in the first instance, verified by the use of GPS programs and systems will be used to administer discipline on a progressive basis. In the event of violation (s) and/or misconduct (s) of a serious nature such as speeding, unsafe conduct, or circumstances that could create liability for the employer, the Employer may apply non-progressive disciplinary action subject to just cause standards.

- I. The Employer has the right to rely solely on GPS programs and systems information in the case of serious violations (s), misconduct (s) and/or criminal allegations at any time.
- J. The Employer will not discipline an employee based upon the utilization of GPS records that are more than twelve (12) months prior to the implementation of the discipline except if such records reflect information relevant to serious misconduct and/or serious violations.
- K. The procedure for handling inquiries involving allegations of misconduct and/or violations against an employee when they involve the potential use of GPS system data and information shall be as follows:
 - i. The Employer will make a reasonable attempt to contact the employee to inform him/her of the alleged offense within forty-eight (48) working hours except where a weekend, holidays, vacation time, sick leave time or other instances of unavailability of personnel. In those cases, the employee will be notified within forty-eight (48) working hours of return to work. In addition, if the incident, misconduct and/or violation involve a complicated set of facts and data, the Employer will notify the employee within forty-eight (48) working hours of conclusion of an investigation of the facts and data.
 - ii. The Employer will inform the employee and his/her union representative within forty-eight (48) working hours, except as provided in (a) above, of the Employer's determination as to whether or not the Employer will be conducting a GPS inquiry.
 - iii. The Union and the employee will receive copies of reports relevant to the issues in question generated as a result of the GPS review.
 - iv. Subject to mutual agreement on the date and time, the employee and his/her union representative will meet with Management (nonunion) to attempt to resolve the matter.

(DCC 4.21 Adopted per RES TLS 10-32; 8/31/2010; Amended RES CE 21-07 & TLS-08; 02/09/2021)

RESOLUTION TABLE

<u>Resolution #</u>	<u>Date</u>	<u>Subject</u>
RES 99-084	8/25/1999	DCC Chapter 4.17.055
RES 99-087	9/1/1999	DCC Chapter 4.17.080
Policy	3/22/2000	DCC Chapter 4.14.040 DCC Chapter 4.14.050 DCC Chapter 4.14.060 DCC Chapter 4.14.070 DCC Chapter 4.14.080 DCC Chapter 4.14.090 DCC Chapter 4.14.120
Policy	4/18/2000	DCC Chapter 4.11.020(3)
RES 01-60	5/22/2001	DCC Chapter 4.03.040
RES CE 02-53 & TLS 02-11	2/26/2002	DCC Chapter 4.11.075
Policy	7/23/2003	DCC Chapter 4.11.020 DCC Chapter 4.11.020(3) DCC Chapter 4.11.100(2) DCC Chapter 4.12.020
RES CE 06-87	10/24/2006	DCC Chapter 4.17 DCC Chapter 4.17.052 DCC Chapter 4.17.055
RES CE 07-90 & CE 07-56	11/27/2007	DCC Chapter 4.11.020(1)
RES CE 09-15 & TLS 09-13	2/23/2009	DCC Chapter 4.11.040(F) DCC Chapter 4.11.060
RES TLS 10-32	8/31/2010	Chapter 4.17.XX GPS (was not added to Policy)
RES 12-49	10/1/2012	DCC Chapter 4.08.010 DCC Chapter 4.09.040(2)(a)(i)
CE 12-65	11/20/2012	DCC Chapter 4.11.035

RES CE 14-30 & TLS 14-35	7/14/2014	DCC Chapter 4.11.015 DCC Chapter 4.15.020 DCC Chapter 4.17.055
CE 15-07 & TLS 15-07	2/17/2015	DCC Chapter 4.03.040
RES CE 16-21 & TLS 16-18	5/2/2016	DCC Chapter 4.17.055
CE 16-40 & TLS 16-41	10/25/2016	DCC Chapter 4.02 DCC Chapter 4.03.010
RES CE 17-31 & TLS 17-36	8/1/2017	DCC Chapter 4.02 DCC Chapter 4.04 DCC Chapter 4.09.020 DCC Chapter 4.09.040(2) DCC Chapter 4.10.020 DCC Chapter 4.11.010(1) DCC Chapter 4.11.020(2) DCC Chapter 4.11.035 DCC Chapter 4.14.040 DCC Chapter 4.17.080 DCC Chapter 4.18.040
RES CE 17-54 & TLS 17-59	12/19/2017	DCC Chapter 4.02 DCC Chapter 4.05.060 DCC Chapter 4.10.090 DCC Chapter 4.12.030 DCC Chapter 4.12.040 DCC Chapter 4.12.050
RES CE 18-33 & TLS 18-32	6/18/2018	DCC Chapter 4.17.080
RES 19-72	12/17/2019	DCC Chapter 4.05.060, renumbered sections 4.05.060 through 4.05.100
RES CE 20-82 & TLS 20-66	12/8/2020	DCC Chapter 4.02 DCC Chapter 4.03.010 DCC Chapter 4.03.030 DCC Chapter 4.05.060 DCC Chapter 4.05.070 (renumbered was 4.05.060) DCC Chapter 4.05.080 (renumbered was 4.05.070) DCC Chapter 4.05.090 (renumbered was 4.05.080)

DCC Chapter 4.05.100 (renumbered was 4.05.090)
 DCC Chapter 4.09.030(1)
 DCC Chapter 4.09.030(5)
 DCC Chapter 4.11.030 Deleted
 DCC Chapter 4.11.040
 DCC Chapter 4.11.090 Deleted
 DCC Chapter 4.11.090
 DCC Chapter 4.11.140
 DCC Chapter 4.12.010
 DCC Chapter 4.12.020
 DCC Chapter 4.12.050
 DCC Chapter 4.12.090
 DCC Chapter 4.12.100
 DCC Chapter 4.13.020
 DCC Chapter 4.13.030
 DCC Chapter 4.13.080(3)
 DCC Chapter 4.14 (renumbering or chapters)
 DCC Chapter 4.14 Renumbered to 4.15
 DCC Chapter 4.15 Renumbered to 4.16

RES CE 21-04	1/25/2021	DCC Chapter 4.02(k) DCC Chapter 4.18.040
RES CE 21-07 & TLS 21-08	2/8/2021	DCC Chapter 4.04.020 DCC Chapter 4.11.020(1) DCC Chapter 4.21 DC GPS (from RES TLS 10-32)