

RESOLUTION NO. 148-99

ADOPTING A MASON COUNTY  
PERSONNEL POLICY

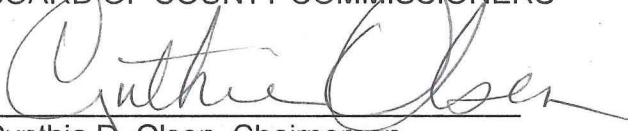
WHEREAS, RCW 36.32.120(6) states that the Board of County Commissioners have responsibility for the care of county property and the management of county funds and business;

WHEREAS, the Board of County Commissioners believes that uniform personnel policies are beneficial to county managers and employees;

NOW, THEREBY, BE IT RESOLVED, that the Board of County Commissioners does hereby adopt the attached Mason County Personnel Policies and rescind those sections of the Mason County Code and any Resolutions that are in conflict with the attached Mason County Personnel Policies.

SIGNED this 21st day of December, 1999.

BOARD OF COUNTY COMMISSIONERS

  
Cynthia D. Olsen, Chairperson

Absent 12/21/99

John A. Bolender, Commissioner

  
Mary Jo Cady, Commissioner

ATTEST:

  
Rebecca S. Rogers, Clerk of the Board

REVIEWED AS TO FORM:

  
Michael Clift, Chief Deputy Prosecuting Attorney

# **MASON COUNTY**

## **PERSONNEL POLICIES**

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# MASON COUNTY PERSONNEL POLICIES

## CHAPTER 1 PURPOSE AND SCOPE

### 1.1 INTRODUCTION

These personnel policies serve as a general guide to the County's current employment practices and procedures. As such, we hope they will help you understand how the County operates and what is expected of you as an employee. These policies also describe what the County provides you in terms of compensation and benefits.

The County places a high value on our employees and their well being. We want you to be a satisfied worker. We also want to provide the support necessary to achieve the objectives of your position, and to help you assist your department and the County to achieve their objectives. In this manner, your contribution to the County organization and the citizens of Mason County will be most productive.

It is our belief that when consistent personnel policies are known and communicated to all, the opportunities for greater job satisfaction increase. We encourage you to read these policies. If you have questions, please contact your supervisor, Department Head or Elected Official. If you have ideas or suggestions, please do the same.

### 1.2 INTENT OF POLICIES

These policies are intended as guidelines and do not constitute a contract, express or implied, or any type of promise or guarantee of specific treatment upon which any employee may rely, or as a guarantee of employment for any specific duration. Although we hope that your employment relationship with us will be long term, we recognize that jobs do not always work out as hoped, and either of us may decide to terminate the employment relationship. **Unless specific rights are granted to you in civil service rules, a collective bargaining agreement, an employment contract, or elsewhere, all employees of the County are considered at-will employees and, as such, may be terminated from County employment at any time, with or without cause and with or without notice.** Please understand that no supervisor, manager or other representative of the County other than the Board of County Commissioners, or the Elected Official in the case of his/her employee, has the authority to enter into any agreement with you for employment for any specified period or to make written or verbal commitments contrary to the foregoing.

### **1.3 SCOPE OF POLICIES**

These personnel policies apply to all County employees unless exempted in a specific section. In cases where these policies conflict with any provision of the County Code, Civil Service rules and regulations, the provisions of a collective bargaining agreement, or state or federal law, the terms of that law, rule or regulation, or collective bargaining agreement prevail. In all other cases, these policies apply. The non-economic provisions of these policies shall apply to Elected Official's departments unless the Elected Official(s) have adopted policies covering the same subject(s) and filed those policies with the Board of county Commissioners.

### **1.4 CHANGING THESE POLICIES**

The County reserves the right to modify these policies at any time. The Board of County Commissioners or the Human Resources Director may deviate from these policies to achieve the primary mission of serving the citizens of Mason County. Employees may request specific changes to these policies by submitting suggestions to their Elected Official or Department Head.

### **1.5 DEFINITIONS**

Department Head: An employee who reports directly to the Board of County Commissioners and who is responsible for directing one or more departments.

Regular Full-Time Employee: An employee who holds a budgeted position and who regularly works a minimum of forty (40) hours a week.

Regular Part-Time Employee: An employee who holds a budgeted position and who regularly works less than forty (40) hours a week.

Extra Help Employee: An employee who holds a job of limited duration due to special projects, seasonal or abnormal workloads, the absence of a regular employee or emergencies.

## **CHAPTER 2 GENERAL POLICIES AND PRACTICES**

### **2.1 EQUAL EMPLOYMENT OPPORTUNITY POLICY**

The County is an equal employment opportunity employer. The County employs, retains, promotes, terminates and otherwise treats all employees and job applicants on the basis of job-related qualifications and competence. These policies and all employment practices shall be applied without regard to any individual's sex, race, color, religion, national origin, pregnancy, age, marital status, or disability.

### **2.2 DISABILITY DISCRIMINATION PROHIBITED**

The County will not discriminate against qualified applicants or employees with a sensory, physical or mental disability. The County will provide reasonable accommodation to a qualified person with a disability to perform the essential functions of their job, unless doing so causes undue hardship to the County.

### **2.3 ANTI-HARASSMENT POLICY**

It is the County's policy to foster and maintain a work environment that is free from discrimination and intimidation. Toward this end, the County will not tolerate harassment that is made by employees toward co-workers or members of the public. Employees are expected to show respect for each other and the public at all times, despite individual differences.

Harassment is defined as verbal or physical conduct that demeans or shows hostility or aversion toward another employee or members of the public. Examples of prohibited conduct include slurs or demeaning comments to employees or members of the public relating to race, ethnic background, gender, religion, sexual orientation, age, or disability.

See Discrimination Complaint Procedure, Policy 2.5, for guidance on what to do if you experience harassment.

### **2.4 SEXUAL HARASSMENT PROHIBITED**

Sexual harassment is a form of sex discrimination and is illegal. Sexual harassment will not be tolerated by the County.

Sexual harassment is behavior of a sexual nature which is unwelcome. Examples of sexual harassment include verbal behavior such as unwanted sexual comments, suggestions, jokes, or pressure for sexual favors; non-verbal behavior such as suggestive looks and leering; and physical behavior such as pats or squeezes, or repeatedly brushing against someone's body. Other conduct also may constitute sexual harassment depending upon given facts and circumstances.

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:



1. submission to such conduct is either an explicit or implicit term or condition of employment; or,
2. submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or,
3. such conduct has the purpose or effect of unreasonably interfering with the individual's work performance or creating an intimidating, hostile, or offensive work environment.

Employees engaging in sexual harassment are subject to discipline, including termination. See Discrimination Complaint Procedure, Policy 2.6, for guidance on what to do if you experience sexual harassment.

## **2.5 DISCRIMINATION COMPLAINT PROCEDURE**

Each employee is responsible for creating an atmosphere free of discrimination and harassment, sexual or otherwise. Further, employees are responsible for respecting the rights of their co-workers and others, including the citizens they serve. The following procedure outlines the steps to follow if you believe you have experienced harassment or discrimination on the job.

If you believe that you have been harassed or are the victim of discrimination, if possible, you should try to identify the offensive behavior to the harasser and request that it stop. In the event you are uncomfortable with such informal, direct communication and/or the offending behavior continues, you should discuss your concern immediately with your supervisor, your Elected Official or Department Head, or the Human Resources Department. No employee will suffer retaliation for reporting such concern. To the extent possible, complaints will be handled confidentially.

If it is determined that the accused employee did engage in harassment or discrimination, appropriate action will be taken. Such actions may range from a counseling letter to an employee's file to discharge from employment. An employee who files a malicious or knowingly false complaint may also be subject to disciplinary action.

## **2.6 EMPLOYEE PERSONNEL RECORDS**

A personnel file for each employee is kept in the Human Resources Department and/or in the department in which he/she works. An employee's personnel file contains the employee's name, title and/or position held, department to which the employee is assigned, salary, changes in employment status, training received, performance evaluations, insurance enrollment forms, personnel actions affecting the employee, including discipline, and other pertinent information. Medical information about employees is contained in a separate confidential file.

Employees have the right to review their file. An employee may request removal of irrelevant or erroneous information in his/her personnel file. If the County denies the employee's request to remove the information, employees may file a written rebuttal statement to be placed in their file.

Personnel files are kept confidential to the maximum extent permitted by law. Except for routine verifications of employment, no information from an employee's personnel file will be released to

the public, including the press, without a written request for specific information and notification to the employee.

## **2.7 EMPLOYMENT REFERENCES**

Only the Elected Official or Department Head is authorized to provide employment references on current or former County employees. Other employees shall refer requests for references to the appropriate Elected Official or Department Head. References will be limited to verification of employment and salary unless the employee has completed a written waiver and release. Standardized release forms are available at the Human Resources Department.

## **CHAPTER 3 RECRUITING AND HIRING**

### **3.1 RECRUITING**

Recruiting practices are conducted solely on the basis of ability, merit, qualifications and competence without regard to race, color, religion, national origin, sex, marital status, pregnancy, disability, or age.

Each applicant shall complete and sign an application form prior to being considered for any position. Resumes may supplement, but not replace the County's official application.

Any applicant supplying false or misleading information may be disqualified from the hiring process, or terminated, if hired.

### **3.2 HIRING**

When a position becomes vacant and prior to any posting or advertisement of the vacancy, the Department Head shall review the position, its job description, and the need for such a position. The Department Head will submit a request to fill the position to the Board of County Commissioners. The position will be posted and/or advertised only after the Board of County Commissioners has approved the request.

The County may administer pre-employment examinations to test the qualifications and ability of applicants, as determined necessary by the County. The County may contract with any agency or individual to prepare and/or administer examinations. The County may also conduct certain background procedures as required by law. Examples of such procedures include: requiring applicants/employees to show proof they are authorized to work in the United States and requiring applicants/employees who have unsupervised access to children to complete a disclosure statement.

Residency within the County shall not be a condition of initial appointment or continued employment; provided that an employee's selection of residence shall not interfere with the daily performance of his/her duties and responsibilities.

Applicants for positions in which the applicant is expected to operate a motor vehicle will be required to present a valid Washington State driver's license with any necessary endorsements. Driving records of applicants may be checked. Applicants with poor driving records, as determined by the County, may be disqualified for employment with the County in positions requiring driving.

After an offer of employment has been made and prior to commencement of employment, the County may require persons selected for employment to successfully pass a test for the presence of alcohol and/or controlled substances. The offer of employment may be conditioned on the results of the examination.

A candidate may be disqualified from consideration if the test reveals use of alcohol and /or controlled substances (other than legally prescribed medications), or if the candidate refuses to be tested.

### **3.3 EXTRA HELP EMPLOYEES**

Elected Officials and Department Heads may use extra help employees to temporarily replace regular employees who are on vacation or other leave, to meet peak work load needs, or to temporarily fill a vacancy until a regular employee is hired. Extra help employees may be hired without competitive recruitment or examination, although all hiring processes must comply with state and federal laws.

Compensation/Benefits: Extra help employees are eligible for overtime pay as required by law. Extra help employees normally do not receive retirement, vacation, sick leave, health insurance, holidays or any other benefits during their employment.

Extra help employees pay contributions to the Social Security system and to Labor and Industries, as does the County on their behalf. Extra help employees are normally not placed on the state PERS retirement system, although there are a few exceptions based on PERS eligibility criteria, such as those who work over seventy (70) hours per month for five (5) months out of twelve on a long term basis (see 7.12).

### **3.4 EMPLOYMENT OF RELATIVES (NEPOTISM)**

The immediate family, by blood or marriage, of current County employees, Elected Officials and County Commission members will not be employed by the County where:

- (1) One of the parties would have authority, or practical power, to supervise, appoint, remove, or discipline the other;
- (2) One party would handle confidential material that creates improper or inappropriate access to that material by the other;
- (3) One party would be responsible for auditing the work of the other; or
- (4) Other circumstances exist that might lead to potential conflict among the parties or conflict between the interest of one or both parties and the best interests of the County.

Immediate family for the purpose of this section shall include the employee's spouse, parent, child, grandchild, brother, sister, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law and daughter-in-law.

Change in Circumstances: If two employees marry, or become related, and in the County's judgment, the potential problems noted above exist or reasonably could exist, only one of the employees will be permitted to stay with the County, unless arrangements, as determined by the Board of County Commissioners, can be made to eliminate the potential problem. The decision as to which employee will remain with the County must be made by the two employees within thirty (30) calendar days of the date they marry, or become related. If no decision is made during this time, either employee may be terminated.

### **3.5 PROMOTIONS**

The County encourages promotion from within the organization whenever possible. All openings will be posted so that employees may become aware of opportunities and apply for positions in which they are interested and qualified.

Before advertising a position to the general public, the Human Resources Director may choose to circulate a promotional opportunity within the County.

The County reserves the right to seek qualified applicants outside of the organization at its discretion.

All openings will be posted on the bulletin boards where notices for employees are customarily posted. Employees must meet the qualifications for the vacant position to be considered for promotion.

## **CHAPTER 4 HOURS AND ATTENDANCE**

### **4.1 WORKING HOURS**

The County's normal work week is Monday through Friday from 8:00 a.m. to 5:00 p.m. with a one-hour unpaid lunch period. Due to the nature of the County's operations, longer hours may be necessary in some instances.

A normal working schedule for regular, full-time employees consists of forty (40) hours each work week. Different work schedules may be established by the County to meet job requirements and provide necessary County services. Each employee's Elected Official or Department Head will advise the employee regarding his/her specific working hours.

Part-time and extra help employees will work hours as specified by their Elected Official or Department Head.

### **4.2 HOURS OF WORK AND OVERTIME**

All County positions are designated as either "exempt" or "non-exempt" according to the Fair Labor Standards Act ("FLSA") and Washington Minimum Wage Act regulations. You will be informed of your status by the County.

For most County employees, the established work period is forty (40) hours within a seven (7) day work week. All personnel are responsible for accurately reporting all hours worked and leave taken on forms supplied by the County. Such forms shall be signed by the employee and their supervisor. Employees failing to accurately record time worked and leave taken are subject to discipline.

Non-exempt employees are entitled to additional compensation, either in cash or compensatory time off, when they work more than the maximum numbers of hours during a work period. All overtime must be authorized in advance by the employee's supervisor. Overtime pay is calculated at one and one-half times the employee's regular rate of pay for all time worked beyond the established work period. When computing overtime, time paid for but not worked (e.g., holidays, sick leave and vacation time), is not counted as hours worked.

Exempt employees are not covered by the FLSA or Washington Minimum Wage Act overtime provisions and do not receive either overtime pay or compensatory time in lieu of overtime pay.

### **4.3 COMPENSATORY TIME**

Non-exempt employees entitled to overtime pay may request compensatory time off instead of cash payment. This is approved on a case-by-case basis by the supervisor. The County is not required to grant compensatory time instead of overtime pay. If the compensatory time option is exercised, the employee is credited with one and one-half times the hours worked as overtime. Maximum accruals of compensatory time shall not exceed forty (40) hours for regular employees unless a higher limit has been authorized in writing by the Board of County Commissioners. After maximum accrual, overtime compensation shall be paid.

Employees may use compensatory time within a reasonable time period after making a request to their supervisor, unless doing so would unduly disrupt County operations. Compensatory time should be used for short term absences from work during times mutually agreed to by the employee and his/her supervisor.

#### **4.4 ATTENDANCE**

Punctual and consistent attendance is a condition of employment. Each Elected Official and Department Head is responsible for maintaining an accurate attendance record of his/her employees.

Employees unable to work or unable to report to work on time should notify their supervisor as soon as possible, ordinarily before the work day begins or within thirty (30) minutes of the employee's usual starting time. If an absence continues beyond one day, the employee is responsible for reporting in each day unless excused from daily reporting by his/her supervisor. If the supervisor is unavailable, the employee may leave a message with the Elected Official/Department Head or his/her designated representative, stating the reason for being late or unable to report for work.

#### **4.5 UNUSUAL WEATHER CONDITIONS/EXTREME CIRCUMSTANCES**

During times of inclement weather or natural disaster, it is essential that the County continue to provide vital public services. Therefore, it is expected that employees make every reasonable effort to report to work without endangering their personal safety.

An employee who is unable to get to work, arrives late to work, or leaves work early because of unusual weather conditions or other extreme circumstances shall charge the time missed to: vacation, floating holiday, compensatory time or if such leave is not available, to leave without pay. The employee shall advise their supervisor by phone or in person as in any other case of late arrival or absence.

In some extreme circumstances, including, but not limited to, flooding, fire or total power outages, one or more County work locations may not be suitable for employees to safely or effectively perform their jobs. Under such circumstances, if employees are sent home after reporting to work or told to report to work later than their regular starting time, they shall be paid for hours missed from work that day. If employees are advised before reporting to work, or if reasonable efforts were made to advise them before reporting to work, that they should not report to work, such absence for time missed from work shall be charged to: vacation, personal holiday, compensatory time or if such leave is not available, to leave without pay. In no event shall the decision that some employees can not work due to conditions at their work location, entitle other employees who worked, compensation beyond their regular pay.

The decision to send employees home or tell them not to report to work shall be made by the Elected Official or Department Head responsible for the work location and is subject to the prior

approval of the Board or a single Board member if only one Board member is available. If no Board member is available the decision of the Elected Official or Department Head shall be final. Such decision shall include consideration of the expected duration of the condition, safety issues affecting employees or the public and alternative work locations.

#### **4.6 BREAKS AND MEAL PERIODS**

Employees may take one (1) fifteen-minute break for every four (4) hours worked. All breaks shall be arranged so that they do not interfere with County business or service to the public. Meal periods shall be scheduled by the employee's supervisor. The scheduling of meal periods may vary depending on department workload. Meal periods are unpaid and usually one hour in length.

#### **4.7 CALL BACK**

Employees are subject to call back in emergencies or as needed by the County to provide necessary services to the public. Non-exempt employees called back to duty will be paid their appropriate rate of pay for hours worked (the overtime rate for hours worked over the applicable overtime threshold).

#### **4.8 PAYROLL RECORDS**

The official payroll records are kept by the Auditor. Each Elected Official and Department Head shall submit monthly, a signed payroll worksheet for all employees within their department, noting hours worked, leave taken, overtime worked and compensatory time taken for each employee. Each Department Head shall submit monthly, a signed statement noting regular hours worked and leave taken to the Board of County Commissioners at the Department Head's first briefing on the following month.



## **CHAPTER 5 COMPENSATION**

### **5.1 SALARY CLASSIFICATION AND GRADES**

Each regular job title within the County is classified into one of the County's job classifications for salary purposes. Each job classification is designated a particular salary or salary range shown on the County's salary range alignment, which is modified periodically by the Board of County Commissioners, or as specified in the applicable union agreement.

### **5.2 EMPLOYEE PAY RATES**

Employees shall be paid within the limits of the salary range to which their positions are assigned. Usually, new employees will start their employment at the minimum wage rate for their classification. However, a new employee may, upon the written request of the Elected Official or Department Head and approval of the Human Resources Director, be employed at a higher rate than the minimum.

When deemed appropriate, and approved by the Board of County Commissioners, an employee may be compensated at a Y-Rate which is a rate of pay that is either between steps of the salary range or exceeds the top step of the salary range. A Y-Rate shall remain in effect until such time as a step of the salary range for the employee's job classification equals or exceeds the Y-Rate or the Board of County Commissioners rescinds their authorization for the Y-Rate.

Pay increases are contingent on satisfactory performance. If an employee's performance is consistently unsatisfactory, the Elected Official or Department Head may defer a scheduled pay increase for a stipulated period of time or until the employee's job performance is satisfactory.

The Board of County Commissioners may grant a pay adjustment from time to time, raising the salaries of all classifications, a defined group of classifications, or a single classification. Such adjustments, if any, will not normally change an employee's pay anniversary date.

An employee who has been assigned to perform all of the significant duties of a higher level job classification, due to the absence of the employee who normally holds that position, and who performs such duties for five (5) or more consecutive days, shall be compensated on that step of the salary range of the higher job class that provides at least a five (5) percent increase over their (the employee working out of class) current rate of pay.

Any employee promoted to a position in a higher classification and salary range shall receive the next highest available pay step in the new range provided that such step placement shall result in at least a five (5) percent increase in pay. Upon the request of the Elected Official or Department Head and approval of the Human Resources Director, a promoted employee may be placed in a step higher than that specified above.

If the Human Resources Director does not concur in a request for advanced step placement for a newly hired or promoted employee, the Elected Official or Department Head may appeal that decision to the Personnel Review Committee. The Personnel Review Committee is a three (3)

member panel consisting of a County Commissioner, an Elected Official and a Department Head. The Board of County Commissioners appoints the members of the Personnel Review Committee.

### **5.3 PAYDAYS**

County employees are paid monthly on the last day of month. If a regularly scheduled payday falls on Saturday or Sunday, pay checks will be distributed on the preceding Friday. A draw of not more than 40% of an employee's gross monthly wage may be paid on the 15th of the month. If the 15th falls on a Saturday, draw pay will be distributed on Friday. If the 15th falls on a Sunday, draw pay will be distributed on Monday. If the 15th is a Holiday, draw pay is distributed on the last regular work day prior to the Holiday.

### **5.4 DEDUCTIONS**

Some regular deductions from the employee's earnings are required by law; other deductions are specifically authorized by the employee. The County will withhold from the employee's paycheck those deductions required by law and any voluntary deductions authorized by the employee, by applicable union contract, or by statute. All deductions from pay are deducted from the last check of the month. If an employee is overpaid or required deductions were not withheld, the amount overpaid or not withheld will be deducted from future pay on a reasonable basis unless excused by the Board of County Commissioners.

### **5.5 TRAVEL AWAY FROM THE COUNTY**

All overnight travel away from the County must be approved in advance by the Elected Official or Department Head. If private automobiles are used, employees will be reimbursed at the Internal Revenue Service (IRS) standard mileage rate for business miles driven.

### **5.6 TRAVEL EXPENSE REIMBURSEMENT**

County employees will be reimbursed for reasonable and customary expenses actually incurred in connection with the business of the County, including food, lodging, travel and other necessary expenses while away from the office, but excluding any expenses for alcoholic beverages. Tips, not to exceed 15%, for meals, parking, taxis, or baggage handling are reimbursable.

Requests for reimbursement, including required receipts, shall be submitted on an expense report form signed by the employee and the Elected Official or Department Head. Reimbursement for meals costing less than \$10 do not require a receipt.

### **5.7 COMPENSATION UPON TERMINATION**

When an employee's employment with the County is terminated, the employee will receive the following compensation on the next regularly scheduled payday:

- (1) Regular wages for all hours worked up to the time of termination which have not already been paid.

- (2) Any overtime or holiday pay due.
- (3) A lump sum payment for accrued but unused vacation provided the employee has completed six (6) months of employment, compensatory time and, for eligible employees, accrued but unused sick leave.

## **CHAPTER 6 BENEFITS**

### **6.1 RETIREMENT BENEFITS**

The County makes contributions to the Social Security System on behalf of all eligible employees in addition to those contributions made by the employee through FICA payroll deductions.

All regular uniformed employees in the Sheriff's Department are covered by the Law Enforcement Officer's and Firefighters Retirement System (LEOFF). Benefit levels and contribution rates are set by the State of Washington. All regular full-time and eligible part-time non-uniformed employees are covered under the Public Employees Retirement System (PERS). Benefit levels and contribution rates are set by the State of Washington. Membership in PERS is optional for Elected Officials and the Board of County Commissioners.

Employees intending to retire should notify their Elected Official or Department Head of their intent to retire at least six (6) months prior to the date of retirement.

The County participates in a Section 457 Deferred Compensation Plan which allows employees to make tax deferred contributions up to certain dollar limits defined by the IRS. Contributions and interest earnings from investments are not subject to income tax withholding until time of receipt.

### **6.2 WORKERS COMPENSATION**

Most employees are covered by the State Workers' Compensation Program. This insurance covers employees in case of on-the-job injuries or job-related illnesses. For qualifying cases, State Industrial Insurance will pay the employee for work days lost and medical costs due to job-related injuries or illnesses. All job-related accidents should be reported immediately to the supervisor along with a completed accident/incident report.

When an employee is absent for one or more days or receives medical attention due to an on-the-job injury, he/she is required to file a claim for Workers' Compensation. If the employee files a claim and is unable to work, the County will continue to pay (by use of the employee's unused sick leave) the employee's regular salary pending receipt of Workers' Compensation benefits unless the employee requests that sick leave not be used. If the employee has no accrued sick leave, he/she may request use of vacation leave.

Coordination of Benefits: When the employee receives Workers' Compensation benefits, he/she is required to repay to the County the amount covered by Workers' Compensation and previously advanced by the County. This policy is to ensure that employee will receive prompt and regular payment during periods of injury or disability caused by a work related injury so long as accrued leave is available, while ensuring that no employee receives more than he/she would have received had the injury not occurred. Upon the repayment of funds advanced, the appropriate amount of leave shall be restored to the employee's account.

The County may require an examination at its expense to determine when the employee can return to work and if he/she will be capable of performing the essential duties of the position with or without reasonable accommodation.

### **6.3 HEALTH INSURANCE BENEFITS**

Regular full-time employees and regular part-time employees working at least ninety (90) hours per month and their dependents are eligible to participate in the County's various insurance programs on the first day of the month following employment, except that if the first day of employment is the first of the month their eligibility shall commence immediately. The programs and criteria for eligibility will be explained upon hire. The County contributes toward the cost of premiums in the amounts authorized by the Board of County Commissioners. The remainder of the premiums, if any, shall be paid by the employee through payroll deduction. The County reserves the right to make changes in the carriers and provisions of these programs at its discretion, with prior notice to affected employees. Employees electing not to take coverage for those insurance programs that the County contributes toward the cost of premiums may be required to sign a waiver of coverage.

Extra help employees will normally not be eligible for insurance coverage.

### **6.4 CONTINUATION OF INSURANCE COVERAGE**

Workers Compensation Leave: An employee receiving Workers Compensation benefits who has exhausted their sick and vacation leave continues to accrue vacation leave and sick leave for up to six (6) months. The County also continues to pay for the employer's portion of health insurance premiums, provided that the employee continues to pay their share of premiums, if any. After six (6) months, the employee's benefits shall cease unless the Board of County Commissioners makes an exception based on the criteria stated in Section 1.4 of these policies. The employee may continue health care benefits by self-paying insurance premiums for the remainder of the time he/she receives Workers Compensation benefits.

COBRA Rights: When certain qualifying events occur, including an employee's termination from County employment, beginning an unpaid leave of absence, or a reduction in hours worked, at the employee's option and expense, the employee may be eligible to continue County health insurance benefits to the extent provided under the federal COBRA statutes and regulations. Covered dependents may also be eligible, at their option and expense, to continue County health insurance coverage. To the extent allowed by law, an administrative handling fee over and above the cost of the insurance premium may be charged the employee or his/her dependents who elect to exercise their COBRA continuation rights. An explanation of COBRA rights will be provided to new hires, annually to current employees, and when a qualifying event occurs.

Termination, Retirement, Leave of Absence: For eligible employees who terminate, retire or are on an approved leave of absence, the County will pay the premium for the month the employee is leaving, provided the employee is on paid status for the ninety (90) hours in the month.

### **6.5 UNEMPLOYMENT COMPENSATION**

County employees may qualify for State Unemployment Compensation after termination from county employment depending on the reason for termination from employment.

## CHAPTER 7 LEAVES

### 7.1 VACATION LEAVE

Each regular full-time employee shall accrue paid vacation leave as follows:

<u>Years of Continuous Service</u>	<u>Vacation Days Earned</u>
1-3 years	12 days per year
4-7 years	15 days per year
8-9 years	18 days per year
10-11 years	20 days per year
12-14 years	22 days per year
15-16 years	23 days per year
17-19 years	24 days per year
20 or more years	25 days per year

All new employees must satisfactorily complete their trial period to be entitled to the accrual and use of vacation leave. Regular part-time employees will receive vacation on a pro-rata basis. Extra help employees are not eligible for any vacation benefits. Employees do not accrue vacation benefits during a leave without pay.

Regular full-time employees must work, or be in a paid status, at least ninety (90) hours in a month to accrue vacation for the month. Regular part-time employees must work, or be in a paid status, at least in the same proportion to ninety (90) hours as their regular hours are to full-time employment to accrue vacation for that the month.

The first day of the month of hire shall be the effective date of subsequent increases in the vacation accrual rate for employees hired between the first and the fifteenth of the month. The first day of the month following the month of hire shall be the effective date of subsequent increases in the vacation accrual rate for employees hired between the sixteenth and the last day of the month.

Each department is responsible for scheduling its employees' vacations without undue disruption of department operations. Leave requests shall normally be submitted at least two weeks prior to taking vacation leave.

The maximum number of vacation days which may be accrued is fifty (50) days. Any vacation days earned beyond fifty (50) days shall be forfeited. Employees will be paid for unused vacation time upon termination of employment, except in the case of termination during the first six months

of employment. Employees who resign their position to assume an Elected Office will be paid for unused vacation time upon termination of employment.

## **7.2 SICK LEAVE**

All regular full-time employees accrue sick leave benefits at the rate of one (1) day for each calendar month of continuous employment. Regular part-time employees may accrue sick leave benefits on a pro-rata basis according to hours worked. The maximum accumulation of unused sick leave is one hundred fifty (150) days, except for LEOFF I employees whose maximum accumulation shall not exceed twelve (12) days. LEOFF I employees whose sick leave accrual exceeds twelve (12) days, as of the adoption of this policy, shall keep the excess days but shall not earn additional sick leave until such time as their accrual is less than twelve (12) days. Extra help employees do not earn sick leave benefits. Employees do not accrue sick leave benefits during a leave without pay.

Regular full-time employees must work, or be in a paid status, at least ninety (90) hours in a month to accrue sick leave for the month. Regular part-time employees must work, or be in a paid status, at least in the same proportion to ninety (90) hours as their regular hours are to full-time employment to accrue sick leave for that the month.

Allowable Uses of Sick Leave: Sick leave covers those situations in which an employee is unable to work due to:

- (1) Employee's own health condition (illness, injury, physical or mental disability, including disability due to pregnancy or childbirth);
- (2) The need to care for the employee's dependent children under the age of 18 who are ill or injured;
- (3) Medical or dental appointments for the employee or dependent child, provided that the employee must make a reasonable effort to schedule such appointments at times which have the least interference with the work day;
- (4) The need to care for a spouse, parent, or child of the employee who is ill or injured and requires the presence of the employee, except that no more than five (5) days of sick leave may be taken for any occurrence unless the condition of the spouse, parent or child would qualify the employee for FMLA leave;
- (5) Exposure to a contagious disease where on-the-job presence of the employee would jeopardize the health of others;
- (6) Use of a prescription drug which impairs job performance or safety;
- (7) Additional leave, up to two (2) days, beyond bereavement leave for a death in the immediate family may be authorized by the Board.

A doctor's certificate may be required when an employee is absent for a period in excess of three (3) days or when a pattern of sick leave use indicates possible sick leave abuse. To the extent allowed by law, the County may also request the opinion of a second doctor at the County's

expense to determine whether the employee suffers from a chronic physical or mental condition which impairs his/her ability to perform the job.

Employees who use all their accumulated sick leave and require more time off work due to illness or injury may, with their Elected Official's or Department Head's prior approval, request a leave without pay. (See Leave Without Pay Policy.)

Payment for unused sick leave shall be made only in the following circumstances:

- (1) Upon termination of employment with fifteen (15) years of continuous service with Mason County;
- (2) Upon termination of employment with Mason County, when the termination is contemporaneous with retirement from the applicable Washington State public employees retirement system; or
- (3) Upon the death of an employee, in which case payment shall be made to his/her estate.

Upon termination of employment, including termination of employment prior to assume an Elected Office, under circumstances in which the employee is not eligible for payment of unused sick leave, all unused sick leave shall be forfeited. The provisions of this paragraph shall not apply to employees who terminated employment to become an Elected Official of Mason County prior to the adoption of this policy.

### **7.3 LEAVE WITHOUT PAY**

The Elected Official or Department Head may grant leaves of absence without pay, or authorize a reduced work schedule, for absence from work not covered by any other type of leave or if other leave balances are exhausted. Examples of situations for which leave without pay, or a reduced work schedule may be granted include time off work for personal reasons, such as prolonged illness, parenting, caring for an ill relative, or pursuing an education. Such leave will not normally exceed ninety (90) days.

### **7.4 JURY AND WITNESS LEAVE**

Jury Duty. The County provides all employees leave for jury service. Regular full-time and part-time employees who have completed their trial period receive paid jury duty leave each time they are called for jury service. Payment provided by the courts during periods of paid jury duty leave must be paid over to the County, excluding expense reimbursements, such as mileage. You must provide your supervisor with a copy of the jury duty summons as soon as possible after receiving it. Upon completion of jury duty, you are required to provide your supervisor with proof of jury service. Employees who have been released by the court during their period of jury duty service may be required to report to work.



Witness Duty. All employees summoned to testify in court are allowed time off for the period they serve as witnesses. If you are paid by the County for time you are testifying, payment provided by the courts during periods of paid witness duty must be paid over to the County, excluding expense reimbursements, such as mileage. In general, witness duty leave is paid unless you are a party in the case.

## **7.5 ADMINISTRATIVE LEAVE**

On a case-by-case basis, the County may place an employee on administrative leave with or without pay for an indefinite period of time. Administrative leave may be used in the best interests of the County (as determined by the Board) during the pendency of an investigation or other administrative proceeding.

## **7.6 MILITARY LEAVE**

The County provides all employees leave while performing military service in accordance with federal and state law. Regular full-time and part-time employees receive paid military leave of up to 15 working days per year for military service. In general, if military service extends beyond 15 working days, the additional leave will be unpaid. All employees who are not eligible for paid military leave are provided unpaid leave for a period of their military service. Military service includes active military duty and Reserve or National Guard training. You are required to provide your supervisor with copies of your military orders as soon as possible after they are received. Reinstatement upon return from military service will be determined in accordance with applicable federal and state law.

## **7.7 FAMILY LEAVE**

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

Family Leave Eligibility: The FMLA provides up to 12 weeks of unpaid, job-protected leave every 12 months to eligible male and female employees for certain family and medical reasons. To be eligible you must have worked for the County for at least one year, and for 1,250 hours over the previous 12 months.

Reasons for Taking Leave: Unpaid FMLA leave is granted for any of the following reasons:

- To care for your child after birth or placement for adoption or foster case.
- To care for your spouse, son, daughter or parent who has a serious health condition.
- For a serious health condition that makes you unable to perform the essential functions of your job.

Leave to care for a child after birth or placement for adoption or foster care must be concluded within 12 months of the birth or placement.

Under such circumstances as allowed by law, FMLA leave may be taken intermittently -- which means taking leave in blocks of time, or by reducing your normal weekly or daily work schedule.

Substitution of Paid Leave: At your request or the County's, certain kinds of paid leave may be substituted for unpaid FMLA leave. Accrued vacation may be substituted for any type of FMLA leave. Accrued sick leave may be substituted only in the circumstances where County policies or state law allow you to use that paid leave.

If you have any sick leave available that may be used for the kind of FMLA leave you are taking, it is the County's policy that you must use that paid sick leave as part of your FMLA leave. Use of vacation time for FMLA leave, however, is at your option.

If you use paid leave for a purpose for which FMLA leave would be available, it is the County's policy to designate your paid leave as counting against your FMLA leave allowance. You are required to notify us if you use paid leave for a reason covered by the FMLA so that we may properly account for the leave.

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

You must give us at least 30 days' advance notice of your request for leave if the reason for the leave is foreseeable based on an expected birth, placement for adoption or foster care, or planned medical treatment. If 30 day's notice is not practicable, you must give us notice as soon as practicable, usually within one or two business days of when the need for leave becomes known to you. If you do not give us 30 days' advance notice, and if the need for the leave and the approximate date of the leave were clearly foreseeable by you, we may deny your request for leave until at least 30 days after the date you give us notice.

We require that you provide a medical certification to support a request for leave because of a serious health condition (your own or your child's, spouse's or parent's) whenever the leave is expected to extend beyond five consecutive working days or will involve intermittent or part-time leave. We may require second or third opinions, at our option, at our expense.

We may require that you provide a medical certification of your fitness for duty to return to work after a medical leave.

Periodic Reporting: If you take leave for more than two weeks, we may require that you report to us at least every two weeks on your status and intent to return to work.

Health Insurance: If you are covered by our group health plan (medical, dental or vision), we will continue to provide paid health insurance during FMLA leave on the same basis as during regular employment. But if you don't return to work after the leave, you will be required to pay us back for our portion of the insurance premiums unless your failure to return was beyond your control.

Other Insurance: If you are covered by other insurance plans through us, such as life insurance, those coverages will continue during paid leave on the same basis as during regular employment. If you take unpaid FMLA leave, you will be responsible during the leave for the premiums you normally pay plus the premiums we normally pay for you. If you don't pay these premiums, we

may choose to pay them for you, to keep your coverage from lapsing, but you will be responsible for repaying us whether or not you return to work.

Couples Employed by Us: If both you and your spouse work for us and you request leave for the birth, adoption or foster care placement of a child, to care for a new child, or to care for a sick parent, the total annual FMLA leave available to you as a couple for those purposes is 12 weeks.

Determining Leave Availability: FMLA leave is available for up to 12 weeks during a 12-month period. For purposes of calculating leave availability, the "12-month" period is a rolling 12-month period measured backwards from the date you use any FMLA leave.

Leave Related to Pregnancy. If you take leave for the disability phase of pregnancy or childbirth while you are physically unable to work, this time is counted against your annual 12-week FMLA leave allowance. For example, if you take six weeks of FMLA leave for childbirth and recovery from childbirth, you are entitled to only six weeks of FMLA leave after that to care for your new child.

You are entitled to unpaid leave for the full period of your physical disability resulting from pregnancy and childbirth, even if you are disabled for more than 12 weeks, and even if you don't qualify for leave under the federal law.

## **7.8 BEREAVEMENT LEAVE**

We provide regular, full-time and part-time employees with paid bereavement leave for up to three (3) days in the event of the death of an immediate family member. Two additional days chargeable to accrued sick leave will be granted at the request of the employee. Immediate family for purposes of bereavement leave includes only the employee's spouse, parent, grandparent, child, grandchild, sister, brother, grandmother-in-law, grandfather-in-law, mother-in-law, father-in-law, sister-in-law, brother-in-law, son-in-law, daughter-in-law, aunt, uncle, nephew or niece.

## **7.9 SHARED LEAVE PROGRAM**

The Board may authorize employees to donate their accrued vacation or sick leave to another County employee who is suffering from, or whose parent, spouse or child is suffering from an extraordinary or severe illness, injury, or physical or mental condition which has caused or is likely to cause the employee to take leave without pay or to terminate his/her employment. The following conditions apply:

- (1) To be eligible to donate vacation leave, the employee who donates leave must have more than ten (10) days of accrued leave. In no event shall a leave transfer result in the donor employee reducing his/her vacation leave balance to less than ten (10) days. To be eligible to donate sick leave, the employee who donates leave must have more than thirty (30) days of leave. In no event shall a leave transfer result in the donor employee reducing his/her sick leave balance to less than thirty (30) days. Transfer of leave will be in increments of one day of leave. All donations of leave are strictly voluntary.

- (2) The employee receiving donated leave shall have exhausted all his/her accumulated leave time. Donated vacation leave shall be converted to sick leave for the recipient.
- (3) While an employee is using shared leave, he or she will continue to receive the same treatment, in respect to salary and benefits, as the employee would otherwise receive if using vacation or sick leave.
- (4) The transfer of leave and the amount of leave shall be authorized by the Board in advance.
- (5) No employee shall receive more than 260 days of donated leave during their employment with the County.

## 7.10 HOLIDAYS

The following are recognized as paid holidays for all regular full-time and part-time employees:

<u>Holiday</u>	<u>Day Observed</u>
New Year's Day	January 1
Martin Luther King's Birthday	3rd Monday in January
Lincoln's Birthday	February 12
President's Day	3rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	1st Monday in September
Veteran's Day	November 11
Thanksgiving Day	4th Thursday in November
Day after Thanksgiving	Day after Thanksgiving
Christmas Day	December 25
Floating Holiday	As scheduled with supervisor

Any holiday falling on Saturday will be celebrated on the preceding Friday. Any holiday falling on Sunday will be celebrated on the following Monday.

Lincoln's Birthday shall not be recognized as a paid holiday in Superior Court, District Court, the Prosecuting Attorney's Office, the Clerk's Office, the Sheriff's Department or the Probation Services Department. Employees in those departments shall receive one (1) additional floating holiday in lieu of Lincoln's Birthday.

Floating holiday(s) must be used by the end of the calendar year or they will be forfeited.

Non-exempt regular full-time or part-time employees will be given equivalent time off for any time worked on a holiday. Such work on a holiday must be pre-authorized by the supervisor.

Extra help employees will be paid at their regular straight-time rate for hours worked on a holiday.

## **7.11 RELIGIOUS HOLIDAYS**

If an employee's religious beliefs require observance of a holiday not included in the basic holiday schedule, the employee may, with his/her Elected Official's or Department Head's approval, take the day off using vacation, compensatory time, floating holiday or leave without pay.

## **7.12 BENEFITS FOR PART-TIME AND EXTRA HELP EMPLOYEES**

Unless noted otherwise in these policies, benefits for regular part-time and Extra help employees are as follows:

Regular Part-Time Employees: All leaves, including holidays, are pro-rated. Pro-rated means the ratio between the number of hours in the employee's normal work schedule and [forty (40) hours] per week. Regular part-time employees working three-quarter time or more shall receive the same insurance premium contribution as regular full-time employees. Regular part-time employees working between ninety hours per month and three-quarter time shall receive one-half the insurance premium contribution of regular full-time employees. Regular part-time employees, whose hours may drop below the eligibility thresholds referenced above for one or more months during the calendar year due to work requirements, will be eligible for insurance premium contributions for all months if their average hours for the calendar year meet the eligibility criteria.

Extra help Employees: Extra help employees normally are not eligible to receive benefits, including leaves, holidays and insurance.

## **CHAPTER 8 EMPLOYEE RESPONSIBILITIES AND CONDUCT**

### **8.1 GENERAL CODE OF CONDUCT**

All County employees are expected to represent the County to the public in a professional manner which is courteous, efficient and helpful. Employees must maintain a clean and neat appearance appropriate to their work assignment, as determined by their position and Elected Official or Department Head.

Since the proper working relationship between employees and the County depends on each employee's on-going job performance, professional conduct and behavior, the County has established certain minimum standards of personal conduct. Among the County's expectations are: Basic tact and courtesy towards the public and fellow employees; adherence to County policies, procedures, safety rules and safe work practices; compliance with directions from supervisors; preserving and protecting the County's equipment, grounds, facilities and resources; and providing orderly and cost efficient services to its citizens.

The County is a relatively small organization. To function as efficiently as possible, we may ask you to perform seemingly "menial" duties outside your regular assignments. It is no reflection on your worth to the County, but a necessary arrangement for most small organizations.

To make the most efficient use of personnel, the County also reserves the right to change your work conditions and the duties originally assigned. If these arrangements become necessary, we expect your best cooperation.

### **8.2 OUTSIDE EMPLOYMENT AND CONFLICTS OF INTEREST**

Employees shall not, directly or indirectly, engage in any outside employment or financial interest which may conflict, in the County's opinion, with the best interests of the County or interfere with the employee's ability to perform his/her assigned County job. Examples include, but are not limited to, outside employment which:

- (1) prevents the employee from being available for work beyond normal working hours, such as emergencies or peak work periods, when such availability is a regular part of the employee's job;
- (2) is conducted during the employee's work hours;
- (3) utilizes County telephones, computers, supplies, or any other resources, facilities or equipment;
- (4) is employment with a firm which has contracts with or does business with the County; or
- (5) may reasonably be perceived by members of the public as a conflict of interest or otherwise discredits public service.

Employees considering or engaged in an additional job, contractual commitment or self-employment, who are concerned about a conflict of interest should discuss the matter with their Elected Official or Department Head..

### **8.3 REPORTING IMPROPER GOVERNMENTAL ACTION**

#### General Policy:

In compliance with the Local Government Employee Whistleblower Protection Act, RCW 42.41.050, this policy is created to encourage employees to disclose in good faith, improper governmental action taken by County officials or employees without fear of retaliation. This policy also safeguards legitimate employer interests by encouraging complaints to be made first to the County, with a process provided for speedy dispute resolution.

#### Key Definitions:

Improper Governmental Action: any action by a County Officer or employee that is:

- (1) undertaken in the performance of the official's or employee's official duties, whether or not the action is within the scope of the employee's employment, and
- (2) in violation of any federal, state or local law or rule, is an abuse of authority, is of substantial and specific danger to the public health or safety, or is a gross waste of public funds.
- (3) "improper governmental action" does not include personnel actions including but not limited to employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployment, performance evaluations, reductions in pay, dismissals, suspensions, reprimands, demotions, violations of the local government collective bargaining and civil service laws, alleged labor agreement violations or any action that may be taken under Chapter 41.14 or 41.56 RCW.

Retaliatory Action: means any (a) adverse change in a local governments employee's employment status, or the terms and conditions of employment including denial of adequate staff to perform duties, frequent staff changes, frequent and undesirable office changes, refusal to assign meaningful work, unwarranted and unsubstantiated letters of reprimand or unsatisfactory performance evaluations, demotion, transfer, reassignment, reduction in pay, denial of promotion, suspension, dismissal or any other disciplinary actions; or (b) hostile actions by other employees toward a local government employee that were encouraged by a supervisor or senior manager or official.

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

Procedure for Reporting Improper Government Action: County employees who become aware of improper governmental action should follow this procedure:

- (1) Bring the matter to the attention of the Board of County Commissioners or the Prosecuting Attorney, preferably in writing, stating in detail the basis for the employee's belief that an improper action has occurred. This should be done as soon as the employee becomes aware of the improper action.
- (2) The Board of County Commissioners or the Prosecuting Attorney, or their designee, shall respond to the report of improper government action, within thirty (30) days of the employee's report. The employee shall be advised of the County's response.
- (3) The identity of a reporting employee shall be kept confidential to the extent possible under the law, unless the employee authorizes the disclosure of his or her identity in writing.

An employee who fails to make a good faith effort to follow this policy shall not be entitled to the protection of this policy against retaliation, pursuant to RCW 42.41.030.

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 bypass the above procedure and report the improper action directly to the appropriate government agency responsible for investigating the improper action.

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

Protection Against Retaliation: It is unlawful for a local government to take retaliatory action because an employee, in good faith, provided information that improper government action occurred. Employees who believe they have been retaliated against for reporting an improper government action should follow this procedure:

Procedure for Seeking Relief Against Retaliation:

- (1) Employees must provide a written complaint to the Board of County Commissioners within thirty (30) days of the occurrence of the alleged retaliatory action. The written charge shall specify the alleged retaliatory action and the relief requested.
- (2) The Board of County Commissioners or their designee, shall respond in writing within thirty (30) days of receipt of the written charge.
- (3) After receiving the County's response, the employee may request a hearing before a state administrative law judge (ALJ) to establish that a retaliatory action occurred and to obtain appropriate relief under the law. The request for hearing must be delivered within the earlier of either fifteen (15) days of receipt of the County's response to the charge of retaliatory action or forty-five (45) days of receipt of the charge of retaliation to the Board of County Commissioners for response.



- (4) Within five (5) working days of receipt of a request for hearing the County shall apply to the State Office of Administrative Hearing's for an adjudicative proceeding before an administrative law judge. At the hearing, the employee must prove that a retaliatory action occurred by a preponderance of the evidence in the hearing. The ALJ will issue a final decision not later than forty-five (45) days after the date of the request for hearing, unless an extension is granted.

Policy Implementation: The Board of County Commissioners is responsible for implementing these policies and procedures. This includes posting the policy on County bulletin boards, making the policy available to any employee upon request, and providing the policy to all newly hired employees. Officers, managers and supervisors are responsible for ensuring the procedures are fully implemented within their areas of responsibility.

## **8.4 POLITICAL ACTIVITIES**

County employees may participate in political or partisan activities of their choosing provided that County resources and property are not utilized, and the activity does not adversely affect the responsibilities of the employees in their positions. Employees may not campaign on County time or in a County uniform or while representing the County in any way.

Any County employee who meets with or may be observed by the public or otherwise represents the County to the public, while performing his/her regular duties, may not wear or display any button, badge or sticker relevant to any candidate or ballot issue during working hours. Employees shall not solicit, on County property or County time, for a contribution for a partisan political cause.

## **8.5 NO SMOKING POLICY**

For health and safety considerations, the County prohibits smoking by employees in all County facilities, including County-owned buildings and offices or other facilities rented or leased by the County, including individual employee offices unless a location has been designated as a smoking area. Smoking is also prohibited in County vehicles if any occupant is a non-smoker.

## **8.6 PERSONAL POSSESSIONS AND ELECTRONIC COMMUNICATIONS**

The County furnishes desks, closets, and/or lockers for security of employee coats, purses, and other personal possessions. Desks, closets, lockers, cabinets and furniture are county property for the purpose of county operations.

The County also furnishes computers, voice mail, facsimile (fax) communications, electronic mail (E-Mail), data and file transfers using electronic means and Internet access for use in conducting County business only. Because these systems are for County business, none of the communications or information transmitted or stored on these systems is private and may be reviewed by the County and otherwise may be subject to public disclosure. County electronic communications systems are not for personal use. (See Resolution No. 36-97 attached as Appendix A for further information on electronic communications.)

## **8.7 USE OF COUNTY VEHICLES AND EQUIPMENT**

Use of County phones for local personal phone calls should be kept to a minimum; long distance personal use must be approved in advance by the Elected Official or Department Head. Other County equipment, including vehicles, should be used by employees for County business only. An employees' misuse of County services, telephones, vehicles, equipment or supplies can result in disciplinary action including termination.

## **8.8 BULLETIN BOARDS**

Information of special interest to all employees is posted regularly on the County bulletin boards. Employees may not post any information on these bulletin boards without the authorization of their Elected Official or Department Head. Legally required notices shall not be covered or obscured by other materials on any bulletin board.

## **8.9 CONTACT WITH THE NEWS MEDIA**

The Board of County Commissioners, Elected Officials or Department Heads authorized by the Board shall be responsible for all official contacts with the news media, including answering of questions from the media. They may designate specific employees to give out procedural, factual or historical information on particular subjects.

## **8.10 SEAT BELT POLICY**

Anyone operating or riding in County vehicles must wear seat belts at all times.

## **8.11 DRIVER'S LICENSE AND AUTOMOBILE INSURANCE REQUIREMENTS**

As part of the requirements for certain specific County positions, an employee may be required to hold a valid Washington State Driver's license. If an employee's license is revoked, suspended or lost, or is in any other way not current, valid, and in the employee's possession, the employee shall promptly notify his/her supervisor and will be immediately suspended from driving duties. The employee may not resume driving until proof of a valid, current license is provided to his/her supervisor. Employees may be required to periodically show their drivers license to their supervisor.

Employees who drive their own car on County business are required to have a current public liability and property damage automobile insurance policy. Employees may be periodically required to show proof of such insurance to their supervisor.

## **8.12 SOLICITATIONS**

Most forms of selling and solicitations are inappropriate in the workplace. They can be an intrusion on employees and citizens and may present a risk to employee safety or to the security of County or employee property. The following limitations apply:

- (1) Persons not employed by us may not solicit, survey, petition, or distribute literature on our premises at any time. This includes persons soliciting for

charities, salespersons, questionnaire surveyors, or any other solicitor or distributor. Exceptions to this rule may be made in special circumstances where the County determines that an exception would serve the best interests of the organization and our employees. An example of an exception might be the United Way campaign or a similar, community-based fund raising effort.

- (2) Employees may not solicit for any purpose during work time. Reasonable forms of solicitation are permitted during non-work time, such as before or after work or during meal or break periods. Soliciting employees who are on non-work time may not solicit other employees who are on work time. Employees may not distribute literature for any purpose during work time or in work areas. The employee lunchrooms are considered a nonwork area under this policy.

### **8.13 SAFETY**

Every employee is responsible for maintaining a safe work environment and following the County's safety rules. Each employee shall promptly report all unsafe or potentially hazardous conditions to his/her Elected Official or Department Head. The County will make every effort to remedy problems as quickly as possible.

In case of an accident involving a personal injury, regardless of how serious, employees shall immediately notify their supervisor and complete an accident/incident report.

Employee safety depends on the safety consciousness of everyone. In order to facilitate a safe work environment, employees may not bring dangerous weapons to the workplace. This includes, but is not limited to, weapons for which employees have a valid permit. The only exception to this rule involves law enforcement positions for which the job requires possession of dangerous weapons.

Employees should consult the County's Safety Policy and Accident Prevention Program for additional details concerning safety.

### **8.14 SUBSTANCE ABUSE**

The County's philosophy on substance abuse has two focuses: (1) a concern for the well-being of the employee and (2) a concern for the safety of other employees and members of the public.

Availability of Rehabilitation or Treatment: As part of our employee assistance program, we encourage employees who are concerned about their alcohol or drug use to seek counseling, treatment and rehabilitation. Although the decision to seek diagnosis and accept treatment is completely voluntary, the County is fully committed to helping employees who voluntarily come forward overcome substance abuse problems. In most cases, the expense of treatment may be fully or partially covered by the County's benefit program. Please contact the EAP or Human Resources for more information. Employees who seek advice or treatment will not be subject to retaliation or discrimination.

Substance Abuse Policy for Operators of Commercial Motor Vehicles: County employees who hold commercial driver's licenses ("CDLs") and who operate commercial motor vehicles while employed by the County are subject to additional rules and regulations imposed by the federal

government. These regulations require urine drug testing and alcohol breath testing in the following circumstances:

- (1) pre-employment;
- (2) reasonable suspicion;
- (3) post-accident;
- (4) return to duty testing;
- (5) random testing.

CDL holders who test positive must be removed from service and are subject to discipline, up to and including termination. CDL holders should consult the County's CDL policy for additional details concerning these rules.

Drug-Free Workplace: The manufacturing, distribution, dispensation, possession and use of unlawful drugs or alcohol on County premises or during work hours by County employees is strictly prohibited. Employees also must notify the County within five (5) days of any conviction for a drug violation in the workplace. Employees should consult the Drug-Free Work Place Policy for additional details on this subject.

## **CHAPTER 9 LAYOFF AND RESIGNATION**

### **9.1 LAYOFF**

The County may lay off employees for lack of work, budgetary restrictions, reorganization or other changes that have taken place.

In determining who is to be laid off, consideration will usually be given to individual performance and the qualifications required for remaining jobs. Seniority will be considered when performance and qualifications are equal, as determined by the County. Employees who are laid off may be eligible to be re-employed for up to one (1) year after layoff, if a vacancy occurs in a position for which they are qualified.

### **9.2 RESIGNATION**

An employee should provide two (2) weeks written notice of resignation. This time limit may be waived by the employee's Elected Official or Department Head. (if retiring see 6.1)

## **CHAPTER 10 COMPLAINT PROCEDURES**

### **10.1 COMPLAINT PROCEDURES**

The County recognizes that sometimes situations arise in which employees feel that they have not been treated in accordance with County policies. For this reason the County provides its employees with procedures for resolving complaints.

Step 1: Employees should first try to resolve any problem or complaint with their supervisor.

Step 2: When normal communication between an employee and the supervisor is not successful, or when an employee disagrees with the application of County policies and procedures, the employee should attempt to resolve the problem with his/her Elected Official or Department Head. The Elected Official or Department Head will usually respond to the employee in writing within five (5) days after meeting with him/her, if possible.

Step 3: If the employee is not satisfied with the response in Step 2 above, the employee may submit the problem, in writing, to the Board of County Commissioners or their designee. The written complaint must contain, at a minimum:

- (1) A description of the problem;
- (2) A specific policy or procedure which the employee believes has been violated or misapplied;
- (3) The date of the circumstances leading to the complaint or the date when the employee first became aware of those circumstances;
- (4) The remedy sought by the employee to resolve the complaint.

The written complaint must be filed within ten (10) working days of receiving a response from Step 2 above.

The Board of County Commissioners or their designee may meet with the parties, either individually or together, and will usually respond in writing to the aggrieved employee within ten (10) days of the meeting. The response and decision shall be final and binding.

Certain employees may have more than one source of dispute resolution rights, *i.e.*, the County's Civil Service rules, a collective bargaining agreement, if any, and this complaint process. Employees represented by a bargaining unit or who are covered under civil service rules should follow grievance procedures set out in their respective labor contracts or civil service rules, where applicable. In all other cases, the procedures described in this section shall be used. Under no circumstances shall an employee have the right to utilize both this process and any other complaint or appeal procedure that may be available to an employee.

APPENDIX A

RESOLUTION NO. 36-97

A RESOLUTION RELATING TO A POLICY FOR THE UTILIZATION OF ELECTRONIC COMMUNICATIONS FOR THE CONDUCT OF COUNTY BUSINESS.

WHEREAS, Mason County utilizes various electronic methods of communications within the county and with many citizens, businesses and organizations; and

WHEREAS, Additional forms of electronic communications will be added in the future; and

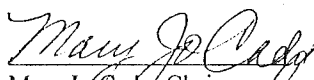
WHEREAS, Electronic communications offer substantial benefits to Mason County as well as potential for misuse; and

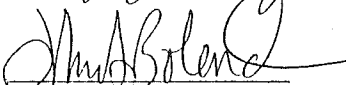
WHEREAS, Written policy and procedures are required to ensure all users of Mason County electronic communications equipment are guided to prevent misuse.

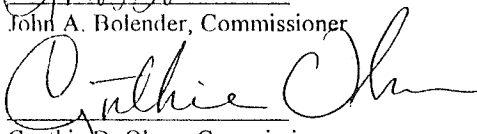
NOW, THEREFORE, BE IT RESOLVED by the Board of Mason County Commissioners that the Mason County Electronic Communications Policy, attached hereto as Exhibit "A" is hereby adopted, and shall be in full force and effective starting March 1, 1997.

Dated this 8<sup>th</sup> day of April, 1997.

BOARD OF COUNTY COMMISSIONERS

  
Mary Jo Cady, Chairperson


  
John A. Bolender, Commissioner

  
Cynthia D. Olsen, Commissioner

ATTEST:

  
Clerk of the Board

APPROVED AS TO FORM:

  
Chief Deputy Prosecuting Attorney

C: File  
ELECTED OFFICIALS  
DEPARTMENT HEADS

## MASON COUNTY

### ELECTRONIC COMMUNICATIONS POLICY

The primary purpose of Mason County's electronic communications is to support the timely and efficient conduct of County business. The communications are also provided to encourage and facilitate the free exchange of business related communications and ideas between employees. This policy defines the use of electronic message systems and communications media by employees of Mason County. This includes, but is not limited to, telephones, electronic mail systems (E-Mail), voice mail systems, faxes, Internet and other electronic media that receive, store, transmit and display correspondence and data files for internal and external business communication purposes. All electronic data are the property of Mason County and may be public records under the **Public Disclosure Act (RCW 42.17)**.

This policy applies to all elected officials, employees, contractors, extra help employees, volunteers and other individuals who are provided access to Mason County's electronic communications.

Employees are representing the County, and thus all communications shall be professional and appropriate. Employees are prohibited from using electronic communications for the solicitation of funds, political messages, harassing messages and other such messages not appropriate to the business setting. Employees and people that were previously employed by Mason County have no rights to the contents of the County electronic communications. The misuse of electronic communications may subject the employee to disciplinary actions, including but not limited to termination.

**1. Electronic Communications Defined.** Electronic communications are defined as including, but not limited to, telephonic communications including voice mail, facsimile(fax) communications, electronic mail (E-Mail), and data and file transfers utilizing electronic means..

**2. Electronic Communications are for Business Use.** Mason County's electronic communications are for official business. The systems are not to be used for employee personal gain or to support or advocate for non-county related business. The County reserves the right to monitor the use and content of electronic communications.

**3. Electronic Communications are Not Private.** Electronic communications are not private or confidential. Any message sent through voice mail or E-mail can be forwarded on to anyone else on the system. Even after voice mail or E-mail has been deleted, it can still be possible to retrieve it and read it. All messages are Mason County records and are



the property of Mason County. Mason County reserves the right to read, use and disclose electronic communications. For these reasons, the County's electronic communications must not be used to communicate or store information considered personal or private.

**4. Electronic Communications Decorum and Content.** When using the County's electronic communications systems, keep in mind all communications must be appropriate to the business setting. If you believe that you are receiving communications that are inappropriate to the workplace, please follow these procedures:

- a. Don't delete the message;
- b. Don't respond;
- c. Notify your supervisor, elected official/department head immediately or Human Resources Department.

## **INTERNET USE**

**1. Internet is for Business Use.** When accessing the Internet, employees are representing Mason County. Access to the Internet should be strictly for county related business, and is only allowed via the County's centralized Internet connection. Alternate methods of Internet access, such as using an outside modem for access would compromise the County's network security. Requests for exceptions must be reviewed by Information Services and approved by the Board of County Commissioners. Any costs incurred while accessing the Internet are the responsibility of the employee unless approved in advance by the elected official/department head.

**2. Internet Use is Not Private.** When sites are accessed, Internet Protocol addresses are recorded. Comments are not anonymous, and any electronically stored communications sent or received may be retrieved. Mason County reserves the right to review user accounts, workstations and file server space in order to determine whether specific uses of information systems are appropriate.

**3. Inappropriate Internet Sites.** The Board of County Commissioners reserves the right to make the final determination as to what is considered appropriate in all cases of Internet use. The following are examples of inappropriate sites, and are not intended as an all inclusive list:

- a. Pornographic, religious, partisan political , or non-business sites.
- b. Any site that charges a fee. Visiting such a site must be pre-authorized in writing. If you do visit such a site by mistake, do not give out any billing information such as a credit card or business phone number. If you are asked for billing information, cancel out of the screen immediately.
- c. Vendor sites to purchase personal items. Business purchasing must only utilize the county purchasing procedures.

**4. Harassment through the Internet.** If you believe that you are the victim of harassment, please follow these procedures:

- a. Don't delete the message;
- b. Don't respond;
- c. Notify your supervisor, elected official/department head immediately or Human Resources Department.

Mary Jo Cady \_\_\_\_\_  
Chairperson

John A. Bolender \_\_\_\_\_  
Commissioner

Cynthia D. Olsen \_\_\_\_\_  
Commissioner