CLARK COUNTY

HUMAN RESOURCES

POLICY MANUAL

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CLARK COUNTY
WASHINGTON

CLARK COUNTY
HUMAN RESOURCES POLICY MANUAL

TABLE OF CONTENTS

1.0 Purpose and Scope of Manual
- 1.1 Authority and Revisions
- 1.2 Employer Rights

2.0. Authority and Administration
- 2.1 County Elected Officials
- 2.2 Appointing Authority
- 2.3 Human Resources Department
- 2.4 Reports
- 2.5 Records
- 2.6 Access to and Confidentiality of Personnel Records
- 2.7 Definitions

3.0 Equal Opportunity Employment and Harassment
- 3.1 Equal Opportunity and Non-Discrimination
- 3.2 Workplace Harassment
- 3.3 Complaint Process

4.0 Diversity

5.0 Recruitment and Selection
- 5.1 Recruitment
- 5.2 Job Announcements
- 5.3 Applications
- 5.4 Alternatives to Posting
- 5.5 Selection Processes
- 5.6 Applicant Travel
- 5.7 Residency Policy
- 5.8 Employee Relocation Assistance
- 5.9 I-9/E-Verify Requirement
- 5.10 Criminal History Record Check
- 5.11 Probationary Period

6.0 Other Means of Filling Positions
- 6.1 Inter-Agency Personnel Transfers
- 6.2 Project Employees
- 6.3 Job Sharing
- 6.4 Temporary Employment
- 6.5 Re-employment

CLARK COUNTY
HUMAN RESOURCES POLICY MANUAL

TABLE OF CONTENTS

7.0 Classification Plan and Change Process
- 7.1 Classification Descriptions
- 7.2 Process for Classification Description Changes
- 7.3 Process for Classification of Positions

8.0 Compensation
- 8.1 Philosophy
- 8.2 Pay Plan
- 8.3 Employee Categories
- 8.4 General Salary Adjustments
- 8.5 Labor Relations Considerations
- 8.6 Effective Date of Salary Adjustments
- 8.7 Eligibility for Retroactive Increases

9.0 Salary Administration
- 9.1 General
- 9.2 Step and Merit Increases
- 9.3 Entry Rates
- 9.4 Promotions
- 9.5 Transfers
- 9.6 Reclassifications and Realignments
- 9.7 Demotions
- 9.8 Layoff
- 9.9 Reinstatement, Recall, and Reemployment
- 9.10 Red-Circled Employees
- 9.11 Salary Anniversary Dates
- 9.12 Work Out of Classification
- 9.13 Overpayments and Underpayments
- 9.14 Regular Part-Time or Intermittent Employment

10.0 Work Schedules, Work Hours, and Overtime
- 10.1 Hours
- 10.2 Timesheets and Reporting
- 10.3 Overtime
- 10.4 Compensatory Time Balances (Non-exempt)
- 10.5 Other Work Hours Premiums for Non-Exempt, Non-Represented Employees

CLARK COUNTY
HUMAN RESOURCES POLICY MANUAL

TABLE OF CONTENTS

11.0 Benefits
- 11.1 Insurance Eligibility
- 11.1A Domestic Partner Insurance Coverage
- 11.1B Family Status Changes
- 11.1C Survivor's Benefits Due to Death of Employee
- 11.1D Health Insurance Continuation Due to Disability
- 11.2 County 457 Deferred Compensation Plan
- 11.3 COBRA – Continuation of Benefits
- 11.4 Retiree Health Care
- 11.5 Holidays
- 11.5A Holiday Pay
- 11.5B Floating Holidays
- 11.6 Sick Leave
- 11.7 Vacation
- 11.8 Paid Time Off (PTO)
- 11.9 Leave Donation Program
- 11.10 Nursing Mother's Support
- 11.11 Faith or Conscience Time Off

12.0 Leaves of Absences
- 12.1 Family Medical Leave (including Pregnancy Disability)
- 12.2 Family Care
- 12.3 Military Leave
- 12.4 Bereavement and Funeral Leave
- 12.5 Domestic Violence Leave
- 12.6 Civic Duty Leave
- 12.7 Workers Compensation Leave
- 12.8 Leaves of Absence-Personal/Educational
- 12.9 Employees in Unpaid Status

13.0 Employment Standards
- 13.1 Ethical Conduct
- 13.2 Employee Use of County and Personal Property
- 13.3 Electronic Communications Standards
- 13.4 Substance Abuse Free Workplace
- 13.5 Outside Employment
- 13.6 Political Activity
- 13.7 Charitable Activities and Solicitations
- 13.8 Solicitations for Commercial and Non-Charitable Orgranizations
- 13.9 Health and Safety

CLARK COUNTY
HUMAN RESOURCES POLICY MANUAL

TABLE OF CONTENTS

13.10 Nepotism
13.11 Tobacco
13.12 Possession of Firearms
13.13 Employee Indemnification
13.14 Bulletin Boards

14.0 Corrective Action
14.1 General
14.2 Meetings That May Result in Disciplinary Action
14.3 Corrective Measures
14.4 Performance and Conduct Standards and Expectations
14.5 Corrective Action Review and Approval
14.6 Records

15.0 Complaint Resolution
15.1 Non – Retaliation
15.2 Timeliness
15.3 Contents of Complaint
15.4 Informal Resolution
15.5 Initial Review
15.6 Senior Management Review
15.7 Human Resources Review
15.8 County Administrator or Elected Official Review
15.9 Suspension of Review Process
15.10 Terminated Employees

16.0 Separation from County Service
16.1 Resignation
16.2 Retirement
16.3 Department Transfers versus Resignation/Rehire
16.4 Abandonment of Position
16.5 Layoff Policy

17.0 Travel, Training and Tuition Reimbursement
17.1 Travel and Training
17.2 Tuition Reimbursement

18.0 Vehicle Use
18.1 Vehicle Use and Scope
18.2 Definitions
18.3 Assignment of County Vehicles for Operational Considerations

CLARK COUNTY
HUMAN RESOURCES POLICY MANUAL

TABLE OF CONTENTS

18.4 Insurance
18.5 Use of Personal Vehicles for County Business
18.6 Use of County Vehicles for Personal Business
18.7 Incidental Travel and Stops
18.8 Political use of County Vehicles
18.9 Use of County Vehicles by Other Individuals
18.10 Permitted and Prohibited Uses of County Vehicles
18.11 Vehicle Use Agreement (VUA) – Abstract of Driving Record
18.11A Driver License and Insurance Requirements
18.11B Responsibilities
18.12 Driver Disqualification and Review
18.13 Accidents and Citations
18.14 Clark County Employee Accident Review Board
18.15 Commercial Motor Vehicle Operator Requirements
18.16 Commercial Driver License (CDL) Washington State Law
18.17 County Vehicle Related Purchases
18.18 Vehicle Fuel Policies and Fuel Credit Card Uses
18.19 Repairs, Preventative Maintenance
18.20 General Motor Vehicle Safety

19.0 Other Policies
19.1 Emergency Closures and Response
19.2 Telecommuting

20.0 Attendance and Punctuality
20.1 Definitions
20.2 Employee Expectations
20.3 Manager Expectations
20.4 Progressive Discipline
20.5 Exclusions/Exceptions
20.6 Excessive Absence Chart
20.7 Another View: Excessive Absence Flow Chart
20.8 Excessive Tardy Chart
20.9 Examples of Excessive Absences and Tardies

21.0 Personnel Files
21.1 File Contents and Locations
21.2 Confidential Access to Personnel Files
21.3 Handling Requests for Employee File Information
21.4 Employment Verification
21.5 Responding to Reference Requests

CLARK COUNTY
HUMAN RESOURCES POLICY MANUAL

TABLE OF CONTENTS

22.0 Reserved for Future Use

23.0 Whistleblower
- 23.1 Definitions
- 23.2 Reporting Procedure and Timelines

24.0 Employee Suggestion Program
- 24.1 Definitions
- 24.2 Functions of the Committee
- 24.3 Duties of Suggestion Committee Staff
- 24.4 Responsibilities of Departments
- 24.5 Procedures for Processing Multidepartment Suggestions
- 24.6 Eligibility for Participation and Monetary Awards
- 24.7 Suggestion Format
- 24.8 Suggestion Acceptability
- 24.9 Payment of Cash Awards
- 24.10 Payment Award Scale
- 24.11 Recognition of Merit
- 24.12 Appeal/Perfection of Right to Appeal

25.0 Animals in the Workplace

Policy No. **1.0**	**Purpose and Scope of Manual**	Page 1 of 3	
Policy Sections: 1.1 Authority and Revisions 1.2 Employer Rights		Effective: Supersedes:	03/01/2014 09/22/2009

PURPOSE

These policies are established to create a standardized system for personnel management and to ensure that personnel actions and decisions are in compliance with federal, state, and local laws and contemporary personnel management principles and practices.

This manual does not represent a contract or promise of specific treatment of current or former employees or job applicants. The County reserves the right to amend these policies and to grant exceptions or handle selected matters differently as warranted.

SCOPE

This manual supersedes all prior written or oral policies and directives. Except as otherwise provided herein, it is applicable to all employees and departments. This manual does not apply to contractors and volunteers, unless specifically stated elsewhere.

Where provisions of this manual address topics covered by County Civil Service Rules, those rules shall supersede these policies. Otherwise, these policies apply to all Civil Service positions and employees.

These policies are applicable to employees covered by collective bargaining agreements to the extent allowable under RCW 41.56. Generally, these policies shall be considered to apply when the matter is not addressed by a collective bargaining agreement, subject to the duty to bargain requirements of RCW 41.56.

Pursuant to the Board of Commissioners budgetary authority, matters pertaining to employee compensation and benefits as identified under Authority below are applicable to all County employees including those reporting to Elected Official's departments. In other areas, Elected Officials may adopt differing policies for application to their departments. If no such policy is adopted, this manual shall apply.

1.1 AUTHORITY AND REVISIONS

1. Board of County Commissioners: This manual is authorized pursuant to the authority of the Board of County Commissioners and is effective upon its adoption. Amendments or exceptions to the manual in the following areas may only be approved by the Board of County Commissioners:

a) All amendments to the pay plan: All across the board adjustments, approval of new classifications, salary range assignments and realignments, salary structures including range minimums and maximums, step spacing and intervals.

b) Compensation policy: The County's overall compensation policies and apportionment of compensation into various components — base pay, incentive and premium compensation, paid leave, and insurance benefits.

c) Merit pay and step increase programs: Overall design.

d) Paid leave accruals and eligibility: Vacation accruals, sell-back programs, maximum accrual rules, sick leave accruals, observed and floating holidays, other paid leave programs.

e) Insurance benefits: Plans offered and plan design issues including coverage, eligibility, waiting/elimination periods, exclusions, carrier approval, and County premium contributions.

f) Other benefits and components of compensation: Tuition reimbursement, retirement options within the limits of the LEOFF and PERS systems, memberships, vehicle allowance, mileage reimbursements, etc.

2. County Administrator Authority: The County Administrator is delegated authority from the Board of County Commissioners to approve new policies, revisions, and exceptions in the following areas:

a) Recruitment and selection practices: Recruitment policies, pre-employment testing and appointment procedures, affirmative action and equal opportunity measures, transfer, promotion, and demotion policies.

b) Job classification structures and policies: Classification and reclassification policies and procedures, approval of new or revised classifications (not including salary range assignments).

c) Pay practices and salary administration: Hiring rates and step placement of employees within range following promotion, transfer, reclassification, equity, extenuating circumstances and the like; out-of-classification pay policies; and formulas and related matters.

d) Work hours, overtime and employee scheduling policies: Overall rules and standards regarding employee scheduling variations, meal and break periods, overtime pay.

e) Employment standards and rules of conduct: Published rules and exceptions regarding employee conduct and performance including performance appraisal systems, disciplinary procedures, conduct standards, policies on employment of relatives, conflicts of interest, outside employment, etc.

f) Other employment relations policies: Grievance procedures, discrimination and harassment policies, layoff, leaves of absence.

1.2 EMPLOYER RIGHTS

The County maintains any legal and inherent right with respect to matters of legislative or managerial policy, which includes the exclusive right to determine the mission of its constituent departments and commissions; establish standards for employment and promotion; direct its employees; take disciplinary action up to and including discharge; maintain the efficiency of governmental operations; determine the method, means and personnel by which government operations are to be conducted; establish work rules, performance standards and attendance standards; evaluate performance and attendance and take corrective action where necessary; take all necessary actions to carry out its mission in emergencies; and to exercise complete control and discretion over its organization and the technology or performing its work.

Policy No. **2.0**	**Authority and Administration**	Page 1 of 5	
Policy Sections: 2.1 County Elected Officials 2.2 Appointing Authority 2.3 Human Resources Department 2.4 Reports 2.5 Records 2.6 Access to and Confidentiality of Personnel Records 2.7 Definitions		Effective: Supersedes:	09/22/2009 04/18/2005

PURPOSE

The purpose of this policy is to identify the responsibilities of those involved in personnel administration and the requisite record keeping requirements. The elements of the policy acknowledge the distinctions between County Elected Officials, Appointing Authorities, the Board of County Commissioners and the Human Resources Department.

The policy also provides guidance in the appropriate confidentiality of personnel records.

SCOPE

This policy applies to the development of official records for personnel actions and the decision making authority of the various parties to the personnel actions. It articulates all required records including selection records, employee pay, status change, and benefit selection.

2.1 COUNTY ELECTED OFFICALS

The County Elected Officials shall have the final responsibility and authority in all matters affecting personnel administration for their respective departments subject to budgetary restrictions.

2.2 APPOINTING AUTHORITY

The Appointing Authority has the authority to initiate personnel actions including appointment, discipline and discharge within the scope of this Manual, applicable labor contracts and County budget. The Appointing Authority may delegate in writing to subordinate managerial personnel the authority to appoint, discipline, and discharge.

2.3 HUMAN RESOURCES DEPARTMENT

1. Board of County Commissioners Office:

   The Human Resources Department shall administer all of the administrative and technical activities required by any applicable laws, regulations and County policies to carry out a comprehensive system of personnel management. All personnel actions must

be reviewed by the Human Resources Department before they are completed to ensure conformity with those laws, regulations and policies.

2. Other County Elected Departments:

   At the request of County Elected Officials, the Human Resources Department staff shall administer all of the administrative and technical activities required herein and applicable laws in order to carry out a comprehensive system of personnel management. All personnel actions must be reviewed by the Human Resources Department before they are completed in order to insure conformity with applicable regulations.

2.4 REPORTS

Every appointment, transfer, termination, promotion, demotion, discharge, leave of absence, change in salary rate, and other temporary or permanent change in the status or supervision of an employee shall be reported to the Human Resources Department in writing. The Department is authorized to prescribe the time, manner, form and method of making any written report required herein or by applicable laws.

2.5 RECORDS

Employee files shall contain at least the basic application form, resumes where appropriate, salary history and performance evaluations. Individual departments are authorized to maintain supplementary files for the conduct of day-to-day business, including copies of performance evaluations, disciplinary actions, and training and development records. The official personnel record of an employee shall be comprised of records maintained by the Human Resources Department and the supplementary records maintained by the individual departments. Employee health insurance and benefits records will be maintained in separate files within HR and access will be very limited and on a need-to-know basis.

2.6 ACCESS TO AND CONFIDENTIALITY OF PERSONNEL RECORDS

Records, including employee personnel files, of the Human Resources Department shall be considered confidential. Employees are authorized to review their official personnel files at any reasonable time. Certain records and documents may be considered Public Records and may be subject to disclosure under RCW 42.56.

2.7 DEFINITIONS

A. **"Abandonment of position"** means a voluntary absence of an employee for three (3) consecutive work days without notification to the Appointing Authority or designee, unless in the opinion of the Appointing Authority, the failure to notify was clearly beyond the employee's control.

B. **"Agency"** means an office, department, board, commission, or other separate unit or division, however designated, of the County government and all personnel thereof; it includes all units of County government established by law, the executive officers or members of which are either elected or appointed, upon which the statutes confer the powers and impose duties in connection with operation of either a governmental or proprietary nature.

C. **"Administrative Leave"** means a paid absence imposed by the County, usually as part of a corrective/disciplinary action or during an investigation of certain personnel matters.

D. **"Allocation"** means the assignment of a position to a class.

E. **"Appointing Authority"** means a person authorized by these policies to make appointments.

F. **"Appointment"** means the hiring, transfer, demotion, or promotion of an employee to a vacant regular position.

G. **"At Will":** Management and professional employees (classified as M1 and/or M2) serve at the pleasure of their Appointing Authorities and may be terminated at any time, for any reason, without cause or notice. Management is not required to follow disciplinary procedures identified in Policy 14.0 of this Manual when terminating "At Will" employees.

H. **"Board"** means the Clark County Board of Commissioners

I. **"Call Back":** a requirement to return to the worksite after having left the site at the completion of an assigned shift; or a requirement to return more than two (2) hours before the beginning of the next shift.

J. **"County Elected Official"** means the Clark County Commissioners, Assessor, Auditor, Clerk, Superior and District Court Judges, Prosecuting Attorney, Sheriff, and Treasurer.

K. **"Classification or Class"** means a group of positions sufficiently similar to be included in a single job classification.

L. **"Demotion"** means appointment on a voluntary or involuntary basis of an employee to a classification having a lower maximum salary rate.

M. **"Department"** unless otherwise specified by this manual or a Collective Bargaining Agreement, is considered to include, Community Services, Community Development, Community Planning, the Board of County Commissioners' Office, Environmental Services, General Services, Public Health, Human Resources, Office of Budget, Information Services, Public Information and Outreach, Medical Examiner, and Public Works, the entity headed by each County Elected Official and such other units as may be identified by the County Commissioners, County Administrator, or Elected Official.

N. **"Discharge or Dismissal"** means the involuntary termination of an employee.

O. **"Exempt"** means an employee or position designated as exempt from application of the Fair Labor Standards Act.

P. **"Full-Time"** means a regular work schedule of at least forty (40) hours per week.

Q. **"Good Faith"** means a reasonable basis in fact for the communication. "Good Faith is lacking when the employee knows or reasonably ought to know that the report is malicious, false or frivolous"

R. "Hire Date/Latest Hire Date" means an employee's most recent date of employment with the County.

S. **"Layoff"** means termination based on elimination of a position due to budgetary limitation, reorganization or other changes not relating to the performance of the employee.

T. **"Leave of Absence"** and **"Leave Without Pay":** means a formally requested and approved leave of 15 calendar days or longer for medical, education or personal reasons. A "Leave Without Pay" is a period of unpaid leave approved at the department level and reported as unpaid time on the payroll timesheet.

U. **"Management categories M1, M2 and M3"** are used to designate three categories of non-represented employees, designated by job classification. **M1** and **M2** employees are considered exempt from the FLSA and are considered "at will" employees.

M1 Major Department Head, seconds in command of elected departments and certain senior staff positions.

M2 All other FLSA exempt employees including middle managers, non-union 1st line supervisory employees and non-supervising professionals.

M3 Non–union**,** non-exempt employees including confidential administrative support positions.

V. **"Minimum Qualifications"** means the published minimum qualification from the official specification including education, experience, knowledge, skill and ability.

W. **"Part-Time"** means a regular work schedule of less than forty (40) hours per week.

X. **"Position"** means a budgeted regular or project full or part time position.

Y. **"Probationary Period"** refers to the first six (6) months of service for newly hired or promoted M3 employees and may be considered as the last phase of the selection process. For purposes of this definition, full-time employees must have worked at least 920 hours within the six (6) months to satisfy the (6) months requirement. Part-time employees must have worked a prorated minimum number of hours based on each person's FTE. An employee who completes the (6) months and hours worked requirement and receives a satisfactory evaluation becomes a regular employee.

Z. **"Project Employee"** means a person hired for a long-term assignment lasting from a minimum of six months and, generally, to a maximum of 24 months or as otherwise limited by the applicable Collective Bargaining Agreement.

AA. "**Project Position**" means a position created to accomplish a special one-time need or task and projected to extend from six to 24 months in duration.

BB. **"Promotion"** means appointment of an employee to a regular position in a classification having a higher maximum rate of pay.

CC. **"Reclassification"** means a change in classification of a regular employee from a position in one class to a position in another class.

DD. **"Red Circle"** means a regular employee who is not eligible for any pay increases until adjustments increase the top step of the range beyond his/her current rate of pay.

EE. **"Regular Employee"** means an employee who is employed in a Regular Position (Note: it could also refer to an employee who is temporarily assigned to a Project position or transferred from a Regular position and temporarily assigned to a project).

FF. **"Regular Position"** means a budgeted, non-temporary full or part time position.

GG. **"Resignation"** means a termination of employment made at the request of the employee.

HH. **"Salary Anniversary Date" (Adjusted Service Date per Oracle**) means the first of the month of hire when the hire occurs between the first and the fifteenth or the first of the following month when the hire occurs between the sixteenth and the end of the month. Adjustments may be made for periods of absence without pay in excess of fifteen calendar days.

II. **"Series"** means a grouping of classifications or a family of jobs within the same occupational specialty - for example Engineer I, Engineer II, etc.

JJ. **"Service Date" (Adjusted Accrual Date per Oracle)** means the calendar date or adjusted calendar date which credits an employee with his/her employment tenure with the county. The "Service Date" takes into account any interruptions in the employment relationship, e.g. resignation, discharge or layoffs. Interruptions resulting from an approved leave without pay in excess of fifteen (15) days will shorten the continuous service time by the length of the leave without pay.

KK. **"Suspension"** means an involuntary, unpaid absence (except exempt employees as prohibited by law) imposed as a form of corrective disciplinary action.

LL. **"Temporary Employment"** means a limited duration (normally not exceeding 1040 hours in a 12 month period) assignment through an authorized temporary employment service and is not considered a county employee. Exceptions need to be approved by Human Resources).

MM. **"Transfer"** means a change from one position to another position in the same class or in another class having the same minimum and maximum salary rates.

Policy No. **3.0**	**Equal Opportunity Employment and Harassment**	Page 1 of 6	
Policy Sections: 3.1 Equal Opportunity and Non-Discrimination 3.2 Workplace Harassment 3.3 Complaint Process		Effective: Supersedes:	09/22/2009 04/18/2005

PURPOSE

Clark County is an equal opportunity employer and prohibits discrimination and harassment based on race, color, religion, creed, sex, national origin, age, marital status, the presence of any sensory, mental, or physical disability, HIV or Hepatitis C status, the use of a trained dog guide or service animal by a disabled person, sexual orientation/gender identity, veteran status or any other status protected by law. This prohibition underscores the County's commitment to provide a work environment free from unlawful discrimination and harassment for its employees, the public it serves and those with whom the County conducts business.

SCOPE

This policy applies to all employees and individuals engaged in work/activities on behalf of the County including regular and project employees, temporaries, contractors, volunteers and members of the public.

All County employees are responsible to help maintain a work environment that is free from unlawful discrimination and harassment.

This policy provides an internal complaint procedure to receive and respond to complaints from County employees regarding unlawful discrimination or harassment.

Job applicants with complaints regarding discrimination in employment matters should file their complaint with the Human Resources Department.

Members of the public with complaints of unlawful discrimination or harassment regarding employee conduct should file their complaint with the County Human Resources department. Members of the public with complaints regarding the accessibility of provision of County services should file their complaint with the department responsible for providing the service or with the Title VI Coordinator or ADA Coordinator as appropriate.

3.1 EQUAL OPPORTUNITY AND NON-DISCRIMINATION

The County's policy of equal opportunity and non-discrimination extends to all employment-related matters, including hiring, layoffs, promotion, transfer, work assignments, pay, benefits, discipline and training. Any form of discrimination based on race, color, religion, creed, sex, national origin, age, marital status, the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a disabled person, sexual orientation/gender

identity, veteran's status or any other status protected by law is strictly prohibited. In addition, the County supports and promotes the goals and benefits of a diverse workforce in all departments and levels of the organization. The County will strive to encourage and support workforce diversity through a range of activities, to include outreach recruitment to increase the diversity of candidate pools for job openings, monitoring workforce data to address issues of under-representation of protected classes, and appropriate training.

3.2 WORKPLACE HARASSMENT

1. Definitions

1. **Harassment Generally**: Verbal or physical conduct that is derogatory or shows hostility towards an individual because of the individual's race, religion, gender, national origin, age, marital status, disability, sexual orientation, veteran status or status protected by law and:

- creates an intimidating, hostile, abusive, or offensive work environment; or

- unreasonably interferes with an individual's work performance.

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

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or

- Submission to or rejection of such conduct by an individual influences employment decisions affecting such individual; or

- Such conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Prohibited acts of sexual harassment can take a variety of forms ranging from offensive humor and innuendoes to demands for sexual favors and physical assault. Sexual harassment can include, but is not limited to, the following types of conduct:

- Sexual innuendoes, teasing and other sexual talk or communications such as jokes or intimate inquiries

- Suggestive facial expressions or noises, leering or obscene gestures

- Display or transmission of sexually explicit or offensive materials, messages, calendars, posters, pictures, drawings, or cartoons

- Unwelcome touching, impeding or blocking movement, or any physical interference with work or movement

- Pursuit of romantic or personal relationships over the objections of the other party
- Verbal harassment such as derogatory comments or slurs of a sexual nature
- Retaliation against employees for complaining about the behaviors described above.

2. General

a) Prohibited workplace harassment is unacceptable in any work-related setting, to include when using County resources such as computers, e-mail, faxes, copiers and telephones.

b) Employees who believe they have been subjected to harassment should immediately report the circumstances to their supervisor, or if more appropriate, to another member of management or to Human Resources, so that the matter can be promptly addressed and resolved.

c) Employees who observe conduct or behavior that violates this policy are encouraged to immediately report the matter to their supervisor, or if more appropriate, another member of management or Human Resources.

d) Employers and supervisors may be held legally responsible for acts of unlawful harassment in the workplace if a supervisor knew, or should have known, of the misconduct and failed to report it so appropriate, prompt action could be taken. Accordingly, it is critical that supervisors/managers immediately report to their manager and to the Human Resources Department any conduct or related information that could reasonably be perceived as a possible violation of this policy.

e) Employees may be subject to disciplinary actions, up to and including termination, for knowingly furnishing false information as determined by the employee's appointing authority, or for filing a complaint that is not in good faith.

3.3 COMPLAINT PROCESS

Employees covered by a collective bargaining agreement (CBA) have the option of either using this policy's complaint procedure or the grievance procedure provided by the CBA. The two processes may not be used concurrently. If the CBA grievance procedure is used, the County reserves the right to defer to and adopt the results of the grievance procedure in lieu of processing a complaint under this policy.

Employees with concerns or complaints not involving unlawful discrimination or harassment are referred to HR Policy 15.0 ("Complaint Resolution").

The Human Resources Director is responsible for ensuring compliance with this policy and related federal and state requirements and is designated as the Board of County Commissioner's representative for employment-based discrimination and harassment complaints. If the Human Resources Director determines that the complaint has no basis under this policy, a formal

investigation will not proceed. An HR representative will discuss any further options with the complainant.

1. Non-retaliation

   Individuals bringing forward complaints or participating in investigations under this policy are assured that any retaliation for doing so is strictly prohibited. Any employee found to have engaged in retaliatory action or behavior in violation of this policy will be subject to discipline, up to and including termination. Retaliation is any adverse change in terms and conditions of employment, including activities which result in a hostile work environment, which occurs as a result of the employee's complaint.

2. Confidentiality

   Complaints and related investigations will be treated with as much confidentiality as possible. However, employees should understand that confidentiality cannot be guaranteed for the following reasons: 1) the County may be required by law to conduct investigations of concerns brought to its attention, 2) many records which the County maintains are considered public documents, 3) those involved may have the right under a collective bargaining agreement to union representation, and 4) a fair and objective review process includes the opportunity for the offending party to respond to concerns being investigated.

3. Informal Resolution

   In some situations, an employee may want to make an effort to resolve the matter personally by telling the offending party directly that the conduct is inappropriate or offensive. If so, the employee should follow these steps:

   a) Make it clear to the other party that the conduct or statements are not welcome or appreciated and that the employee wants it to stop. An employee's union/guild may be helpful when informally resolving interpersonal matters.

   b) If the situation persists or the employee chooses not to confront the person, the employee should file a formal complaint.

4. Formal Complaints

   a) Complaints may be submitted verbally or in writing. Verbal complaints will be reduced to writing by the employee to facilitate the investigation. The written account of the situation should include a description of the discrimination or harassment involved, name(s) of the offender or responsible individual(s), witnesses, dates, and any other information relevant to the complaint. The complaint should also specify the remedy sought or proposed.

   b) Upon request, an HR representative will assist an employee in writing their formal complaint.

c) Complaints may be submitted to either the complainant's supervisor or manager, a manager in another department or directly to Human Resources (Public Service Center 5th Floor; 1300 Franklin Street, PO Box 5000, Vancouver, WA 98666). To assist the County to promptly address complaints of discrimination or harassment, such complaints should be filed immediately as soon as possible after the objectionable event occurred, and in no event should they be filed later than 180 days from the alleged action. http://www.clark.wa.gov/hr/careers/equal.html. An employee may avail themselves to their union/guild when filing a formal complaint.

d) All supervisors and managers are required to report any incidents or complaints (verbal or written) regarding unlawful discrimination or harassment immediately to their manager (if appropriate) and the Human Resources Department. Managers uncertain whether a particular incident or action violates this policy should consult with Human Resources for guidance.

5. Investigations

a) All complaints brought by or against County employees will be promptly reviewed by the HR director, and if found to have a basis under this policy, will be investigated in a thorough and impartial manner.

b) The Human Resources Department will lead or coordinate investigations of complaints involving unlawful discrimination or harassment. In some cases the matter may be referred to outside investigatory resources.

c) All employees are expected as a part of their employment with the County to cooperate fully with investigations of complaints brought under this policy.

d) While the County encourages internal complaints as a first step, employees may also file complaints with the following agencies:

Washington State Human Rights Commission

U.S. Equal Employment Opportunity Commission

Use of the County's complaint procedure will not suspend any time limitations for filing complaints with any of the above listed agencies or others that are set by law, rule or regulation.

e) Following conclusion of the investigation, the affected parties will be informed of the findings.

f) Should the complainant wish to appeal the findings of the investigation, they may file an appeal with the County Administrator who will consult with the Prosecuting Attorney's office to determine a course of action. Corrective actions are not subject to appeal under this policy.

g) If any issue submitted for review under this policy becomes subject to administrative agency proceedings or litigation, the review may be suspended and the County will determine the appropriateness of continuing its review.

6. Corrective Action

Violations of this policy will be addressed with appropriate corrective action. The action taken will depend on a review of all the factors generally considered in disciplinary matters. Violations of this policy warrant serious disciplinary action, to include termination, without the benefit of prior warnings or disciplinary steps.

Policy No. **4.0**	**Diversity**	Page 1 of 1
Policy Sections:		Effective: 12/2006
		Supersedes: N/A

PURPOSE

Clark County is committed to increasing the ethnic, cultural and social diversity of its workforce and ensuring that diversity is a key priority of our organization.

SCOPE

This policy applies to all employees and individuals engaged in work activities on behalf of the County including regular and project employees, temporaries, contractors, volunteers and members of the public.

Every Clark County employee has an active role and responsibility to:

- Create, establish and maintain an inclusive culture that allows each employee the opportunity to excel;
- Embrace the rich diversity of our organization and the growing diversity of our community; and
- Provide services to the public in a culturally competent manner.

Policy No. **5.0**	**Recruitment and Selection**	Page 1 of 10
Policy Sections: 5.1 Recruitment 5.2 Job Announcements 5.3 Applications 5.4 Alternatives to Posting 5.5 Selection Processes 5.6 Applicant Travel 5.7 Residency Policy 5.8 Employee Relocation Assistance 5.9 I-9/E-verify Requirement 5.10 Criminal History Record Check 5.11 Probationary Period		Effective: 11/17/2009 Supersedes: 9/22/2009

PURPOSE

It shall be policy of Clark County to recruit and select the most qualified persons for positions in the County's service. Recruitment and selection shall be conducted in an affirmative manner to provide equal employment opportunity and prohibit discrimination because of race, political affiliation, religion, sex, marital status, ancestry, color, national origin, age, mental or physical disability, veteran status, sexual orientation or any other non-merit factors, while maintaining maximum flexibility. The process shall maximize reliability, objectivity, and validity through a job-related assessment of applicant attributes necessary for successful job performance.

SCOPE

This policy covers all Elected Officials, Department Heads and Non-Represented regular full-time and part-time employees, as well as project employees of Clark County.

5.1 RECRUITMENT

1. The Human Resources Department will have overall functional and staff responsibility for the County's recruitment activities and expenditures. Recruitments will be developed to fill current and expected vacancies, either on a position by position basis or on a classification basis. The method selected shall be developed in consultation with the affected hiring authority. The geographic scope of the recruitment, target audience, media advertising and the like will be planned to attract a pool of well qualified candidates within the approved budget and staff resources.

2. Except where use of a professional search firm is involved, all recruitments will be published and documented by a position announcement. All candidates who apply within the established filing period and who meet the minimum and desired qualifications will be considered.

3. Recruitments may be conducted on an internal-only basis and limited to County employees when appropriate promotional and/or transfer opportunities exist. Temporary

employees with more than 1,040 hours may compete as internal candidates for positions in the job classification in which they are currently employed as a temporary.

4. Classification recruitments shall clearly specify that the recruitment may be used to fill future vacant positions. When a recruitment is conducted on a classification basis, the pool of qualified candidates may be used to fill multiple current and future vacancies within a classification for up to twelve months from the final posting date.

5. When a classification recruitment is utilized, all current and future vacant positions will be filled from the resulting candidate pool provided there are an adequate number of qualified candidates to draw from. A new recruitment may be conducted when the pool is exhausted or when necessary to obtain candidates possessing specialized knowledge, skill or ability.

5.2 JOB ANNOUNCEMENTS

1. Announcement of Jobs

   In order to attract an adequate number of candidates for present or anticipated vacancies, the Human Resources Department will issue job announcements and otherwise publicize vacancies through such media as the Department and Appointing Authority deems appropriate. Publicity for job vacancies shall be conducted for a sufficient period of time to insure reasonable opportunity for persons to apply and be considered for employment.

2. Content of Announcements

   Announcements shall specify the title and salary range of positions; the nature of the work to be performed; the experience and training required; the times, place and manner of making application; the necessary qualifications established for the position and any other pertinent information.

5.3 APPLICATIONS

1. Forms of Application

   Applications for an available position shall be filed on such application forms as may be prescribed by the Human Resources Department. To be accepted for review, applications must be received in the Human Resources Department by the closing date and time specified in the announcement. Applications must be signed by applicants who advance in the selection process, and the truth of all statements contained therein certified by such signature. The Human Resources Department may require such proof of residence, education, experience, and other claims as is deemed appropriate.

2. Eligibility Lists

   When, in the opinion of the Appointing Authority, it is determined that previous eligibility lists for the same classification contain sufficient qualified applicants, such list may be used to begin the selection process.

3. Freedom from Bias

   Application forms and selection material shall not contain any questions which elicit any information concerning race, politics, religion, sex, marital status, ancestry, color, national origin, age, mental or physical disability, veteran's status or any other non-merit factors. Such data may be obtained separately for research purposes but may not be used to discriminate.

4. Eligible Applicants

   Only those applicants who submit specified required application material and who meet the minimum qualifications for the position will be considered eligible applicants and will be eligible to compete in the selection process.

5. Availability of Eligible Applicants

   It shall be the responsibility of each eligible applicant to notify the Human Resources Department of any change in address or other conditions, which affect the applicant's availability.

6. Job Applicant Inquiries and Complaints

   Applicants with inquiries or complaints regarding the County's selection process should submit their concerns in writing to Human Resources. The concerns will be addressed by the Human Resources representative responsible for the recruitment or selection process at issue. If not satisfied with the representative's written response, the applicant should notify the Human Resources Director in writing why further review is requested. The Director's written response will be the final step of review.

   Applicants with inquiries or complaints regarding Civil Service recruitments must comply with established County Civil Service rules.

5.4 ALTERNATIVES TO POSTING

1. With the request or approval of the Appointing Authority, vacant and available positions may be filled without posting or a competitive selection process by the following means:

   a) Transfers within a classification or between classifications within the department.

   b) Transfers within the same classification from a different department.

   c) Demotions (voluntary and involuntary) from a higher classification from within the same department or from a different department.

   d) Transfers and demotions of a qualified employee from any classification as an alternative to layoff. To be qualified for these appointments the employee must have received formal notice of layoff or occupy a position formally designated for layoff by the County Administrator.

e) Through a bumping or displacement procedure prescribed by a Collective Bargaining Agreement.

f) By conversion of a temporary employee or absorption of a position from another entity but only to the extent permitted by other sections of this manual.

g) By appointment of the incumbent of a position that has been reclassified (upwards, downwards, or laterally) and who meets all criteria to be continued in the position.

h) As a part of a formal settlement of a grievance or employment litigation.

i) When a position and incumbent are moved to another department or division through reorganization or other means.

j) By appointment, at the discretion of the County Administrator or Elected Official, to M1 positions, unique M2 positions, appointed Department Heads and chief deputies to Elected Official's.

k) To accommodate the transfer or demotion of an employee from another classification due to temporary or permanent disability.

l) Promotion within alternately staffed positions.

2. These means of filling positions are only permitted when and to the extent allowed by the applicable Collective Bargaining Agreement.

3. Nothing in this section should be construed to prohibit an Appointing Authority from choosing to post a position and utilize a competitive selection process nor shall any section be interpreted to guarantee a position to an employee without a competitive process. Such processes are recommended as a means to ensure consideration of all interested candidates and selection of the most qualified.

5.5 SELECTION PROCESSES

The Appointing Authority, in consultation with the Human Resource Department, will determine the selection process to be used to obtain the best-qualified candidates for available positions. The selection process shall be utilized separately or in various combinations as appropriate to the position and to available resources.

Any applicant who refuses any part of the selection process may be removed from consideration. In the development of selection processes, Department Heads, consultants or others skilled in or familiar with the minimum requirements may be consulted.

1. Selection Tools

   Selection tools may include but are not limited to: job-related written tests, oral examinations or interviews, performance tests, assessment centers, work samples, resumes, evaluations of training and experience, supplemental questionnaires, background and reference inquiries, and physical and medical examinations. Additional

selection tools, for applicable positions, include an evaluation of an applicant's driving record and pre-employment drug testing, in compliance with the County's Vehicle Use policy.

2. Security of Material

   All persons participating in the development and maintenance of selection material are responsible for maintaining the integrity and security of all recruitment and selection materials.

3. Method of Rating

   In all selection processes, the minimum rating for eligibility shall be set by the hiring department. The hiring department shall determine the weight given to each step in the process.

4. Civil Service Veteran's Preference

   Veterans shall be given preference status in competitive examinations for positions covered by Civil Service rules in accordance with RCW 41.04.010. For purposes of this section, veteran shall be defined in RCW 41.04.005.

5. Maintaining Integrity of Process

   If a question or challenge is raised about any phase of the recruitment and selection process, the Human Resources Department or other designated body may investigate and, when necessary, take whatever measures are required to maintain the integrity of the recruitment and selection process.

6. Internal Applicant Testing

   Upon prior notice to his/her supervisor, an employee shall be allowed paid work time to interview and/or take examinations required for other positions within the County when the process occurs during the employee's normal work schedule. Testing undertaken on a day off shall not be considered working hours and/or overtime hours.

7. Drug Testing

   Drug testing is required for all job applicants who have reached the final interview stage of the employment selection process prior being offered a position that requires a CDL.

5.6 APPLICANT TRAVEL

The County will reimburse travel expenses for selected job candidates subject to the following conditions and requirements:

1. The position being filled must be an M1 level or critical senior management or staff position. Extension of travel reimbursement to other positions or other exceptions for candidate travel requires the approval of the County Administrator.

2. The County specifically recruited out of area and the applicant was recruited as a result of that effort. Out-of-area candidates who learned of the opportunity through their own efforts are not entitled to County-paid travel. Advertisement in national trade journals does not necessarily qualify as an out-of-area recruitment.

3. The travel expenses are reasonable and take advantage of discount fares and accommodations such as seven day advance purchase, Saturday night stay, etc.

4. The authorization to reimburse travel expenses must be obtained from the Department Head and Human Resources Director in advance of the travel being performed. Similarly, the Department Head and Human Resources Director must approve the travel expense claim when submitted.

5. The hiring department is responsible for the payment/reimbursement costs of candidates' travel expenses.

5.7 RESIDENCY POLICY

Clark County encourages employees to reside in Clark County. This policy is founded on the belief that an understanding of the local community, as well as a stake in the quality of life here will make a positive contribution to employees' professional decision making and achievement.

It is also our policy to attract and retain the best employees available. Toward that end, all qualified candidates will be considered based on qualification for positions. Place of residence will not displace merit as the key consideration in employment decisions, however, where appropriate, knowledge of the local community will be considered as an important component of job qualification. This is especially the case in key direct service positions such as land use planning, law enforcement, social service occupations and others.

Once employed, out-of-area residents will be encouraged to consider relocation to Clark County. However, at the same time, the County recognizes that a broad range of personal and family considerations will play a role in determining where employees live, and residency in Clark County is not a condition of employment.

5.8 EMPLOYEE RELOCATION ASSISTANCE

1. The County will reimburse employees for relocation expenses subject to the policies and limitations herein. Eligibility is limited to employees hired for executive or critical, senior positions through an out-of-area (regional, west coast or national) recruitment

initiated by the County. Position eligibility should be determined during the recruitment planning process.

2 Authorization must be obtained before extending an offer of employment that includes relocation assistance. To qualify for reimbursement, employees must take up residence in Clark County. Eligibility and maximums must be pre-approved by the department head and the HR Director. Reimbursement cannot exceed $10,000.

3 In furtherance of the residency policy above, the County Administrator may authorize relocation assistance for incumbents of selected criteria positions to relocate locally to Clark County. Reimbursement for local moves is limited to $2,000.

4 Eligible reimbursement expenses are limited to actual and reasonable moving expenses and do not include house hunting trips, closing costs of home sales and purchases, rental deposits, etc. They include moving company fees and employee and family travel expenses. Certain relocation assistance may be considered taxable income per Internal Revenue Service regulations. Employees are encouraged to review the tax implications of their relocation reimbursement.

5 Relocation expenses will be the responsibility of the hiring department. Departments should budget for any relocations that are known in advance or transfer funds from other accounts, if necessary.

5.9 I-9/E-VERIFY REQUIREMENT

The Immigration Reform and Control Act of 1986 (IRCA) requires employers to verify work eligibility and proof of identity for all employees hired after November 6, 1986, and maintain documentation of such eligibility for three years or one year after the person's employment is terminated, whichever is later. All newly hired employees including regular, project and temporary employees who are on our payroll are required to fill out an I-9 form by personally presenting required documentation as listed on the back of the I-9 to the Human Resources (HR) Department within 3 days of hire. The County will review and verify the documentation and certify to the genuine appearance of the documents presented. Employees may not continue their employment unless this form is completed within that time frame. Using the completed I-9 Form, the County will confirm all new employees' employment eligibility through the use of the E-Verify system. **Continued employment is dependent on the employee submitting appropriate documentation for proof of identity and employment eligibility – using these processes.**

5.10 CRIMINAL HISTORY RECORD CHECK

PURPOSE

This policy takes proactive measures to ensure the safety of minors and/or vulnerable adults who may come in unsupervised contact with County employees, temporary employees, interns, etc. It is designed to comply with RCW 43.43.830 through RCW 43.43.842 and RCW 35.61.130 when hiring for positions which have or potentially have, during the course of employment, unsupervised access to children under sixteen years of age, developmentally disabled persons, or vulnerable adults.

Background checks are also required for specific classifications or in specific situations where the County has a responsibility to assure the protection of physical and financial assets for its citizens as well as the safety of its citizens. Therefore, law and justice-related positions, those positions with fiduciary or technological oversight, or positions which fall under the purview of Homeland Security guidelines and those facilities management positions which have access to secure jail or detention facilities, require additional and/or more extensive background checks to qualify them to perform the work.

This policy, consistent with chapter 9.96A, RCW, is not intended to necessarily eliminate all candidates with a criminal background from consideration for employment.

Civil Service rules will determine the policy to be applied to civil service-covered positions.

SCOPE

This policy applies to prospective regular, project or temporary employees and to volunteer workers (i.e. interns, cooperative extension students, and work-study students) assigned to responsibilities as described above. In addition, Criminal History Record Checks may be conducted on regular employees in accordance with applicable laws. Some employees may be required to submit to fingerprinting for the purpose of conducting a Washington State Patrol and Federal Bureau of Investigation background check.

Information discovered in the record check will be used only in making employment decisions, consistent with state law.

PROCESS

- Notice of this requirement shall be clearly stated in recruitment materials and processes.

- Pre-employment Criminal History Record Checks shall be conducted with written consent of the applicant. Any employment offer shall be contingent on successful completion of the background check.

- Human Resources shall review the results to determine applicant eligibility. Under 43.43.830 – 43.43.842, applicants shall receive a copy of their completed criminal history record check.

- A Criminal History Record Check revealing no conviction record, civil adjudication, or disciplinary board final decision for disqualifying crimes against children or other persons, crimes relating to drugs, or crimes relating to financial exploitation (see attached list) shall be deemed "successful completion."

- Applicants for positions with assigned responsibilities covered by RCW 43.43.830 through 43.43.842 who have resided in Washington State for less than three years immediately prior to employment are further required to submit to a criminal background check conducted by the Department of Social & Health Services (DSHS). Once hired, this must be repeated at intervals established by DSHS.

- Indication of a conviction record, civil adjudication, or disciplinary board final decision for disqualifying crimes against children or other persons, crimes relating to drugs, or crimes relating to financial exploitation shall disqualify the applicant from consideration for employment. This does not include a conviction for an offense that has been the subject of an expungement, pardon, annulment, certificate of rehabilitation, or other equivalent procedure based on a finding of innocence or rehabilitation. Except as detailed in RCW 43.43.842, such disqualification is not subject to appeal.

CONFIDENTIALITY

Information from criminal history record checks shall be available only to persons involved in the background check or hiring decision of applicants.

DISQUALIFYING CRIMES (As listed by RCW 43.43.830 through RCW 43.43.842)

Listed below are the crimes that disqualify an applicant from appointment to a position that involves or may involve unsupervised contact with youths, developmentally disabled persons or vulnerable adults. This information is taken from the DSHS form for criminal background check for individual providers (DSHS 09-803). Unless specifically noted below, these crimes have no time limitations related to employment eligibility.

Aggravated Murder	Kidnapping 1st Degree
Arson 1st Degree	Kidnapping 2nd Degree
Assault 1st Degree	Manufacture, Delivery, or Possession with Intent to Manufacture or Deliver a Controlled Substance
Assault 2nd Degree	Malicious Harassment
Assault 3rd Degree	Manslaughter 1st Degree
Assault 4th Degree/Simple Assault *(3+ years)**	Manslaughter 2nd Degree
Assault of a Child 1st Degree	Murder 1st Degree
Assault of a Child 2nd Degree	Murder 2nd Degree
Assault of a Child 3rd Degree	Patronizing a Juvenile Prostitute
Burglary 1st Degree	Promoting Prostitution 1st Degree
Child Abandonment	Promoting Pornography
Child abuse or neglect (RCW 26.44.020)	Prostitution *(3+ years)**
Child buying or selling	Rape 1st Degree
Child Molestation 1st Degree	Rape 2nd Degree
Child Molestation 2nd Degree	Rape 3rd Degree
Child Molestation 3rd Degree	Rape of a Child 1st Degree
Communication w/ Minor for Immoral Purposes	Rape of a Child 2nd Degree
Criminal Abandonment	Rape of a Child 3rd Degree
Criminal Mistreatment 1st Degree	Robbery 1st Degree
Criminal Mistreatment 2nd Degree	Robbery 2nd Degree
Custodial Assault	Selling/Distributing Erotic Material to a Minor
Custodial Interference 1st Degree	Sexual Exploitation of a Minor
Custodial Interference 2nd Degree	Sexual Misconduct w/a Minor 1st Degree
Custodial Sexual Misconduct 1st Degree	Sexual Misconduct w/a Minor 2nd Degree

Custodial Sexual Misconduct 2nd Degree	Theft 1st Degree
Endangerment With a Controlled Substance	Theft 2nd Degree *(5+ years)**
Extortion 1st Degree	Theft 3rd Degree*(3+ years)**
Extortion 2nd Degree	Unlawful Imprisonment
Extortion 3rd Degree	Vehicular Homicide
Felony Indecent Exposure	Violation of Child Abuse Restraining Order
Forgery *(5+ years)**	Or any of these crimes as they may be renamed in the future
Incest	
Indecent Liberties	

Any federal or out-of-state conviction for an offense that is comparable to the crimes listed above may also result in an applicant's disqualification.

*These offenses may not automatically disqualify an applicant from employment.

5.11 PROBATIONARY PERIOD

All appointments for M-3 non-exempt employees shall be tentative and subject to a probationary period of six (6) months which starts on the effective date of an appointment (see definitions).

Policy No. **6.0**	**Other Means of Filling Positions**	Page 1 of 13	
Policy Sections: 6.1 Inter-Agency Personnel Transfers 6.2 Project Employees 6.3 Job Sharing 6.4 Temporary Employment 6.5 Re-employment		Effective: Supersedes:	05/21/2010 09/22/2009

PURPOSE

It shall be policy of Clark County to recruit and select the most qualified persons for positions in the County's service. Recruitment and selection shall be conducted in an affirmative manner to provide equal employment opportunity and prohibit discrimination because of race, politics, religion, sex, marital status, ancestry, color, national origin, age, mental or physical disability, veteran's status, sexual orientation or any other non-merit factors while maintaining maximum flexibility.

SCOPE

This policy covers all Elected Officials, Department Heads and Non-Represented regular full-time and part-time employees, as well as project employees of Clark County.

6.1 INTER-AGENCY PERSONNEL TRANSFERS

This policy addresses the personnel implications of inter-agency personnel movements arising from annexation, consolidation or transfer of function between the County and outside agencies. It is established to ensure that personnel affected by such actions are afforded reasonable opportunity to continue employment and some transfer of wages, rights and benefits from the former employment.

The policy is adapted from a memorandum of understanding between the County, City of Vancouver and various bargaining units and therefore contains provisions prescribing the two-way movement of employees, not just employees coming into the County.

Treatment of inter-agency personnel movements made voluntarily — not due to annexation/consolidation — will continue to be made through normal recruitment and hiring procedures of the two entities.

Principles — The policy is based on a number of overall principles and values concerning the equitable treatment of employees.

Within the limits of its needs and resources, the County will make every effort to offer employment to all employees formerly providing the service.

Every effort will be made to keep employees "whole" such that they move as "laterally" as possible, but within the confines of the County's personnel policies and programs. The "keep whole" principle will not be applied where to do so would create inequities with the existing workforce.

Reciprocity should be the rule: treatment of employees moving to the County should match treatment of County employees moving to other agencies.

This policy addresses the following subjects:

- The availability of positions to accommodate eligible employees.
- Job classification implications, i.e., the ability of employees to move "laterally" in terms of classification.
- Employment qualifications and selection.
- Probationary periods and initial status, including grievance rights.
- Compensation
- Insurance benefits: waiting periods, exclusions, transition arrangements.
- Seniority
- Early Transfer Program (ETP): a program to facilitate voluntary personnel movements in advance of movements of positions.

DEFINITIONS

Qualifying Event (QE): Any consolidation, transfer of functions or other inter-local agreement that will result in movement of positions and employees between two participating agencies.

Receiving Agency (County): The agency assuming responsibility for the service, function or employees.

Losing Agency (LA): The agency with prior responsibility for the service, function or employees.

Displacement/ Displaced: The elimination of a position and the layoff of an employee due to a qualifying event.

Eligible Employee (EE): Employees eligible for employment with the County, based on displacement via a qualifying event. Generally, to be considered an EE, the employee must have been identified as scheduled for layoff via a pending qualifying event.

Transfer: Interagency personnel movements due to annexation, consolidation, transfer of functions and so forth are technically a separation from the former agency and a hire by the new agency. For the sake of simplicity this document uses the term "transfer" to denote direct

movement of employees from one jurisdiction to another, based on a qualifying event and subject to the provisions herein relative to pay and classification.

Transferring Employee (TE): Employees eligible for and receiving employment with the County under this agreement.

Ineligible Employee: Employees moving to the employment of the other agency whose decision is voluntary, of their own initiation, and who are not subject to displacement by a qualifying event under this policy.

1. Funding/ Staffing:

    a) The County will make every effort to provide employment for eligible employees. The specific classifications, levels and job assignments will depend on the County's determination of service level needs, financing, available vacancies and such other considerations as are appropriate.

    b) Classification levels of the County's position will approximate the classification levels of the displaced positions, but within the confines of the County's job classification structure. For example, if a transfer of functions displaces a supervisor, 2 lead workers and 5 line employees, the County will endeavor to create — or otherwise provide — an equal number of positions and mix of classifications.

    c) Placement of EE's for the positions with the County shall be based on the County's classification which is appropriate to the duties and responsibilities held with the LA. It is the work performed, not the classification title, which governs placement.

    d) Specific classifications will conform to the County's classification system; for example if the County has no lead worker classification within a job family it will not be required to create one.

2. Qualifications

    a) EE's will be accepted for transfer into available positions without regard to whether they meet the published requirements of the job classification with the County; provided that they have been employed in the equivalent job classification with the LA and possess all state or federally required licenses, certification or credentials.

    b) Employees selected for transfer based on layoff will not be rejected by the County based on performance appraisals or disciplinary history.

    c) The disciplinary records of TE's shall transfer with them and may be considered by the County in addressing future disciplinary problems. However, disciplinary records may only be transferred, maintained and considered as permitted by the applicable Labor Agreement or policy of the County.

3. Selection for Layoff by the Losing Agency

    a) Selection of employees eligible for transfer will be based on the layoff provisions in the contract or policies, as applicable, of the LA. Employees may be selected for layoff based upon an initial selection or by being bumped. Employees who are not in jeopardy of layoff may volunteer for layoff to the extent allowed by the LA's contracts and policies, and if so, will be considered EE's under this agreement. These "volunteers" for layoff, however, are not subject to rejection based on previous disciplinary history.

    b) Employees on leave shall be handled in accordance with the normal layoff procedures of the LA. They may not be barred from transfer to the County based on a qualified disability under the ADA.

4. Selection Process within the County

    a) When there are less positions available than the number of employees, the County will consider employees laid off in order of seniority, that is the most senior employee would be considered first, using the definition of seniority in the LA's labor agreement. For example if a function transfer displaced employees with 6, 4, and 2 years of service, the 6 year employee would be considered for positions with the County prior to the 4 and 2 year employees. Employees in a given classification who are not able to secure a position at that level with the County will be considered for other vacant and available positions in lower classification for which they are qualified.

    b) EE's shall not be required to compete for positions. EE's who meet the qualifications shall be offered positions. EE's shall not be required to pass pre-employment medical, agility, behavioral, or polygraph examinations.

5. Probationary Periods and Grievance Rights

    a) Employees who have passed probation with the LA shall not be required to serve a new probationary period with the County. This includes both original and promotional probationary periods.

    b) Transferring employees who are on probation shall serve the remainder of the County's established probationary period (service credit toward completions of probation shall be transferred).

6. Salaries

    a) This section prescribes salary effect of transfers between employers. Its purpose is to balance the goal of keeping transferring employees "whole" while adhering to the legal and ethical principle of equal pay for equal work — not continuing pay from the former employer where to do so would create inequities in relation to existing employees of the County.

b) TE's shall be appointed at the first (lowest) step in the salary range of the County that equals or exceeds their former salary. That is, the step which avoids a pay reduction but minimizes the increase. EE's whose salary exceeds the maximum base salary in the range shall be placed at the top step in the range and are not eligible for "red circling" of their salary with the LA.

c) TE's shall be eligible for shift differential, incentive pay, and other premium pay in accordance with the rules and policies of the County.

d) For the purposes of step placement, consideration of certain premium pay such as for shift work and incentive compensation will depend on whether the County offers or does not offer the same premiums for the same factor or purpose. If the County has such premium, the TE will have to qualify under the criteria of the County's program and the premium received from the LA will not be considered in the computation of salary. For example, if the County offers additional pay based on longevity, the employee's longevity premium will not be considered as regular salary and the employee will receive longevity pay, if eligible, under the terms of the County's rules and criteria.

e) Other premiums specific to the job assignment or schedule with the former agency (such as shift differential) will not be considered for step placement purposes and the premiums will continue only if warranted by the employees shift or assignment with the new agency and in accordance with the terms of policies or labor contracts of the new agency.

f) The effect of participating or not participating in Social Security will be considered in determining step placements. For example, when a transfer is taking place causing an employee to have to begin making a FICA contribution, the "FICA effect" will be considered in making the step placement in such a way as to minimize the effect on take-home wages.

g) TE's who were eligible for a future step increase with the LA and who are placed below the top of the range with the County will be eligible to have the time served credited toward their next step increase with the County. For example, an employee at step 3 of the LA range who is placed at step 4 of the County range and who transfers three months before their next step increase was due would be considered for a step increase with the County after three months.

h) Notwithstanding the transfer of seniority or service credit, TE's shall not be eligible for "grand fathered" pay and benefits programs which are restricted to employees hired prior to a certain date with the County. For example transferring with a service date of 1983 would not be eligible for a benefit which is limited to employees hired by the County before 1984.

7. Leave Balances

a) **Vacation and "PDO":** TE's may transfer accumulated vacation, PDO or other "vested" type leave balances, up to the County's maximum allowable balance less six month's worth of accrual. For example, if the County allows balances up to 240

hours and the employee will earn twelve hours per month in the County, they could transfer up to 144 hours (6X24) days. The LA must transfer funds equal to the value of the leave transferred. The value shall be computed at the leave's payoff value with the LA.

b) **Sick Leave:** If provided by (and to the degree provided by) the policies/ agreements of the LA, sick leave eligible for cash out on separation shall be cashed out by the LA except that the employee may opt to transfer some or all of the sick leave which is eligible for cash-out. If the employee makes that choice, or if there is sick leave still available after the cash out, the accumulated sick leave shall transfer with the employee, up to the County's allowable maximum accumulation. No inter-agency fund transfer is required for sick leave transfers.

c) **Compensatory Time Off and Floating Holidays:** Compensatory time and floating holidays will not transfer with the employee and will be paid upon separation consistent with the policies of the LA.

8. Seniority Status

a) Once employed by the County, seniority shall be calculated and used as identified in the policies and agreements of the County. However, TE's shall receive credit for seniority based on combined, continuous service with the County and the LA for the following purposes, to the extent that seniority is considered for these purposes by the County:

- Accrual of paid leave
- Scheduling of time-off

b) Upon transfer, it is understood that the computation of seniority will be based on the rules of the County. For example, seniority may be computed by the County based on service within the bargaining unit, department, job classification, or agency. The intent of this section is that TE's receive credit for service with the LA *as if* it had been acquired with the County and consistent with the rules within the County.

c) Notwithstanding the transfer of seniority provided by this policy, transferring employees will not be entitled to any salary and benefits provisions with the County that represent "grand-fathered" rights or benefits or two tiered systems tied to hire date. For example, the County has certain vacation accrual schedules in place for employees hired before 1984. Transferring employees are not eligible for such programs, even if their hire date was 1983 or earlier.

9. Insurance Benefits

TE's will be eligible for coverage under the terms and conditions of the County's insurance benefit programs and in accordance with the applicable collective bargaining contract and/or County policy. Coverage with the LA will terminate the last day of the month of employment with the LA and commence the first day of the

following month with the County. Pre-existing condition exclusions and new employee waiting periods for insurance coverage will not be required

6.2 PROJECT EMPLOYEES

1. In selected circumstances, employees may be hired as project employees for certain long-term but limited duration assignments as provided herein. Use of project employees is permitted for non-represented positions and for those positions covered by Collective Bargaining Agreements, if allowed by those agreements.

2. Employees may be hired as project employees for long term projects expected to last a minimum of six months and generally a maximum of 24 months or as otherwise limited by a Collective Bargaining Agreement. Employees needed for six months or less should be hired as temporary employees through the County's temporary service provider.

3. Rights and benefits

    a) Project employees are eligible for selected County benefits: vacation, observed and floating holidays, sick leave, medical insurance, dental insurance, and the Employee Assistance Program. Within those limitations, benefits eligibility shall be consistent with the job classification and/or bargaining unit for the position being filled. Project employees are not eligible for life and disability insurance, tuition reimbursement and Flexible Spending Accounts. For additional details, see Section 11.1, Insurance Eligibility.

    b) Project employees are not otherwise considered regular employees and are not eligible for such things as leaves of absence. Because they have been hired to complete a specific project, they do not have the right to apply for internal-only recruitments or to apply for transfer or demotion to regular County positions. They are eligible to compete for positions available to external candidates.

    c) Upon completion of the assignment, the employee shall be separated and the separation shall be considered a layoff except that they are not entitled to any bumping, displacement, or other rights established for laid off employees by these policies or the applicable Collective Bargaining Agreement. Insurance benefits shall be continued through the end of the calendar month in which the layoff occurs.

When a position established as a project employee position is converted to a continuing, regular position, the Appointing Authority and the Human Resources Director may elect to continue employees who had accumulated more that six months or 1,040 hours of service in the position without a competitive selection process.

4. Position establishment/ funding procedure

    a) Hiring a project employee requires either an existing vacant position that can be used for this purpose or that one is established and funded. If the latter is necessary, departments are responsible for the staff report and fund transfer or supplemental appropriation as necessary.

b) Approval of the Board of County Commissioners is required for creation and funding of any project employee position for which a supplemental appropriation is required. The County Administrator and the Human Resources Director may approve creation of project positions when funding is available within the department's approved budget.

c) Project employees cannot be retained beyond the original ending date for the project unless an extension is approved by the County Administrator. The Human Resources Department will maintain records as to the ending date and funding of positions established for or filled by project employees. No position established as a project position may be continued beyond its authorized ending date.

6.3 JOB SHARING

1. Definition

a) Job Sharing is a type of alternative scheduling in which two employees of the same job classification share the work schedule and duties of a single full-time position. Job Sharing offers employees the opportunity to work a part-time schedule, allowing more time for personal and family concerns, without a reduction in the County's authorized staffing. Job Sharing proposals from employees may be considered by individual departments when it can be shown that the proposal can be implemented without adversely affecting the cost or effectiveness of County services.

2. Policy

a) The opportunity to Job Share may be considered in instances where the needs of the Department and County will be adequately served by such an arrangement. Job Sharing is a voluntary arrangement and may be considered only when no extra costs above those of a single full-time employee will be incurred by the County. Job sharers must be in the same job classification.

b) Coordination between the Job Share partners is critical to the success of the program. Each partner must accept the responsibility of coordination with the other to assure effective combined job performance. For example, two employees sharing the same workload or case load will need to keep each other appraised of significant events and developments. The need for managerial direction and supervision should not be significantly greater than if the position was occupied by a single employee.

c) The preferred job share arrangement is one in which the job is shared on a weekly basis and each partner works a portion of each work week. Other arrangements such as sharing a work month will be considered. In weekly job share arrangements, each Job Share partner must have an established weekly schedule of at least 16 hours. Job Share partners may propose work schedules but the schedules must be approved by the Department. Job Share partners will be expected as much as possible to work in place of the other partner to cover for vacation, sick leave, and other absences.

d) Initial and continuing approval of the Job Share arrangement will be contingent on both partners meeting all of the required qualifications for the job and performing at a fully effective performance level.

e) Supervisory practices such as salary increases, performance evaluation and discipline will take place separately with each partner.

f) The County reserves the right to rescind a Job Share arrangement subject to 14 days notice. If the arrangement is terminated, and there is no agreement regarding who will resign or assume full-time responsibilities, the matter will be decided on the basis of seniority. The parties to a terminated Job Share arrangement have the option to resign or transfer to an available position. If either partner resigns, transfers or is terminated, the other partner must assume the full-time responsibilities until an acceptable partner is obtained.

g) Earned vacation, sick, holiday hours, and participation in the Washington State Public Employees' Retirement System (PERS) will be prorated according to each employee's FTE, (e.g. Job Share partners scheduled to work 20 hours weekly will accrue 50 percent of the earned vacation, sick and holiday hours).

h) Insured benefits such as medical, dental, life, disability etc. will be available to each job share employee in accordance with Section 11.1, Insurance Eligibility.

i) Seniority for step increases will be based on the seniority of each of the Job Sharer's individually. Seniority determinations for represented employees will be based on the applicable Collective Bargaining Agreement or as agreed with the applicable union.

3. Procedure

An employee must complete the Job Share Agreement located on the K drive. The employee must currently be in a full-time position. The proposal should include the following information:

- Names of employees who will Job Share;
- Position in which the Job Share is desired;
- Proposed work schedule for each employee;
- Proposed method of allocation and coordination of job responsibilities between the Job Share employees;
- Proposed procedures and routines for ensuring the information flow is maintained; and
- Proposed division of County insurance benefits.

Upon receipt of the request, the Department Head/Elected Official and Human Resources will evaluate the proposal. The final written plan must be signed by both Job Share partners, Department Head/Elected Official, Human Resources, and union/guild representative if applicable.

6.4 TEMPORARY EMPLOYMENT

1. Limitations on Use

   a) Departments may utilize temporary employees to fill limited-duration positions for a maximum of 1,040 working hours in a calendar year. Positions anticipated to exceed this limit should be created as budgeted positions and filled through normal selection processes. Department Heads may approve the use of temporary employees up to the 1040 hours per year limit. This policy applies to temporary employees hired through temporary agencies or hired on the County payroll.

   b) Recruitment of temporary employees shall usually be done by the contracted temporary agency. If the circumstances warrant (e.g. unique knowledge/skill requirement, laid off employee, previously worked as a temporary employee, senior tax workoff), with the pre-approval of HR, the County may identify an individual for referral to the temporary agency.

   c) Extensions beyond 1,040 hours and up to 1,560 hours (9 months on an FTE basis) must be approved by the County Administrator. Notice and/or approval from the affected labor organization may be required in addition to the County Administrator's authority. Extensions beyond 9 months/1,560 hours and up to 12 months/2,080 hours require a second approval from the County Administrator and approval, if applicable, of the affected labor organization.

   d) When a position originally created as a temporary position is required for more than 2,080 hours, it should be budgeted and converted to a regular position and filled in accordance with section 2 below.

   e) Departments may not circumvent the requirements of this policy through title changes, position transfers, or other artificial changes and all use of temporary employees should comply with the spirit of this policy.

2. Filling of Temporary and Converted Positions

   a) Temporary positions may be filled without the formal posting and competitive selection processes associated with filling of regular positions. Except in unusual or emergency situations, temporary employees must meet the published minimum qualifications of the applicable County job classification. Department Heads are expected to ensure compliance with this requirement and Human Resources approval of each temporary appointment is not required.

   b) Regular but limited-duration positions, e.g. those expected to exceed 1,040 hours per year, should be filled through normal selection procedures.

c) When a temporary position is converted to regular status, it should be posted and filled through a competitive selection process. Temporary employees with more than 1,040 hours in the classification to be filled may compete as internal candidates and an outside recruitment is not required. Otherwise, temporary employees must be considered as external candidates and are ineligible to compete on internal recruitments.

3. Rights and Benefits of Temporary and Converted Employees

a) Temporary employees are not eligible for County benefit programs including health, life and disability insurance, paid leave, retirement eligibility or holiday pay. They are eligible for all mandated rights including social security contributions, overtime pay if FLSA non-exempt, workers compensation and others.

b) When temporary employees are appointed to regular positions previously held as a temporary, credit may be granted for a portion of their prior service as prescribed in this section.

Retroactivity may be granted for temporary service in excess of 9 months, but in no event for more than six months. The following table illustrates the application of this rule:

Temp DOH	Conversion	Retroactivity Date
1/1/2000	10/1/2000	10/1/2000 (none)
1/1/2000	4/1/2001	10/1/2000
1/1/2000	7/1/2001	01/1/2001 (6 months max)

c) Retroactivity is limited to the rights and benefits in this section. All other matters will be based on the hire date as a regular employee. The following items may be granted back to the retroactivity date:

- Seniority for layoff and other purposes as may be established by Collective Bargaining Agreement, such as vacation scheduling and job bidding.

- Credit toward completion of probation and step increases.

- Vacation, sick leave and floating holiday accrual. Hours in each category that would have been earned had the employee been converted to regular status on the date under this section will be “front loaded” to the employee’s balance on the date of hire in a regular position.

- The length of service for movement into higher vacation earning brackets.

- Credit toward any insurance related waiting periods such as the three month waiting period for dental insurance eligibility.

6.5 RE-EMPLOYMENT

1. **Eligibility for Rehire**:

   Former regular employees who have separated from County service via layoff or resignation in good standing are eligible for consideration for employment in a classification and position for which they are qualified. Former regular Employees will not be considered if they left for misconduct, poor performance, or resigned in lieu of termination. However, no department is required to accept a returning employee and former employees have no "right" to return to County employment. Further, former employees will be given no advantage or preferential status over other applicants except as specifically provided herein or as their qualification(s) for the position support. They must apply and compete for positions through the County's normal recruitment and screening processes.

2. **Reinstatement**:

   In order to request reinstatement to County employment, a former employee must have been a regular employee and left employment in good standing. As an alternative to the normal competitive selection processes, a position may be filled by the reinstatement of a former employee. Approval of a reinstatement request is at the discretion of the Appointing Authority. Nothing herein shall be construed to create a right to reinstatement. The Appointing Authority may choose to reinstate but may only do so under the following conditions:

   a) The employee is being reinstated to the former (last held) job classification and department.

   b) The reinstatement occurs or is requested within a maximum of 12 months following separation.

   c) The separation from the County occurred by layoff, resignation or retirement. Employees who were discharged are not eligible.

   Employees who wish to be considered for reinstatement must contact the Appointing Authority and the Human Resources Director to apply. If there is no available position in the employee's previous classification within twelve (12) months of separation, the employee must seek reemployment through the County's regular recruitment and hiring procedures. The reinstatement opportunity is only available for twelve months from the date of separation.

   d) Conditions governing reinstatement are as follows:

      - Employee may be reinstated to the same salary or the former salary plus any COLA or across-the-board increases granted during the break in service.

      - Employee is not required to serve a new probationary period.

- Vacation or sick leave cashed-out at termination may be reinstated only by the employee making a payment to the County for the current value of the restored hours within 30 calendar days of return to employment. Sick leave forfeited (not cashed out) at termination will be restored.

- Seniority for vacation accrual will be based on the former hire date, less the break in service. Seniority for layoff, if applicable, will be restored if permitted by the applicable Collective Bargaining Agreement.

Policy No. **7.0**	**Classification Plan and Change Process**	Page 1 of 4	
Policy Sections: 7.1 Classification Descriptions 7.2 Process for Classification Description Changes 7.3 Process for Classification of Positions		Effective:	09/22/2009
		Supersedes:	04/18/2005

PURPOSE

The purpose of the County's classification plan is to achieve an efficient and equitable process for defining, filling, and compensating positions. The system also serves as an aid to defining job performance expectations and performance evaluation. The classification plan consists of a system of standardized titles, pay ranges and job descriptions. It groups like or similar positions into appropriate classifications which are sufficiently similar with respect to duties, responsibilities, qualifications, knowledge, skills, and abilities.

SCOPE

The Human Resources Department has the authority and responsibility for the overall development and administration of the classification plan. This includes the development of new classifications, review of new positions to determine classification, and the analysis of positions for classification purposes. In developing and maintaining the classification plan, the Human Resources staff consults with Elected Officials, Department Heads, key staff, employees, other agencies, bargaining units and other resources that are deemed appropriate.

The classification plan and related salary schedule represent the official job structure and pay schedule of the County. All regular and project employees must be employed in a budgeted position and in a classification and pay rate included in the classification plan; exceptions must be approved by the Human Resources Director and, if appropriate, the County Administrator.

DEFINITIONS

Classification – Classification is a process of placing jobs in groups which are similar with respect to duties, responsibilities, qualifications, knowledge, skills and abilities. There can be a wide range of job tasks and titles in any classification. Each classification is assigned a salary range reflective of the relative worth of the position as determined by internal and external equity and bargaining unit considerations.

Reclassification – Reclassification of a job occurs when the duties, responsibilities, scope of work and/or other job factors change to such an extent that the classification to which it had been assigned no longer adequately describes the work.

7.1 CLASSIFICATION DESCRIPTIONS

Classification descriptions are written descriptions of each job classification in the plan. The description shall include a class title, distinctions from other related classifications, a summary statement of duties and responsibilities, key or core duties and responsibilities, supervision received and authority, qualifications required and desired in terms of education, experience, training, knowledge, skills, and abilities; a listing of working environment and conditions, physical demands of the job and other relevant information. Position specific descriptions will be developed at the department level and be consistent with the classification description.

7.2 PROCESS FOR CLASSIFICATION DESCRIPTION CHANGES

1. As appropriate and necessary, Human Resources shall evaluate the need for classification description changes when job content, requirements and technology change. Description changes are not intended to alter the essential qualities of the job or the value of the job in relation to other jobs.

2. Classification description changes must be approved by the Department Head or Elected Official and the Human Resources Director.

3. Substantive changes to classification descriptions must also be approved by the relevant bargaining unit.

7.3 PROCESS FOR CLASSIFICATION OF POSITIONS

1. **Classifying new positions**

   a) Prior to requesting any new position or initiating Add/Delete reorganizations, department managers should consult with HR in order to discuss various matters including the potential classifications, pay ranges, policy issues, and labor relations impacts.

   b) Once the position has been formally approved (per Section 7.3.4), Human Resources will determine the appropriate classification.

      - Information for this determination should be submitted through forms provided by Human Resources (contact Human Resources for forms and steps.)

      - When a new classification is covered by a labor agreement, the applicable union shall be notified and given the opportunity to negotiate the rate of pay. When the parties agree to the pay and the classification, the change shall be retroactive to the County's original approval date.

2. **Review of the classification of existing positions**

   a) Reclassification of a job may be appropriate when the duties, responsibilities, scope

of work and/or other job factors change to such an extent that the classification to which it had been assigned no longer adequately describes the work. Changes to a job not warranting a reclassification include increased volume of the same level, of work duties not previously assigned but within the same classification, enhanced technological tools to perform current duties, or longevity, and job performance.

Note: Add/Delete situations (where one position is eliminated and a position of a different classification is created) are not considered reclassifications under this policy – see Section 7.3.1.a.

b) Changes to jobs which may necessitate changes in classification can occur instantly, such as a planned reorganization within a work unit or department, or over time from gradual changes in the scope of duties or authority of a position. Changes to jobs occurring over time have unpredictable budgetary impacts; therefore managers must give careful consideration to assigning work of a higher classification.

c) Employees may request a classification review using the Classifications Review Form – Employee Request. Since classifications are limited by the budget, an employee's work may need to be modified to be consistent with the current classification.

d) Appointed and elected departments may request a classification review after consulting with Human Resources, the Office of Budget and then the County Administrator and get the appropriate sign offs for the organizational and classification changes using forms provided by Human Resources. The principle focus of this review is to ensure that all increased costs can be funded without additional budgetary impact and within the Department's available budget.

When a classification review is due to a reorganization or reassignment of duties, the department manager or HR may determine that it is appropriate to perform a classification review on other affected positions to determine if the classifications for those positions are still appropriate. This review could result in downward reclassifications of these positions.

e) Departments may submit requests for classification reviews as a part of their budget(s) submissions and have them considered in the context of the department's overall budget.

3. **Effects on Incumbents**

a) The impact upon the salary of an incumbent when a position is reclassified is addressed in the Salary Administration policy (9.6 Reclassifications and Realignments).

b) When a position is reclassified upward or downward, the incumbent shall be continued in the position and a new probationary period shall not be required. When the position is vacant, the reclassified position will normally be filled using a competitive process. Filling such a position without a competitive process requires the approval of the HR Director.

4. **Classification Approval Requirements**

Human Resources will be responsible for finalizing classification reviews for both new and current positions. This will include preparing the authorizing document for the County Administrator, or the BOCC, if required. The County Administrator has the approval authority for changes that **neither** amend the current BOCC appropriation and adopted FTE count, nor require a change in the pay plan. Only the BOCC has approval authority to increase budget appropriations or FTE counts.

When the affected classification and position is covered by a labor agreement, once approval has been achieved, the applicable union shall be notified and provided the opportunity to negotiate the rate of pay. When the parties agree to the classification and pay, the change shall be retroactive to the county's original approval date.

Policy No. 8.0	Compensation	Page 1 of 4	
Policy Sections: 8.1 Philosophy 8.2 Pay Plan 8.3 Employee Categories 8.4 General Salary Adjustments 8.5 Labor Relations Considerations 8.6 Effective Date of Salary Adjustments 8.7 Eligibility of Retroactive Increases		Effective: Supersedes:	01/01/2013 09/22/2009

8.1 PHILOSOPHY

Generally, the County strives to provide wages and benefits at approximately the average or median of the appropriate labor market in order to attract and retain a qualified, diverse workforce who effectively support the county's strategic and operational objectives. The definition of the labor market will vary somewhat from occupation to occupation and the ranking will vary for a number of reasons. The County uses "benchmark" jobs to determine its placement in the market and places considerable emphasis on internal salary relationships. Individual job classifications will not necessarily be tied directly to the external market and the County may consider a number of other factors in determining compensation.

8.2 PAY PLAN

1. The pay plan is also known as the salary schedule. It includes the list of approved job classifications and the pay range for each classification as established by the Board of County Commissioners and Collective Bargaining Agreements.

2. Pay ranges consist of a series of pay steps.

3. The grouping of similar or comparable individual positions into broader job classifications helps to ensure pay equity among employees performing similar or comparable functions, as well as to streamline recruitment and administrative functions.

4. The plan also provides for a number of other administrative requirements such as the designation of employee categories and bargaining units, alternatively staffed classifications and such other provisions as may be established.

8.3 EMPLOYEE CATEGORIES

County job classifications and employees are divided into various groups and categories in order to make distinctions in pay, benefits, overtime eligibility and other purposes as established by this policy manual. Represented employees are organized by bargaining unit. Special categories exist for specific reasons and are not addressed in this policy. Other non-represented classifications and employees are distinguished as Management 1 (M1) through Management 3 (M3), as follows:

M1 Certain Department Heads, Deputies of elected departments, and other identified senior management positions.

M2 All other non-represented, FLSA-exempt employees including senior and middle managers, first line supervisory employees and non-supervisory professionals.

M3 Non-exempt, non-represented employees.

The pay plan lists the current designation for each job classification.

8.4 GENERAL SALARY ADJUSTMENTS

General salary adjustments are those made to all classifications within an employee category or bargaining unit. They may be made annually or periodically as determined by the Board of Commissioners, or as required by Collective Bargaining Agreements.

Increases for represented employees will be determined via collective bargaining but the County's position will be based on multiple factors, including but not limited to:

- Salary trends within the relevant labor market(s)
- Local and National CPI increases
- Overall revenue limitations and expenditure requirements
- Budgetary policies and priorities of the County
- "Total compensation" considerations, including the costs of other forms of compensation and benefits
- Collective bargaining considerations

Types of adjustments

Salary adjustments applied to an entire category or bargaining unit may be made in any of several forms, including but not limited to:

- "across-the-board" increases applied to all steps in the range and/or granted to all employees in the category

- alterations to the range such as adding additional steps or changing the step intervals

8.5 LABOR RELATIONS CONSIDERATIONS

1. Annual, across-the-board adjustments and the County's desired market position for represented employees will be significantly influenced by factors unique to the collective bargaining process.

2. Across-the-board increases may be reduced by the increased cost of the overall settlement including special salary increases for selected jobs, changes in work hours and paid leave programs, insurance cost increases and the like.

3. Higher or lower compensation may be appropriate based on non-economic factors. The County may choose a higher market ranking in recognition of control over pay levels through performance-based pay programs or contract language which provides for increased productivity, accountability and management flexibility. For example, union acceptance of a performance-based program or a more flexible work assignment process might justify a higher wage settlement.

8.6 EFFECTIVE DATE OF SALARY ADJUSTMENTS

In certain cases, the actual amount of a salary adjustment will not be determined until some time after the adjustment is intended to be effective. These include:

1. Cost of living adjustments for bargaining unit employees where the negotiations continue beyond the term of the current agreement and the wage increase is negotiated and intended to be effective on the first day of the successor agreement.

2. Across-the-board adjustments for M3 employees are generally granted on January 1st, but a decision as to the amount of the increase may be delayed beyond that date.

3. Step increases where the adjustment is due or scheduled to be effective on a particular date but is not processed until a later date.

4. Reclassification situations where a study has been requested but not yet concluded and ultimately concludes that the employee was working at a higher classification beginning at some earlier point in time.

5. Reclassification, realignments or other salary adjustments agreed to be made effective as of a specified date as part of a negotiated agreement or policy decision.

In all such cases the compensation paid to the employee between the date the adjustment is due, scheduled, promised, or intended and the date of final action by the County is deemed to be tentative, pending the final determination of salary for the time period in question. The entitlement to the salary shall accrue during such time period.

8.7 ELIGIBILITY FOR RETROACTIVE INCREASES

1. Where a salary adjustment is granted to employees in a certain bargaining unit or category/group of employees on a deferred basis, the payment for the deferred portion will be made to employees currently eligible within the bargaining unit, group or category.

2. As a matter of policy, the County will extend the adjustment to employees still employed by the County who were employed in the bargaining unit or group/category for any portion of the period for which the applicable payment is being made.

3. Unless otherwise required by law or the applicable Collective Bargaining Agreement, employees who have separated from the County will not generally be eligible for such deferred or retroactive payments.

Policy No. **9.0**	**Salary Administration**	Page 1 of 8	
Policy Sections:		Effective:	01/01/2013
		Supersedes:	09/22/2009

9.1 General
9.2 Step and Merit Increases
9.3 Entry Rates
9.4 Promotions
9.5 Transfers
9.6 Reclassifications and Realignments
9.7 Demotions
9.8 Layoff
9.9 Reinstatement, Recall and Reemployment
9.10 Red-Circled Employees
9.11 Salary Anniversary Dates
9.12 Work Out of Classification
9.13 Overpayments and Underpayments
9.14 Regular Part-Time or Intermittent Employment

9.1 GENERAL

Except as otherwise provided by this manual or approved by the County Administrator, all employees must be paid a salary that is within the approved range for their job classification and at one of the approved salary steps.

In most cases, when a classification is granted a salary adjustment, employees below the range will be brought to at least the first step of the range. In the case of structure adjustments for M1 and M2 employees, employees should generally be given an increase adequate to bring their salary to the new range minimum. However, in certain cases, at the request of the department head and with approval of the Human Resources Director, employees may be paid below the range minimum, for example when an employee's performance warrants a lesser or zero increase.

Employees in all categories may only be paid above the top step of the range in certain approved red circle or work out of classification situations, or for performance in the merit step program as provided by this manual.

9.2 STEP AND MERIT INCREASES

Eligibility for step increases may be based on merit, length of service or a combination of the two, as prescribed by this policy or the applicable Collective Bargaining Agreement.

1. Management/Professional Employees

   Employees classified as M1 and M2 are eligible for merit or performance-based step increases on January 1st of each year. The amount of increase shall be based on appraised job performance and will generally be at least one step (as approved by the

Board of County Commissioners based on budget considerations). Top performers may be eligible for either an additional step or lump sum payment.

Mid-year increases are not generally granted unless they have been delayed as part of a performance improvement plan or to accommodate special circumstances that did not exist at the time the January increase was under consideration. Mid year increases require approval of the Human Resources Director and County Administrator.

2. M3 (Non-exempt, Non-represented) Employees

   M3 employees shall be eligible for an annual step increase up to the maximum of the range after twelve months at each step. To be eligible for a step increase, the employee's performance must be rated as fully effective or developing at a satisfactory rate.

   Eligibility dates shall be based on the date of hire or promotion to the position or step. The date shall be adjusted by any period of unpaid leave of fifteen (15) calendar days or longer.

   Mid-year step increases are not generally granted unless they are those that have been delayed as part of a performance improvement plan. Mid year increases require approval of the Human Resources Director and County Administrator.

   The effective dates for salary increases under this section shall be the first of the current month for eligibility dates occurring between the first and the fifteenth of a month or the first of the following month for eligibility dates occurring between the sixteenth and the end of the month.

   The Appointing Authority may deny an increase or delay the effective date of the increase in those instances where the employee's performance does not meet department standards. Delay of an increase shall not cause an adjustment to the employee's eligibility date for the next increase.

3. Step Increases - Bargaining Unit Employees

   The provisions of the applicable Collective Bargaining Agreement shall prevail when determining increases for bargaining unit employees. Mid-year, early or extra step increases are prohibited unless provided for by the Collective Bargaining Agreement.

9.3 ENTRY RATES

It is the general policy of the County that new employees should be hired at the lower steps of the applicable range and advance through the range at the normal progression. However, it is recognized that a number of factors may justify a higher starting salary. Mid-range and upper range placements may be requested and considered based on extraordinary qualifications, previous work experience, internal equity, wage compression, labor market conditions, or as necessary to attract particular candidates to County positions.

M3 and Represented Step Plans: Approval requirements are as follow**s**:

Step 9 -11	County Administrator
Step 6 - 8	Human Resources Director
Step 3 - 5	Department Head or Elected Official
Step 1 - 2	Hiring manager

M1 and M2 Merit Step Plan: Approval requirements are as follow:

Step 12-15	County Administrator
Step 9 - 12	Human Resources Director
Step 5 - 8	Department Head or Elected Official
Step 1 - 4	Hiring manager

(Note: Human Resources Director and County Administrator approvals are in addition to Department Head or Elected Official)

9.4 PROMOTIONS

Promotional increase policies are predicated on the philosophy that higher wages following promotion should be granted based on performance in the position over time, not based solely upon assumption of higher responsibilities as of the date of appointment. The County grants an initial promotional increase and subsequent increases occur through the step or merit increase process.

M3 and Represented Step Plans: Upon promotion, an employee shall generally be placed at the first step in the new range which provides for an increase of approximately 5% over the current salary (including Work out of Classification (WOOC) if six months or longer) or first step in the range, whichever is greater.

M1 and M2 Merit Step Plan: In the case of employees promoting to or between M2 and M1 positions, the starting salary shall be determined based on a blend of the 5% promotional guidelines and the policy relative to Entry Rates. Generally, the 5% guideline should be followed but higher salaries may be authorized. Increases of more than 5% require the pre-approval of the Human Resources Director. Increases of more than 10% require the pre-approval of the Human Resources Director and the County Administrator.
In some situations, increases of less than 5% may be appropriate.

9.5 TRANSFERS

When an employee is transferred from one class to another class having the same pay range, he/she shall continue to receive the same step and/or pay rate. Whenever an M3 or represented employee transfers from one department to another, regardless of change in classification, any compensatory time earned will be paid in cash to the employee.

9.6 RECLASSIFICATIONS AND REALIGNMENTS

1. Upward Reclassification:

   For the purposes of this section, upward reclassification describes those circumstances where an employee is found to be performing the duties of a higher classification and is distinct from realignments as addressed below.

   When an employee occupies a position that is reclassified upward, the employee's salary will be adjusted according to the promotional formula in Section 9.4.

2. Upward Realignment:

   Realignment refers to those situations where the salary of an entire classification is adjusted upward based on internal or external compensation relationships. When the pay rate for a classification is realigned upward, employees whose salary is within the new range will generally be placed at the step in the new range which approximately equals their former salary, that is, there is no increase associated with realignments. For example, in an upward realignment of 5%, an employee earning $2,500 per month at step 4 of a current range will continue to earn $2,500 per month but at the appropriate step of the new range.

   Exceptions to the foregoing policy will be considered if the employee has been at the top step of the range for more than one year. In this situation, the employee may be placed at the first step in the new range which provides for the equivalent of a one-step increase. Prior approval by the Human Resources Director is required.

   If the salary is below the minimum of the new range it shall be increased in order to place the employee on the first step.

3. Downward Reclassifications and Realignments:

   An employee whose position is reclassified downward or whose classification is placed at a lower salary range shall be placed at approximately the same salary in the new range. If the salary is above the maximum of the range they shall be "red-circled" for twelve (12) months. After twelve (12) months their salary shall be adjusted down to the top step of the range. Employees represented under collective bargaining agreements should refer to the contract for red circle requirements. See Section 9.10 for additional information on red-circling.

9.7 DEMOTIONS

1. Failed Probation:

   Employees who are demoted to their former classification based on failure to satisfactorily complete a promotional probationary period shall be placed at the step closest to their previous salary for the position they held immediately prior to promotion.

2. Performance and/or Disciplinary Demotions:

   Regular employees who are removed from their positions for performance and/or disciplinary purposes will be placed at the highest step in the new range that is equal to or below their former salary. If the former salary exceeds the top step of the new range, the employee shall be placed at the top step. Note: Special circumstances may warrant a different salary treatment which must be approved by the Director of Human Resources.

3. Voluntary Demotions:

   Employees who voluntarily demote will be placed at the highest step in the new range that is equal to or below their former salary. If the former salary exceeds the top step, the employee shall be placed at the top step of the new range.

4. Light Duty or Illness/Injury Related:

   When an employee is demoted because of non duty-related illness or injury his/her pay shall be "red-circled" for a maximum of twelve (12) months.

9.8 LAYOFF

Employees who demote or bump downward in lieu of layoff shall be placed at the highest step in the new range that is equal to or below their former salary. If the former salary exceeds the top step of the new range, the employee shall be placed at the top step of the new range.

9.9 REINSTATEMENT, RECALL AND REEMPLOYMENT

When an employee is recalled from a layoff list or reinstated within twelve months to his/her former classification, he/she shall be placed in the same step that he/she occupied at the time of separation.

In all other cases, including reemployment to a new classification and rehire after a break in service of more than twelve months, step placement shall be consistent with the policies for newly hired employees.

9.10 RED-CIRCLED EMPLOYEES

When authorized by a provision in this manual or Collective Bargaining Agreement, employees may be red-circled at a salary above the top step of the range. Red-circle treatment is only authorized in certain reclassification, demotion, realignment and layoff situations, as provided for by this manual or a Collective Bargaining Agreement.

Red-circled employees are not eligible for step increases, annual increases other than merit lump sums, or other increases until their salary falls within the current range for their assigned classification.

9.11 SALARY ANNIVERSARY DATES

The salary anniversary date is the date on which an M3 or Represented employee is next eligible or scheduled for consideration for a step increase. Unless otherwise established by a Collective Bargaining Agreement, step increases are not automatic or guaranteed and are contingent upon satisfactory service and performance.

Each employee's salary anniversary date shall be established based on the date on which the current step was attained and the next review date shall be after twelve months at that step. In most cases, the anniversary date will be twelve months after the employee was hired and remain as that date through various transfers and promotions. Anniversary dates shall be adjusted by the full amount of any unpaid leave of absence of fifteen calendar days or longer.

For employees below the top step in the range, time served toward a step increase shall be generally credited by retaining the current salary anniversary date except in the following situations:

- Promotions which result in a 10% increase or more
- Demotions or downward reclassification to a step below the top step of the range of the lower classification
- Re-employment

Each of the foregoing situations will normally result in a new salary anniversary date as of the date of the action and the employee shall be eligible for a step increase after twelve months provided the employee is below the top step of the range.

Employees who are promoted or reclassified upward and who have been at the top step of their former classification will receive a new salary anniversary date in all cases where they are placed at a step lower than the top step in a new range.

Merit step increases for M1 and M2 employees take place on January 1st of each year.

In cases where an employee would be receiving multiple salary changes with the same effective date, the following sequence or priority shall be followed:

1. merit or step increases

2. promotional increases, including reclassification increases

3. across-the-board general wage adjustments.

It is the intent of the County that step and merit increases be in addition to and not displaced by other adjustments. The Human Resources Department is authorized to adjust anniversary dates as necessary to comply with that intent.

9.12 WORK OUT OF CLASSIFICATION

An employee shall be eligible for work-out-of-classification (WOOC) pay when qualified and assigned to perform substantially all the duties of a position in a higher classification, subject to the waiting periods below. Such assignments must be approved by the Division/Department Head or his/her designee. WOOC assignments may only be made to a vacant position (or one which is temporarily vacant by virtue of the absence of the incumbent due to leave or training) or for special assignment. Human Resources and County Administrator approval is required for all WOOC assignments made based on a special assignment (where there is not a vacant position). When so assigned, the employee shall receive a pay adjustment equivalent to a five percent (5%) increase for the duration of such assignment.

1. Management 1 & 2 Employees

   M1 and/or M2 employees shall be only eligible for work-out-of-classification pay for assignments in excess of eighty hours. Employees shall receive the higher pay beginning with the 81st hour; however the waiting period shall be waived when the employee assumes the full responsibilities of a vacant position.

2. Management 3 Employees

   M3 employees shall be eligible for work-out-of-classification pay for assignments in excess of one full day – eight, nine or ten hours, as applicable.

3. Bargaining Unit Employees

   Represented employees shall be eligible for work-out-of-classification pay in accordance with the terms of their Collective Bargaining Agreement. Work-out-of-class to non-represented positions shall be handled consistent with the treatment of M3 employees.

An employee who is temporarily assigned to a position with a lower pay range for any period shall not receive a reduction in pay.

All WOOC assignments of less than one full calendar month should be processed at the timesheet level. Assignments of one month or longer should be accomplished on a personnel

action form. When an employee has been assigned the work of a higher classification for six months or longer and is promoted to the position, salary step treatment shall be handled as though he/she was promoted on the day of the original temporary assignment.

Employees who work overtime while in a work-out-of-class situation or are receiving shift differential shall be compensated at time and one half on the pay rate at the time of the assignment if the employee elects to receive pay for the time. If the employee elects compensatory time off, the premium pay will not be included when the time is taken off.

9.13 OVERPAYMENTS AND UNDERPAYMENTS

The County shall correct the pay rate or amount of any form of compensation or benefit found to have been overpaid or underpaid. Overpayments must be returned to the County. Repayments shall be made by payroll adjustment unless other arrangements have been made with payroll. The County will consider repayments in installments where the amount is sizeable.

Underpayments by the County shall be paid to the employee in a single payment as soon as practicable.

Employees who receive excess compensation are expected to report the error to the County. Employees who knew or should have known of an overpayment and fail to report the matter are subject to appropriate corrective action. Similarly, employees who refuse to consent to the necessary payroll deduction in order to effect the return of an overpayment are subject to corrective action up to and including termination.

9.14 REGULAR PART-TIME OR INTERMITTENT EMPLOYMENT

1. Regular part-time employees in budgeted positions shall receive compensation which shall be established in proportion to a regular full time position in the same classification. Regular part-time employees shall be entitled to move through the step in the salary range at the appropriate intervals if performance is satisfactory.

2. Temporary or intermittent employees shall be compensated on an hourly basis. Employees in this category shall not be entitled to receive benefits.

Policy No. **10.0**	**Work Schedules, Work Hours, and Overtime**	Page 1 of 6	
Policy Sections: 10.1 Hours 10.2 Timesheets and Reporting 10.3 Overtime 10.4 Compensatory Time Balances (Non-exempt) 10.5 Other Work Hours Premiums for Non-Exempt, Non-Represented Employees		Effective Supersedes:	09/22/2009 04/18/2005

10.1 HOURS

1. Hours of Operation

   a) Each Department Head and Elected Official shall establish the hours of operation and service provided by their department, within the limits of their authorized funding and applicable legal requirements.

   b) Appointed Department Heads must obtain the County Administrator's approval of any change in the basic hours of operation of their departments.

2. Employee Work Schedules: Employee work schedules may be developed and modified by the department, or upon request of the employee, subject to the following requirements:

   a) Legal Compliance: No work schedule may be established or permitted for non-exempt employees which are in violation of state and federal wage and hour laws or which requires the payment of overtime for regularly scheduled work. For example, a non-exempt employee may not be permitted to work a schedule requiring more than 40 hours in a week in exchange for a shorter schedule in the following week.

   b) Human Resources Approval: To ensure that work schedules are in compliance with legal, collective bargaining, and public accountability requirements, departments must consult with Human Resources when contemplating certain work schedules as follows:

      - All new work schedules for represented employees including 4-10 plans, schedules which involve a paid lunch period or other variations to contractually specified work schedules. Work schedules are a mandatory subject of bargaining under RCW 41.56 and cannot be modified without formal consent of the applicable labor organizations.

      - Human Resources approval is also required for appointed departments and recommended for Elected Official departments for certain kinds of schedule variations. These include flextime schedules where the employee's schedule

varies daily and is controlled by the employee, telecommuting or work-at-home programs, job-share arrangements, and others.

c) Modified Work Schedules: A modified schedule is defined as one wherein the employee works a recurring and predictable schedule but which varies from the normal schedules of their department, classification or work unit. Examples would include a 4-10 arrangement, or earlier starting or quitting times. Individual employees may propose a variable work schedule and such requests will be considered in the context of the employee's needs and the operational requirements of the department.

d) Flexible scheduling

- M1 and M2 Employees: In lieu of overtime eligibility or compensatory time off, exempt, non-represented employees in the M1 and M2 categories are normally granted flexible scheduling, allowing them to vary their schedules on a day to day and week to week basis, depending upon the requirements of their jobs and the reporting procedures of their departments. The scheduled forty hour work week may be accomplished using daily or weekly variations in hours.

  Under flexible scheduling, exempt employees should generally flex their time within a single, semi-monthly pay period. However, it is recognized that this is not always possible and, with the knowledge and consent of the immediate manager, employees may adjust their schedules such that the flexible scheduling is extended over a thirty to sixty-day time frame. Time off of less than one day does not have to be charged to a paid leave account if it is offset by additional hours worked at other times during the week or pay period.

  Nothing in this section shall be construed to limit a department's authority to require employees to report absences, to keep the department informed of their whereabouts, or to account for how time is being spent.

- M3 Employees: The FLSA requires that non-exempt employees be compensated at the time and one half rate for all hours worked in excess of 40 hours per week. Therefore, M3 employees may only be permitted to work a flexible schedule within the confines of a single work week, e.g. from day to day. For example, a non-exempt employee may be permitted to work a 4-10 schedule, a 9-9-9-9-4 schedule or other variations up to a maximum of forty *working* hours in a single seven day work week. Specific work schedules must be approved in advance by the employee's manager.

10.2 TIMESHEETS AND REPORTING

1. **Fair Labor Standards Act (FLSA)-exempt employees (M1, M2).** Certain timesheet reporting requirements are necessary to comply with the Fair Labor Standards Act (29CFR541), laws concerning accounting for public funds (WAC 296-128-532 and 296-128-533), and public accountability expectations. The following rules and policies apply:

a) Timesheets for each pay period must show at least the total scheduled hours for the pay period and the distribution of those hours between time worked, paid leave, and leave without pay. Daily reporting is required, and leave without pay must be shown on the day taken. Daily reporting of work time is required for labor distribution, grant compliance, FLSA and WAC compliance, DRS reporting and other accounting and reporting purposes.

b) When flexible scheduling occurs across pay periods, the employee should report their regularly scheduled hours for those pay periods to ensure full pay is received. No leave need be used/charged if the total hours worked equals or exceed the hours scheduled for the pay period. For example, if an employee takes an hour off for a dentist appointment on Tuesday, but works an additional hour on another day in the pay period, there is no "net" time off and sick leave need not be used for the appointment.

c) When flexible scheduling is not possible, partial and full day absences should be charged to the appropriate accrued leave category. To the extent paid leave is not available, unpaid leave will result.

2. **Non-exempt Employees (M3 and represented).** Pursuant to the FLSA and labor agreements, non-exempt employees must report and account for all time — work time, paid leave, and leave without pay on a daily basis. Refer to Section 10.1 2d, (2) for flexible schedule limitations.

10.3 OVERTIME

1. Non-Exempt Employees: All represented and M3 employees are classified as non-exempt and entitled to overtime compensation and other provisions of the Fair Labor Standards Act. Overtime provisions for employees covered by current Collective Bargaining Agreements shall be as outlined in the applicable agreement. Overtime provisions of this manual apply only to non-exempt employees unless otherwise indicated.

2. Authorization: No employee shall work hours in excess of his/her regular work week without the prior approval and direction of the Appointing Authority or his/her designee. The Appointing Authority may designate circumstances when overtime may be worked without prior approval. No Appointing Authority shall authorize or permit any employee to work any hours in excess of his/her regularly scheduled work week unless sufficient funds are available in the departmental budget.

3. Work Periods for Overtime Calculation: The work period for overtime calculation shall be the period of seven consecutive 24-hour days beginning with the reporting time following the employee's regularly scheduled days off ("weekend"), for example, 8:00 AM Monday to 7:59 AM the following Monday.

4. For work schedules of four days of ten hours each, the work week shall be the period of seven consecutive 24-hour days beginning on Sunday at 12:00 AM. The daily work

period shall be the period of 24 consecutive hours commencing at 12:00 AM on each scheduled day of work.

5. Compensation for Overtime: Employees normally shall be compensated in pay at one and one-half (1.5) times their regular rate of pay for hours worked in excess of forty (40) in a week. The calculation of time worked for overtime purposes shall include paid leave. Otherwise, all questions regarding the determination of working time shall be in accordance with the FLSA. Overtime will be paid to the nearest one hundredth of an hour.

6. Holiday time shall be counted as time worked only for the purposes of paying overtime for work outside of the regular schedule. Holiday hours paid for a holiday falling on the employee's day off shall be paid at straight time for the hours. For example, a Tuesday through Friday, 4-10 employee may receive eight hours of pay (the holiday may be recorded as compensatory time at straight time as well) for a holiday which falls on Monday and shall thus be compensated for 48 straight time hours for the week.

7. Compensatory Time Option (comp time): With authorization of the department and the employee, an employee may elect to be compensated for overtime work in the form of compensatory time off rather than pay. Either party may require that overtime be compensated in pay. For M3 employees, compensatory time off may be accumulated to a maximum of 120 hours. In the event of termination or transfer to another department, all compensatory time balances shall be paid off at the employee's regular rate of pay.

8. Assignments of Overtime: Overtime assignments shall be based on policies and procedures established at the department level. The County will attempt to meet its overtime requirements on a voluntary basis. In the event there are insufficient volunteers to meet the requirements, the County may require the necessary employees to work.

9. Exempt Employees: Exempt employees are those classified as M1 or M2, Elected Officials and all other non-represented employees, excluding those in the M3 category. These employees hold positions considered by the County to be exempt from the Fair Labor Standards Act (FLSA) under the executive, administrative or professional exemption criteria. They are treated as salaried employees and paid based on results attained rather than hours worked. Employees who are exempt from the Fair Labor Standards Act are not entitled to compensation for overtime work except as provided in this section. M1 and M2 employees are granted additional vacation accrual in lieu of eligibility for overtime compensation.

    a) Exception Comptime: In extraordinary circumstances, M2 employees whose jobs require excessive overtime which cannot be addressed through a flexible work hour arrangement are eligible for formal comp time off on an hour for hour basis with advance approval of the Department Head, HR Director, and County Administrator. As a guideline, excessive would be considered more than 10 hours per day or 50 hours per week on an extended basis.

    b) Cash Eligibility: M2 employees who cannot reasonably be granted exception comptime as provided above can be paid on a 1:1 basis for overtime hours worked

for a defined time period. This exception must be requested by the Department Head and pre-approved in advance by the HR Director and County Administrator.

10. Records: Overtime records shall be maintained by the Auditor's Office in accordance with the Federal Fair Labor Standards Act and such other requirements as the Board of Commissioners may establish.

11. Scheduling Compensatory Time Off: Compensatory time off shall be requested and scheduled according to procedures established at the department level. Unless otherwise approved by the department, compensatory time should be used before vacation.

10.4 COMPENSATORY TIME BALANCES (Non-exempt)

The maximum balance for accumulated compensatory time off shall be 120 hours. All time off must be approved in advance within the department.

10.5 OTHER WORK HOURS PREMIUMS FOR NON-EXEMPT, NON-REPRESENTED EMPLOYEES

1. Callback Pay: M3 employees who have completed their regular shift and are required to return to work shall receive callback pay as provided below:

   a) Unscheduled callback on a regular work day: Two hours plus time worked, all paid at time and one half.

   b) Unscheduled callback, regular day off (or scheduled vacation day off): First callback — Two hours plus time worked, all paid at time and one half with a minimum of two hours (on time worked). However, the two hour minimum shall not apply on additional callbacks within the same 24 hour day. Subsequent callback will be subject only to the actual time worked and paid at time and one half.

   c) Overtime which is scheduled more than 12 hours in advance or which is worked contiguous to the normal shift is not considered a callback. Day off callbacks shall be considered to be those which occur after midnight following the last day of work in the work week and before the scheduled start time on the first day of the next work week, or the equivalent if the break is scheduled vacation.

   d) Overtime pay will begin when the employee reports for duty and end when the employee is relieved from duty.

   e) Employees on standby are entitled to a minimum of two hours callback pay for the first call out in each 24 hour period of standby duty. Pay for additional call outs shall be for actual time worked.

2. Standby pay: M3 employees assigned to standby duty shall be compensated at the rate of $1.50 for each hour on standby. For the purposes of this section, standby duty assignments are defined as a requirement to remain accessible and available for a specified period (e.g. one week) and able to return to work immediately if called.

Employees, whose off-duty activities are not restricted, including those who carry a pager and/or are *subject* to being called, are not considered to be on standby.

3. Holiday Work: M3 Employees assigned or authorized to work on a holiday designated by this policy shall be paid for the holiday and also be paid at the rate of time and one half for all hours worked, or receive the equivalent compensatory time. This pay shall not compound and employees shall not be paid time and one half on a time and one half rate. As with overtime, the choice of compensatory time off requires approval of the employee and the department. Individual employees who work on both the legal holiday and the day of its observance will receive the holiday work premium on either day but not both. M1, M2 or other exempt**,** non-represented employees who work on a holiday may take an equivalent amount of time off under the County's flexible scheduling policy.

4. Overtime Meals:

   a) Employees in certain overtime work situations are authorized meal reimbursements. This policy is applicable only to non-represented employees. Overtime meal allowances are not authorized for represented employees unless authorized by the applicable labor agreement.

   b) The employee must work a minimum of four hours of overtime and overtime meals are authorized only in overtime situations which are mandatory or quasi-mandatory. Examples include required evening meetings and scheduled overtime falling on the employee's day off. Casual or discretionary overtime such as staying late to finish a report does not qualify for meal eligibility.

   c) The County will provide a $7.00 meal allowance for each qualifying period of overtime. In lieu of the allowance, the County may provide a meal.

   d) M-3 employees whose regularly scheduled shift begins after 2:00 PM or before 5:00 AM will receive a shift differential of ninety cents ($.90) per hour. Such differential shall be paid on all hours worked on the shift plus observed holidays. It shall be included in payments for paid leave only when the employee works the shift in the week before and after the leave. Short term assignments to other shifts of one week or less or assignments made to accommodate an employee's personal situation do not qualify for shift differential.

Policy No. **11.0**	**Benefits**	Page 1 of 28
Policy Sections: 11.1 Insurance Eligibility 11.1A Domestic Partner Insurance Coverage 11.1B Family Status Changes 11.1C Survivor's Benefits Due to Death of Employee 11.1D Health Insurance Continuation Due to Disability 11.2 County 457 Deferred Compensation Plan 11.3 COBRA – Continuation of Benefits 11.4 Retiree Health Care 11.5 Holidays 11.5A Holiday Pay 11.5B Floating Holidays 11.6 Sick Leave 11.7 Vacation 11.8 Paid Time Off (PTO) 11.9 Leave Donation Program 11.10 Nursing Mother's Support 11.11 Faith or Conscience Time Off		Effective: 06/12/2014 Supersedes: 01/01/2013

The County provides a comprehensive package of medical, dental, life, and disability insurance for regular employees and eligible dependents. The coverage, eligibility, premium contributions, carriers, and provisions of the plans are as determined by the applicable Collective Bargaining Agreement or as approved by the Board of County Commissioners.

Other employee benefit programs may be provided through or mandated by State or Federal governments such as workers' compensation or unemployment compensation.

11.1 INSURANCE ELIGIBILITY

PURPOSE

The County provides a comprehensive package of medical, dental, life and disability insurance for regular employees and their eligible dependents. The coverage, eligibility, premium contributions, carriers, and provisions of the plans are determined by the County's Health Care Committee, Collective Bargaining Agreements, and County Commissioners.

ELIGIBILITY

All regular full-time, part-time, project, and job-share employees are eligible for all or a portion of the benefit programs provided by the County.

- **Full-time employees:** A regular or probationary status employee working a regular schedule of 30 or more hours per week is eligible for medical, dental, life, and disability insurance.

- **Part-time employees:** A regular or probationary status employee who works 20 – 29 hours per week is eligible for medical, dental, life and disability insurance. Part-time employees in positions budgeted at one-half up to three-quarter full-time equivalency (.5 to .749 FTE) shall pay thirty percent (30%) of the employer contribution toward medical and dental insurance.

- **Project employees:** A Project employee who works a schedule consistent with either regular full-time or part-time will be provided the same benefits as outlined above.

- **Job-share employees:** A regular or probationary status employee who shares one-regular positions. A Job-Share employee shares the benefits allocated to one full-time position**.**

POLICY

Waiting Period:

Employer provided benefits, including but not limited to medical, health care and dependent day care flexible spending accounts, life and disability insurance will begin the first of the next month following date of hire, or date enrollment forms are received, whichever is later. This applies to employees in a regular, project, or job-share position.

Dental insurance will begin the first of the month following 90 calendar days of continuous service, or first of the month in which the enrollment form is received if greater than 90 calendar days.

Enrollment:

Eligible employees must complete and submit enrollment forms to the Human Resources Department to obtain coverage.

Covered Dependents:

Eligible dependents include legal spouse, domestic partner, and dependent children including the domestic partner's children who reside in the home up to age 19 or up to age 23 if a full-time student in an accredited school (unless otherwise required by federal or state law).

Coverage during Leave of Absence:

1. Unless otherwise stated in a Collective Bargaining Agreement, an employee who is on a leave of absence and in an unpaid status will lose coverage the first of the month following the first date of unpaid leave. However, if the employee returns to work on or before the first working day of the month, coverage will be continued for the month. This applies to all unpaid leaves of absence, except those covered under Family Medical Leave (FML), or as part of a workplace accommodation under the Americans with Disabilities Act (ADA) or Washington Law Against Discrimination (WLAD).

2. Life Insurance for a non-medical leave of absence, coverage will be continued by the County for up to 90 continuous calendar days. Life insurance will be continued for up to

180 continuous calendar days during a medical leave of absence. An employee who is permanently and totally disabled may qualify for continued life insurance under the Waiver of Premium provision. Contact the Human Resources Department for additional details.

3. An employee who is on an unpaid leave of absence of one week or more during his/her benefit waiting period will have his/her benefits effective date extended. Upon the employees return, coverage will be effective the first of the month following their date of return to work, or date enrollment forms are received by Human Resources, whichever is later.

4. An employee who loses coverage as a result of an unpaid leave of absence may continue medical, dental, EAP and the Health Care Flexible Spending Account by paying for continued coverage under the provisions of Consolidated Omnibus Budget Reconciliation Act (COBRA). See COBRA Continuation Section 11.3 of this policy.

Reinstatement of Benefits for Recalled Employees or Returning from Furlough:

For recalled employees (within a twelve month period) and employees returning from furlough, coverage will be reinstated the first of the month following the date of re-employment.

Multi-Party Health Care Committee:

Management and Non-Represented employees are a party to the Multi-Party Health Care Committee as approved by the Board of Commissioners. It is the purpose of the Healthcare Committee, working within the negotiated parameters, to seek a balance between the continuance of the quality of care traditionally provided to the County's employees and keeping the parties' costs to a minimum, while meeting legal and contractual obligations. The Committee shall determine the premiums, plans and cost distribution.

Contributions for Part-Time Employees:

Regular part-time employees whose budgeted regular schedule calls for thirty (30) hours per week (.75 FTE) or more will be eligible for the full County contribution for health insurance.

Regular part-time employees in positions budgeted at one-half up to three-quarter Full time Equivalency (FTE), which is .5 to .749 FTE, will be required to pay thirty percent (30%) of the employer contribution.

Please note: Temporary increases in work hours will not result in an increase in benefits available for employer contributions, unless the increase in hours continues for six (6) months or more. A change in coverage will take effect the first of the month following notification to Human Resources by the Department.

Benefit Coverage for Employees in a Job-Share:

Job-Share benefits will be provided to employees sharing the regular work hours and benefits of one full-time position. Benefits will be provided based upon a 50% division of the employer contribution for medical and dental coverage. Each employee shall have the option to enroll in

the medical and dental plan of the employee's choice. Any cost for coverage over the 50% share of medical and/or dental insurances shall be the responsibility of the employee. The employer share will be determined using the maximum amount the County would contribute for medical and dental coverage.

Each job-share employee will receive an employer provided life insurance benefit equal to 50% of the amount of coverage provided for the Life Insurance Plan employee class.

Waiver of Health Insurance:

Employees may waive health insurance coverage with proof of other group health coverage and be eligible to receive cash in lieu of benefits as follows:

	Full-time Employees (30+ hours per week or more)	Part-time Employees (20 – 29 hours per week or more)	Job-Share Employees (both employees must waive coverage)
Medical Coverage	$130.00 per month	$91.00 per month	$65.00 each per month
Dental Coverage	$ 20.00 per month	$14.00 per month	$ 5.00 each per month

Note: one-half is paid each pay period.

Long Term Disability Insurance:

Regular full-time, part-time, and job-share employees will be provided with Long Term Disability income protection in the event on a non-duty related disability.

Note: Any statement above is general in nature as specific determinations of eligibility for benefits may be impacted by contracts with insurance carriers or by changes in the County's benefits plan design.

11.1A DOMESTIC PARTNER INSURANCE COVERAGE

PURPOSE

This policy implements Domestic Partner (DP) benefits for Clark County employees, and is supplemental to Clark County's other policies concerning Benefits.

It is the policy of Clark County to make available to domestic partners of Clark County employees benefits for medical, vision, and dental coverage. For purposes of this policy, Domestic Partner includes either a same sex or opposite sex companion who meets all the requirements listed in the "Definitions" of this policy.

SCOPE

Elected Officials and regular or project employees in the M1, M2 or M3 classifications who are eligible for benefits may add domestic partners and the eligible dependent children to their medical and vision, and dental benefit plans if the domestic partner meets all the requirements listed under "Definitions".

Represented employees whose bargaining contracts provide for domestic partner benefits shall be covered under the administrative guidelines of this policy.

DEFINITIONS

For purposes of this policy, Domestic Partner includes either a same sex or opposite sex companion who meets all of the requirements listed in 1 through 8 below:

1. Share one and the same regular and permanent residence, for at least the past 12 consecutive months, and
2. Have a committed relationship, which has existed for at least 12 months prior to this enrollment for coverage and is expected to last indefinitely, and
3. Are jointly responsible for basic living expenses*, and share joint financial responsibilities, and
4. Are not married to anyone, and
5. Are both 18 years of age or older, and
6. Are not related by blood closer than would bar marriage in the State of Washington, and
7. Were mentally competent to consent to contract when their domestic partnership began, and
8. Are each other's sole domestic partners and are responsible for each other's common welfare.

** Basic living expenses means the cost of basic food, shelter, and any other expenses of a domestic partner paid at least in part by a program or benefit for which the partner qualified because of the domestic partnership. The individuals need not contribute equally or jointly to the cost of these expenses as long as they both agree they are responsible for the cost.*

POLICY

A. Type of Coverage Available:

1. Medical and Vision
2. Dental
3. Additional Life Insurance

B. When the Domestic Partner is eligible for benefits:

1. Domestic partners are eligible for enrollment pursuant to the terms of the Affidavit, and when one of the following occurs:
   a) At the time a new employee enrolls;
   b) At the time the employee enters into a domestic partnership;
   c) At the time a domestic partner loses coverage under their group health plan;
   d) At Open Enrollment.

2. To enroll a Domestic Partner and their eligible dependents the applicable carrier enrollment form must be completed along with the Affidavit of Domestic Partnership and Affidavit of Dependent Domestic Partner Status if the dependent qualifies as an IRS tax qualified dependent.

a) If enrollment of a Domestic Partner is due to a loss of his/her own group health coverage, enrollment in the County's plan must be completed within 31 days from the date their coverage terminated and a proof of loss of coverage from the domestic partner's prior employer must be included.

3. Children of Domestic Partners are eligible if they:

a) are unmarried and under age 19;
b) are a qualified dependent under Clark County health plans;
c) reside in the household unless a full time college student, or court ordered to provide dependent coverage;
d) are financially dependent upon the insured employee.

C. Terminating Domestic Partner Coverage:

1. If a Domestic Partner fails to meet one of the criteria listed under "Definitions" the employee must delete the partner and the domestic partner's covered child(ren) from their health insurance coverage. To delete the DP and their child(ren) the employee must complete the applicable medical, dental, and vision enrollment forms along with the "Statement Termination of Domestic Partnership" form. The completed forms must be submitted to HR-Benefits within 31 days of the change.

2. Application to add a new domestic partner cannot be filed earlier than twelve (12) months from the filing of a "Statement of Termination of Domestic Partnership" form with the HR-Benefits Department.

D. Tax Treatment of Benefits:

Pursuant to Federal and State law, benefits will be taxed accordingly. Specific tax treatment guidelines are covered on the Affidavit of Domestic Partnership form.

E. Filing an Affidavit of Dependent Domestic Partner:

1. If the employee's domestic partner and if applicable, their child or children qualifies as a tax dependent, they can avoid having employer-paid premiums treated as taxable income. To avoid taxation, they must complete and return the attached "Affidavit of Dependent Domestic Partner Status" in addition to the "Affidavit of Domestic Partner" form at initial enrollment or the Affidavit of Dependent Domestic Partner Status form only if there is a change after the initial enrollment. The determination of whether a person is a dependent for tax purposes is contingent on facts solely within the knowledge of the employee. The County cannot make this determination for them.

2. The employee must complete the Affidavit in the presence of a Notary Public. If the County does not receive a properly completed Affidavit from the employee, the County will assume the domestic partner does not qualify as a tax dependent.

For tax related questions, please contact a tax consultant or the IRS.

11.1B FAMILY STATUS CHANGES

Clark County's health plans allow employees to enjoy the tax advantage benefit of the Internal Revenue Code (IRC) Section 125, and are required to follow the pertinent IRC regulations. Once an employee makes a selection for benefits either at their initial enrollment or during open enrollment, the coverage will stay in effect for the entire plan year unless they have a qualified change in family status. Changes to coverage must be consistent with the type of family status change being made.

To apply for a change in coverage employees must complete the required and/or optional enrollment form(s), and provide the required documentation **within 31 calendar days from the date of the Qualifying Event (60 days for newborns)**.

- If the employee does not submit enrollment forms and documentation as required, any change requested will not be approved.

- For dependents that become eligible for coverage, and are not added during this Family Status Change period, must wait to be added during the following open enrollment. Changes made during Open Enrollment will take effect January 1 of the following year.

- If the employee is divorced or terminates a domestic partnership or they have an ineligible dependent child during the year they must be deleted immediately. Failure to remove an ineligible dependent will result in repayment of premiums and may result in corrective action for falsifying employment records. Possible prosecution may occur, as well as repayment of claims by the insurance company.

Effective Date of Change:

Changes in coverage for birth or adoption are effective as of the date of birth or date of placement for adoption. All other changes are effective the first of the month following either the Qualifying event or receipt of required forms and documents received during the 31-day enrollment period.

11.1C SURVIVOR'S BENEFIT DUE TO DEATH OF EMPLOYEE

In the event of an employee's death during active service covered dependents on the employee's health plans shall have continued coverage for one month following the death of the employee. Health plan is defined as medical, vision and dental coverage. Following the one month of continued coverage, the dependent(s) shall be offered continued coverage under COBRA.

11.1D HEALTH INSURANCE CONTINUATION DUE TO DISABILITY

The County will continue medical and dental insurance for six (6) months when a non-represented employee (M1, M2, M3) has a serious health condition, and qualifies for Long Term Disability benefits (provided the employee pays any relevant employee premium). This provision will provide coverage after the employee and their covered dependents have used other programs for continued coverage such as Family Medical Leave or paid leave of absence.

11.2 COUNTY 457 DEFERRED COMPENSATION PLAN

Clark County offers employees the opportunity to participate in the County's 457 Deferred Compensation plan, which is regulated under the Internal Revenue Code (IRC) Section 457. Specific terms and conditions of the deferred compensation plan are controlled by the approved Plan Document. Administrators of the Plan will be approved by the Board of Commissioners.

An eligible employee is a regular full-time or part-time employee who is regularly scheduled to work at least twenty (20) hours per week for twelve (12) months per year. Eligible employees may contribute up to 100% of their includable compensation up to the annual limits set forth by the IRC Section 457 regulations into one of the approved deferred compensation provider options. Enrollment in the plan is subject to the terms and conditions of the Plan Document.

Contributions from Final Pay:

Employees may contribute to their deferred comp plan any payout of vacation or sick leave upon termination or retirement from County service. Contributions can only be made under the following conditions:

- The employee must submit to Human Resources a completed Participation Agreement at least in the month prior to their cessation of employment (e.g. an employee retires in June must have a participation agreement submitted to Human Resources no later than May).

- The Participation Agreement identifies the specific dollar amount to be withheld from the payout of the sick leave and/or vacation, up to the maximum allowable for the plan year reduced by year to date contributions.

- This provision applies to any post severance compensation if it is paid within 2½ months after separation from service. This provision only applies to bona fide sick, vacation or other leave eligible for payout.

11.3 COBRA – CONTINUATION OF BENEFITS

PURPOSE

Federal law, known as the Consolidated Omnibus Budget Reconciliation Act, mandates that Clark County allow employees and/or dependents who lose group health care coverage under the County's plans a temporary extension of health coverage at group rates in certain instances where coverage would otherwise terminate.

SCOPE

Qualified Beneficiaries (QB) Include:

- Employees who lose coverage due to a reduction in hours of employment or the termination of employment whether voluntary or involuntary (for reasons other than gross misconduct on the employee's part).

- Spouse, domestic partners, and covered dependent children who lose coverage due to death of spouse/parent; termination of spouse/parent's employment (for reasons other than gross misconduct on their part); reduction in the spouse's/parent's hours of employment; divorce; dissolution of domestic partnership; spouse/parent becoming entitled to Medicare; or the dependent child ceases to be eligible under the definition of dependent child under the health plans.

POLICY

Types of Coverage:

Health care coverage defined under COBRA includes medical, prescription drug, vision, dental, the Employee Assistance Program (EAP), and the Health Care Flexible Spending Account (FSA). Qualified beneficiaries will be allowed to continue the coverage in effect the day before their qualifying event. *(Please note: prescription drug and vision coverage is included with the medical plan and is not considered a separate election option).*

Qualifying Events:

NOTIFICATION OF QUALIFYING EVENTS

Employee or Qualified Beneficiary

The employee or family member has the responsibility to inform the Human Resources Benefits of a divorce, legal separation, or a child losing dependent status under a Clark County health plan. The county must be notified no later than 60 days after the date coverage terminates under the plan. If the employee or family member fails to provide this notice to Clark County HR – Benefits during this 60-day notice period, any spouse or dependent child who loses coverage will not be offered the option to elect COBRA continued coverage. Furthermore, if the employee or dependent(s) fail to provide this notice to Clark County HR – Benefits, and if any claims are mistakenly paid for expenses incurred after the date coverage is supposed to terminate upon the divorce, dissolution of domestic partnership, or a child's losing dependent status, then the employee or dependents will be required to reimburse the health plan for any claims so paid.

Employer

Clark County will notify the employee and/or their covered dependents of their right to continue coverage in the event of an employee's death, termination of employment, reduction in hours, or Medicare eligibility

LENGTH OF CONTINUATION PERIOD

1. If a loss of coverage is due to a termination of employment (other than gross misconduct on the employee's part), or a reduction in work hours, employees will have the opportunity to continue coverage for a period up to 18 months.

    a) Additional qualifying events (such as death, divorce, dissolution of domestic partnership, legal separation or Medicare entitlement) may occur while the

continuation coverage is in effect. Such events may extend an 18-month continuation period to 36 months for the covered dependents, but in no event will coverage extend beyond 36 months from the date of the event that originally made the qualified beneficiary eligible to elect coverage. The qualified beneficiary should notify the HR – Benefits if a second qualifying event occurs during their continuation period.

2. Dependents that lose coverage due to divorce, death, or ineligibility (dependent child or domestic partner) will be allowed to continue coverage up to 36 months.

3. Employee on leave for active military service shall be allowed to continue coverage up to 24 months.

The maximum period a qualified beneficiary may continue the Health Care Flexible Spending Account (FSA) is through the last day of the plan year in which the qualifying event occurred as long as there is a positive balance in the account as of the date of the qualifying event.

Covered dependents that have a qualifying event as described above will be provided the opportunity to continue coverage for a period of up to 36 months.

PREMIUM COSTS

The cost of coverage for this continuation provision is based upon the full applicable premium associated with the health plan the qualified beneficiary is enrolled in at the time of a qualifying event, and the associated coverage tier plus a 2% administration fee as allowed by law. Premiums are subject to change in the same manner as similarly situated employees.

PREMIUM DUE DATES

The initial premium must be paid within 45 days from the date the qualified beneficiary signs the COBRA election (enrollment) form. **The initial premium MUST cover the period from the month the COBRA continuation period begins through the end of the month in which the qualified beneficiary completes the election form.** Subsequent monthly premiums are due by the 1st of the month for the month of coverage. Premiums must be received no later than thirty (30) days after the due date in order for coverage to remain in effect.

11.4 RETIREE HEALTH CARE

PURPOSE

Public employees and their eligible family members have access to the County's Retiree health plans to continue coverage under certain conditions. Retired employees (PERS, LEOFF 2 and PSERS) who are enrolled in the Clark County medical insurance program immediately prior to retirement are eligible to continue participation in a County medical plan along with their covered dependents when they retire. This retiree continuation program is a benefit made available by Clark County, and is not considered a matter of contractual rights.

SCOPE

Retiree continuation benefits and provisions for coverage.

POLICY

Eligibility for Continuation:

- Retired employees must be eligible to receive a service or disability retirement allowance under the PERS, LEOFF2 and PSERS retirement plans.

- Eligible dependents include: legal spouse, domestic partner and/or dependent children who meet the eligibility definition under the terms of the insurance contract(s).

- Employees and their covered spouses or domestic partner who become eligible for Medicare coverage will be required to enroll in both Part A Hospitalization and Part B Medical in order to continue to be eligible for the Retiree Medical Plan.

Coverage:

- The coverage made available to Retirees under this policy will be provided under the terms and conditions provided by the insurance carriers.

Election Period:

- Retired employees may elect coverage for themselves, their legal spouse, domestic partner, and/or eligible dependent children in a County medical plan within 31 days of the date active coverage ends or date their COBRA continuation period ends, if elected. (Dental coverage is offered under the continuation provisions of COBRA). Application is made for the Retiree Medical Coverage by completing the applicable enrollment form(s) within 31 days of loss of active County coverage. Retirees who do not elect coverage during the initial 31 day election period or they waive their rights to coverage cannot enroll at a later time.

- Retired employees may elect coverage under the COBRA continuation provisions and then transfer to the retiree group plan at any time during or immediately following the end of the COBRA continuation period. Individuals, who elect COBRA continuation after terminating from County employment and subsequently become retirement eligible and draw retirement benefits while on COBRA continuation, may enroll in the retiree group plan. Coverage under the County active, COBRA continuation, and retiree group plans must be continuous.

Plan Cost and Payments:

- The cost of the retiree health insurance plan will be determined by the insurance carrier based upon plan design and other underwriting criteria. The premiums are subject to change at least annually. The retiree and/or covered dependents must pay the full cost of coverage along with a 2% administration fee.

- Retired employees may continue coverage under the retiree group plan as long as the premium is paid and the County continues to offer the retiree plan coverage.

Open Enrollment:

Open enrollment shall be provided annually for active participants as determined by the County. During open enrollment, retirees will be notified of plan and/or premium changes. Retirees may change plans during the open enrollment period with coverage effective January 1. Eligible dependents may be added with appropriate supporting documentation.

Retirees Returning to a Benefit Eligible Status in the County:

- Retirees returning to work on a full time basis, or returning to work on at least half time (20 or more hours per week) or job-share basis are eligible for County benefits. Coverage will be effective under the terms and conditions available to other regular employees working under the same status. Coverage as a retiree will end the last day of the month in which he/she returns to covered employment with the County.

Retiree Survivor Coverage:

- If the retiree dies during the coverage period, covered dependents may continue to participate in the plan for a period of not more than six months.

Retirees Eligible for Medicare:

- Retirees eligible for Medicare coverage will be required to enroll in both Part A and Part B in order to continue on the County's Retiree program. Upon proof of enrollment in Parts A & B of Medicare, the County will adjust the monthly premium to reflect the Medicare coverage as primary.

- Retirees who fail to enroll in Medicare at the time the retiree and/or their spouse or domestic partner becomes eligible shall have their coverage terminated the last day of the month in which the retiree or their spouse reaches age 65 or Medicare eligibility.

Retirees Covered by another Employer Group Health Plan:

- When a retiree is covered by both the County's Retiree Health Plan and a health plan from their employer, the other employer's plan shall pay benefits as primary. The County's health plan shall pay benefits as secondary.

11.5 HOLIDAYS

The County observes the following holidays:

Holidays	Dates to be Observed
New Year's Day	January 1st
Martin Luther King Birthday	Third Monday in January
President's Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4th
Labor Day	First Monday in September
Veteran's Day	November 11th
Thanksgiving Day	Fourth Thursday in November
The Day after Thanksgiving	The Day after Thanksgiving
Christmas	December 25th

Commissioner's Holiday

In recognition of the importance of spending time with family and friends during the holidays, and as way of saying "**thank you**" for all you do, the Board of Commissioners annually grants a "Commissioners' Holiday." This holiday is subject to review annually and may or may not be granted in the future.

Specific eligibility and use:

- Normally eligible for Commissioners' Holiday (per collective bargaining agreement or county policy).
- Eight (8) hours of holiday time for full-time employees; pro-rated for part-time employees.
- Hired on or before December 31st.
- The time must be taken between December 16th and January 31st, with approval of the supervisor. Employee must be in a paid status during this period.
- No cash payment or carry forward

The Board of Commissioners may designate other holidays; however nothing in this section shall be construed to have the effect of adding or deleting the number of paid holidays in any Collective Bargaining Agreement to which the County may be a party.

11.5A HOLIDAY PAY

1. Subject to the requirements below, regular budgeted full-time employees shall receive eight (8) hours of pay for each listed holiday on which they perform no work. Eligible part-time employees shall receive pro-rated pay for each holiday equal to the ratio which

their assigned schedule bears to full-time (40 hours) employment. Employees working an irregular schedule, e.g. a 4-10 schedule, may use paid leave time to make up the difference between the eight hours of holiday pay and the hours they are scheduled to work on the holiday.

2. If a holiday falls on the employee's day off the employee shall be credited with eight hours of comp time at straight time or be paid for the holiday. However, holiday hours paid for a holiday falling on the employee's day off, shall be paid at straight time for the hours.

3. If a holiday falls on a Saturday, the preceding Friday shall be observed as a holiday. If a holiday falls on a Sunday, the following Monday shall be observed as a holiday. Individual employees who work on both the legal holiday and the day of its observance will receive the holiday work premium on either day, but not both.

4. Holidays occurring during a period of leave with pay (vacation, sick leave, or other paid leave) shall be charged as a paid holiday leave, and shall not be charged against vacation, sick leave or other paid leave. Employees in a leave without pay status either regularly scheduled work day before or after the paid legal holiday are not entitled to holiday pay. Exceptions may be granted for employees on short term (less than 15 days) unpaid leave and must be approved by the Appointing Authority and Human Resources Director.

5. Temporary employees do not receive pay for holidays not worked.

11.5B FLOATING HOLIDAYS

1. Employees shall receive sixteen (16) hours of Floating Holiday on January 1 of each year (calculated based on 2 – 8 hour days) or as provided by the applicable Collective Bargaining Agreement. Floating holiday entitlement shall be prorated for part-time employees and for mid-year hires.

2. Floating holiday hours shall be credited to the employee's holiday account each January 1st or on their hire date.

3. Prorating of floating holiday hours for employees hired after January 1 of each year shall be based on the rate of .667 hour per pay period floating holiday hours for each full time month of service remaining for the year.

4. All floating holiday leave must be used by the end of the year or forfeited. Employees who terminate during the year are entitled to pay off of floating holiday hours on the same prorated basis as mid-year hires.

11.6 SICK LEAVE

PURPOSE

Sick Leave benefits are available to employees hired on or before December 31, 2012 and who do not participate in the Paid Time Off (PTO) plan. Attendance is an important element of overall job performance. In addition to the cost, unscheduled absences disrupt the operations and

functions of the County's services and increase the burden on other employees. However, the County recognizes that illness or injuries occur, and that employee's have family members who may need care and support, therefore, Clark County provides sick leave to continue pay during absences for themselves or one of the covered family members.

Sick leave usage is permitted for the following purposes where the facts are established to the satisfaction of the Appointing Authority:

1. Illness or injury, which incapacitates the employee or one of their covered family members, or

2. Contagious disease whereby the employee's attendance at work would create a direct threat to the health of fellow employees or the public, or

3. To care for family members as provided herein, or

4. Health care and dental appointments.

SCOPE

This policy covers all Elected Officials, Department Heads, and Non-Represented regular full-time and part-time employees, as well as project employees of Clark County.

DEFINITIONS

Disability: Disabled from your job as a result of physical disease, injury, pregnancy, or mental disorder, and unable to perform the material duties of your job.

Contagious Disease: Diseases easily spread from one person to another, either directly or indirectly.

Health Care Provider: Legally recognized provider of healthcare including, but not limited to, medical doctor, physician's assistant, nurse practitioner, naturopath, chiropractor, and vision provider.

POLICY

1. Accrual

   a) Employees accrue sick leave at the rate of eight hours per month (4 hours per pay period) based on paid hours. Employees receive the full accrual as long as they are compensated for at least 80% of their scheduled work hours in the pay period. Employees who work less than 80% of their scheduled hours and who go into an unpaid status will receive a prorated amount of the accrual based upon the number of hours worked in the pay period.

   b) Regular part-time and job-share employees shall accrue sick leave based on their FTE. Employees who work less than 80% of their scheduled work hours and go into

an unpaid status will receive a prorated amount of the accrual based upon the number of hours worked in the pay period.

2. Maximum Accrual

   a) Sick leave may be accumulated to a maximum of 1,200 hours.

   b) Part-time employees shall accrue sick leave up to pro-rated maximums based upon the ratio of their full-time equivalency (FTE) to full-time employment.

3. Usage

   a) Sick leave may only be used, charged, and compensated for period of absence falling within the affected employee's regular work schedule; sick leave is compensated at the employee's regular base rate of pay including shift differential, but excluding work-out-of classification pay, and all other special or premium pay.

   b) Sick leave shall be deducted from the employee's accrual bank in increments of one-half (½) hour. Time used in increments of less than ½ hour will be rounded to the nearest half hour.

   c) Holidays occurring during a period of sick leave with pay shall be charged as paid holiday leave as long as the employee is in a paid status the day before and the day after the holiday. Paid holiday time will not be charged against an employee's sick leave bank.

   d) When the employee does not have adequate sick leave accrued, absences due to illness or injury will be treated as unpaid leave. Disability Income benefits may be available through the County sponsored disability insurance plan.

   e) If the employee has an otherwise acceptable attendance record, the Appointing Authority may authorize use of floating holidays, comp time, or vacation to continue salary during the period of absence.

   f) Nothing in this section shall be construed to guarantee approval of an unpaid leave of absence or exempt the employee from corrective action for attendance problems.

4. Family Illness Usage

   a) Employees may use sick leave in the event of an illness or injury in the employee's immediate family requiring the attendance of the employee. For the purposes of this section their **immediate family** is defined as the employee's legal spouse, domestic partner (with a completed Affidavit of Domestic Partnership on file in the HR-Benefits Department), dependent children of the employee or their domestic partner under 18 years of age, and who reside in the home of the employee and domestic partner. Also, included are the employee's parents and the step-in law equivalents.

b) Sick and/or unpaid leave may be allowed to care for such other relatives and in such circumstances as required by state and federal family leave laws and administrative regulations.

5. Medical and Dental Appointments

a) Sick leave will be allowed for healthcare and dental appointments for the employee or members of the employee's immediate family requiring the attendance of the employee.

b) Employees shall make a reasonable effort to schedule these appointments to occur during off-duty hours.

6. Reporting and Approval Requirements

a) Employees who need to use sick leave should report to their supervisor as soon as reasonably possible and no later than fifteen minutes prior to their scheduled starting time; or as otherwise established by policies and procedures in their department; or in accordance with an attendance improvement plan. Employees must call in on each day of absence unless other arrangements acceptable to the department have been made.

b) Use of sick leave is contingent upon following required reporting procedures and compliance with the purposes of sick leave. Employees who fail to call in according to procedures or fail to provide medical verification, if properly requested, may be charged unpaid time for the absence.

c) Excessive absenteeism, absence without leave, or the use of sick leave for other than its intended purpose may be grounds for corrective or disciplinary action up to and including termination.

7. Extended Absences

This section applies to extended absences charged to an employee's sick leave account. Unpaid leaves of absence for medical reasons are addressed in Section 12 (Unpaid Leave Conditions) of the Policy Manual.

a) Employees requesting extended use of sick leave beyond 3 calendar days are required to apply for leave under the Family Medical Leave or Family Care Act. Employees who have advance knowledge of an extended absence where they will be utilizing sick leave must give notice as far in advance as possible, but not less than 30 calendar days in accordance with the FML policy provisions.

b) From time to time an absence due to illness may be extended, or the date of return is not specified, or is unknown. In these circumstances, the employee or his/her representative must keep the Appointing Authority informed of the status of the illness/injury. The timing and frequency of ongoing communication with the Appointing Authority will be established by him/her.

8. Medical Verification

   The County may require a physician's certification regarding the nature and duration of an employee's disabling absence from work. The County will require a "Release to Return to Work", and/or a medical statement of an employee's ability to continue the full performance of his or her duties, or to perform those duties on an interim limited basis. The physician's evaluation must be job related and consistent with legal requirements.

9. Sick Leave Payoff

   Employees with a minimum of ten years service who resign in good standing or who are laid off will be permitted to cash out a portion of their accrued but unused sick leave at their base rate of pay according to the following formula:

Accumulated Hours	Percentage Payable
900 to 1,200	75% of hours over 900
600 to 899	50% of hours over 600
300 to 599	25% of hours over 300

   For example, an employee with a balance of 1200 hours would be paid for 450 hours: 75% of the top bank of 300 hours = 225 hours, 50% of the next bank of 300 hours = 150 hours and 25% of the next bank = 75 hours.

10. Accrued and unused sick leave hours shall move with an employee who is transferring from one County department to another County department.

11. Legal Requirements

    Policies and programs addressing the use of sick leave including the attendance policy and sick leave payoff program shall be interpreted and modified as necessary to ensure compliance with federal and state laws including the American with Disabilities Act, the Family and Medical Leave Act, and the Family Care Act.

11.7 VACATION

Vacation benefits are available to employees hired into a regular or project position (full-time or part-time) before December 31, 2012, and who do not participate in the Paid Time Off (PTO) plan. Vacation accrual and use requirements for represented employees shall be in accordance with the terms of the applicable Collective Bargaining Agreement.

1. Management 1 and 2: M1 and M2 employees accrue vacation according to the schedule below. The chart includes five (5) additional days of management leave, which recognizes the overtime requirements of their positions.

   M1 and M2 Vacation Accrual

Completed Years of Service	Hours per Month	Hours per Year	Days per Year	Maximum Hours
Start	14.67	176.00	22	352
5	15.33	184.00	23	368
10	17.33	208.00	26	416
15	19.33	232.00	29	464
20	21.33	256.00	32	512

2. M3 Employees: Management 3 employees shall accrue vacation according to the following schedule:

   M3 Vacation Accrual*

Completed Years of Service	Hours per Month	Hours per Year	Days per Year	Maximum Hours
Start	8.00	96.00	12	96
1	10.00	120.00	15	240
5	12.00	144.00	18	288
10	14.00	168.00	21	336
15	16.00	192.00	24	384
20	18.00	216.00	27	432
25	20.00	240.00	30	480
30	20.67	248.00	31	496

   ** Actual accruals will be calculated by the HR/Payroll system, and will be subject to rounding and payroll timing.*

3. Vacation Accrual

   a) Employees shall accrue vacation while in paid status. No accrual shall occur during unpaid leave or during hours worked beyond the employee's regular full-time

schedule. Part-time employees shall accrue vacation on a pro-rated basis. Non-exempt employees will receive a pro-rated accrual if they are in a paid status less than 80% of their regular schedule in the pay period.

b) Eligible employees begin accruing vacation from the first day of employment. Generally, employees are not entitled to use vacation and floating holiday hours until completion of six months of service. Exception may be granted by the Department Head or Elected Official. Employees are not eligible to receive termination payoff until completion of six months of service.

c) Vacation hours cannot be used until accrued, and must be available in the employee's account before available for use; hours accrued in a pay period cannot be used in the same pay period.

d) Service for vacation accrual purposes shall be based upon the total length of continuous active service with Clark County.

4. Maximum Accumulation: Employees may accumulate accrued vacation up to a maximum of two-times their annual accrual rate, e.g. an employee earning fourteen days per year may accumulate up to 28 days. Accruals cease upon reaching the maximum accumulation.

   The following rules govern the use and/or compensation for accrued vacation:

   a) All requests for vacation shall be approved through procedures established by the Appointing Authority. Generally, prior written approval will be expected. Oral approval may be allowed at the Appointing Authority's discretion.

   b) If a listed holiday recognized under this Policy falls on a vacation day, the holiday shall not be counted against the employee's vacation bank if the employee would otherwise be eligible for the holiday.

   c) Vacation shall, when used, be charged in minimum units of one-quarter (.25) hour, rounding to the nearest quarter hour.

   d) Vacation shall be compensated at the employee's regular base rate of pay including shift differential, but excluding out-of-classification pay and other premium and incentive pay.

5. Termination Pay Off: Upon termination of County employment with more than six months of service the employee shall be paid for all accrued and unused vacation at his or her final base hourly rate of pay, excluding shift differential.

6. Transfer from one County department to another is not regarded as a termination of employment and the employee is not entitled to pay for the accrued leave as a result of the transfer.

11.8 PAID TIME OFF (PTO)

Employees hired on or after January 1, 2013 and existing employees who elect the plan.
Paid Time Off (PTO) provides employees with flexible paid time off from work that can be used for vacation, personal or family illness, doctor appointments, school, volunteering, and other activities of the employee's choice. PTO accrual and use requirements for represented employees shall be in accordance with the terms of the applicable Collective Bargaining Agreement.

1. Management 1 and 2: M1 and M2 employees accrue PTO according to the schedule below.

Completed Years of Service	Monthly Accrual (hours)	Hours per Year	Days per Year (based on an 8 hour day)	Maximum Accumulation (hours)	Maximum Payout (hours)
Start	16	192	24	192	192
Year 1	18	216	27	432	324
Year 5	20.667	248	31	496	372
Year 10	22.667	272	34	544	416
Year 15	24.667	296	37	592	464
Year 20	26	312	39	624	512

**Note: hours are accrued on a pay period basis. Actual accruals will be calculated by the HR/Payroll system and will be subject to rounding and payroll timing.*

2. M3 Employees: Management 3 employees shall accrue PTO according to the following schedule:

Completed Years of Service	Monthly Accrual (hours)	Hours per Year	Days per Year (based on an 8 hour day)	Maximum Accumulation (hours)	Maximum Payout (hours)
Start	12.667	152	19	152	152
Year 1	14.667	176	22	352	264
Year 5	16.667	200	25	400	300
Year 10	18.667	224	28	448	336
Year 15	20.667	248	31	496	384
Year 20	22.667	272	34	544	432
Year 25	24.667	296	37	592	480

**Note: hours are accrued on a pay period basis. Actual accruals will be calculated by the HR/Payroll system and will be subject to rounding and payroll timing.*

4. PTO Accrual

   a) Employees shall accrue PTO while in paid status. No accrual shall occur during unpaid leave or during hours worked beyond the employee's regular full time schedule. Part-time employees shall accrue PTO on a pro-rated basis. Non-exempt employees will receive a pro-rated accrual if they are in a paid status less than 80% of their regular schedule. Accruals do not occur during an unpaid leave of absence or for hours worked beyond the employee's regular full time schedule.

   b) Eligible employees begin accruing PTO from the first day of employment. Generally, employees are not entitled to use PTO until completion of six months of service. Exception may be granted by the Department Head or Elected Official. Employees are not eligible to receive termination payoff until completion of six months of service.

   c) Leave cannot be used until accrued, and must be available in the employee's account before available for use; hours accrued in a pay period cannot be used in the same pay period.

   d) Service for PTO accrual purposes shall be based upon the adjusted accrual date with Clark County.

7. Maximum Accumulation: Employees may accumulate accrued PTO up to a maximum of two-times their annual accrual rate, e.g. an employee earning twenty-two (22) days per year may accumulate up to forty-four (44) days. Accruals cease upon reaching the maximum accumulation.

   The following rules govern the use and/or compensation for accrued PTO:

   a) All requests for PTO shall be approved through procedures established by the Appointing Authority. Generally, prior written approval will be expected. Verbal approval may be allowed at the Appointing Authority's discretion.

   b) If a listed holiday recognized under this Policy falls on a PTO day, the holiday shall not be counted against the employee's PTO bank if the employee would otherwise be eligible for the holiday.

   c) PTO shall, when used, be charged in minimum units of one-quarter (.25) hour, rounding to the nearest quarter hour.

   d) PTO shall be compensated at the employee's regular base rate of pay including shift differential, but excluding out-of-classification pay and other premium and incentive pay.

8. Termination Pay Off: Upon termination of County employment with more than six months of service the employee shall be paid for all accrued and unused PTO at his or her

final base hourly rate of pay, excluding shift differential up to the Maximum Payout shown in the chart above.

9. Transfer from one County department to another is not regarded as a termination of employment and the employee is not entitled to pay for the accrued leave as a result of the transfer.

10. Annual Election: Employees hired on or before December 31, 2012 will have the option to change from the traditional vacation, sick leave and floating holiday plans to the PTO plan each year during an election period as determined by Human Resources.

11. Sick Leave Reserve: Employee's hired on or before December 31, 2012 and who transfer to the PTO plan will have their sick leave balance in a Sick Leave Reserve account. This account will no longer accrue sick leave.

    a) Employee's may access their Sick Leave Reserve for their own or their covered family member's illness or injury after the first twenty-four (24) consecutive work hours (i.e. 3 days) for each absence. If the absence continues beyond 24 consecutive work hours the employee may access their Sick Leave Reserve.

    b) Employee's whose leave of absence is approved under Family Medical Leave including those with an eligible domestic partner, for Pregnancy Disability or medical care under the Domestic Violence Policy may access their Sick Leave Reserve bank immediately. In order to accurately be considered and recorded as protected leave, employees must identify the reason for and anticipated duration of their absence when calling in under their department's call-in policy or schedule in advance.

    c) Sick Leave Reserve balances are eligible for payoff upon separation of service in the same manner as described under Section 11.6.9 Sick Leave Payoff.

11.9 LEAVE DONATION PROGRAM

PURPOSE

The Leave Donation Program provides voluntary sharing of accrued vacation between employees in the event of a serious and prolonged medical condition that causes an employee to utilize all available leave, and where the leave will extend for a significant amount of time beyond the exhaustion of the employee's leave bank.

POLICY

This policy allows regular employees who have completed one year of service to voluntarily donate accrued vacation to another regular employee who has a severe illness or injury, or that of their covered family member. The Leave Donation Program is intended to be used on a case-by-case basis when a qualifying severe health condition involving an employee occurs.

This policy is not intended to cover an employee who is experiencing a normal pregnancy, has a common illness, has an illness or injury covered by the long term disability program or worker's compensation, or has incurred injury during the course of committing a felony. In addition, this policy is not intended to provide leave to any employee who has previously abused any paid leave, nor is the intent to apply to incidental, normal, short-term medical conditions.

With regard to application for participation in the program, each approved medical condition shall stand alone. An employee already approved for the leave donation program for one illness/injury, and who subsequently develops another illness/injury while under the program, will have to reapply to remain eligible for the program.

SCOPE

This policy applies to all regular employees of Clark County.

DEFINITIONS

Immediate family member – legal spouse, domestic partner and the children of the domestic partner who reside in the employee's home, son, daughter and their step equivalents, mother, father.

Severe Illness or Injury – an illness, injury, impairment, or physical condition that a health care provider certifies as totally incapacitating. The illness or injury may also require inpatient, hospice, or residential care. Examples of severe illnesses include, but are not limited to: cancer, major surgery, or a heart attack.

Length of Leave – normally, the employee must be absent from work for their own severe illness or injury for an extended period of time, generally up to the end of the waiting period for Long Term Disability Benefits. Leaves for covered family members will normally be considered on the same basis.

Unpaid leave of absence – an extended leave without pay for a medical reason that has been approved by the department head.

ELIGIBILITY TO RECEIVE DONATION

An employee may request Leave Donation by completing the Leave Donation Request form, which is located on the County's HR Intranet site under Benefits

Leave Donation may be requested if:

- The employee is suffering from a severe illness or injury as defined under the Family Medical Leave serious health condition definitions which has caused or is likely to cause the employee to take extended leave without pay or to terminate employment; or
- The employee's need for extended leave is a consequence of providing care for a severely ill or injured family member; and
- The employee meets the County's attendance standards prior to the illness for which the donation is requested; and

- The employee has exhausted all accrued paid leave including, sick leave, vacation, floating holiday, comp time and/or Paid Time Off.
- Donations will only be provided up to the maximum disability plan waiting period (e.g. 60 calendar days).

ELIGIBILITY TO DONATE

An employee may request to donate accrued vacation leave to another employee by completing the Leave Donation form located on the County's HR Intranet under Benefits. The donation may be for an employee within their department or another department when that employee has requested Leave Donation and the request has been approved.

Donating employees must:

- be a regular County employee who has complied with the County's attendance policies; and
- meet the attendance standard; and
- retain eighty (80) hours of vacation or PTO leave on the books at the time of the donation; minimum should be prorated according to donor FTE, or a prorated amount based upon the employee's FTE; and
- donate a minimum of four (4) hours.

Accruals that a donor would otherwise forfeit because they have reached the maximum vacation/PTO accrual or are not be entitled to use, are not eligible to be donated.

Leave must be donated on a voluntary basis.

Leave Donation between Family Members

When two County employees are immediate family members, and one has a serious illness or injury, the other family member may donate vacation or PTO even if the time away from work is not for a prolonged period of time.

PROCESS

The employee requests Leave Donation by completing the "Leave Donation Request Form". *If the employee is not available, the Department Head or their designee may make the request on behalf of the employee.* Once completed, the employee submits the request to their department head. The department head can recommend or disagree with the request. If any attendance issues/violations have occurred with the employee, the department manager should make note of information on the request form.

The Leave Donation Request Form is submitted to the HR Representative for their respective department. The HR Representative reviews the request, and makes a determination based upon the criteria set forth.

The recipient will only be provided with the amount of donated leave that is actually needed. Of the vacation that is donated, only the amount of time to keep the employee in a paid status for the pay period will be included in their bank. Excess donations will not be credited to the employee

until they are needed. Donations will be credited on a first come first served basis. Hours not credited to the receiving employee will remain with the donating employee.

Medical verification of the illness or condition is required by the Human Resources Department. Medical information submitted for Family Medical Leave may be considered in determining eligibility for requesting donated leave.

SOLICITATION OF LEAVE

Solicitation of the donation of vacation or PTO leave can occur as follows:

1. The solicitation of leave will be made at the department level initially and communicated by a department email notice.

2. If department level donations are insufficient, solicitation may be expanded to other county departments.

The solicitation for donation will be restricted to the information the employee has authorized:

TAX IMPLICATIONS

Recipient: The use of any donated leave will constitute wages for the recipient subject to all payroll tax withholding.

Donor: The donor receives no benefits or tax penalties for the donation.

RETIREMENT REPORTING

Compensation received from donated hours does not qualify as reportable earnings for PERS, PSERS, or LEOFF 1 retirement purposes in accordance with the applicable RCW. Leave donation is reportable compensation for LEOFF 2 covered employees.

CONFIDENTIALITY

Confidentiality is an important aspect of the Leave Donation program, and it is expected that all staff, (e.g. donors, recipients, administrators, and managers/supervisors), regardless of their decision to participate or not will ensure confidentiality of the requesting employee's request.

OTHER

This program is not an additional leave entitlement or benefit, but rather a means of allowing employees to assist one another in a time of need.

11.10 NURSING MOTHER'S SUPPORT

PURPOSE:

To support nursing mothers returning to work.

POLICY:

Clark County recognizes the many benefits associated with breastfeeding to promote optimum growth and development of infants, and that more women are electing to continue breastfeeding after returning to work. Clark County is committed to supporting breastfeeding mothers in order to help them make the transition back to work easier, and encourages employees and management to have a positive, accepting attitude toward working women who choose to nurse their infant after returning to work. This policy is in support of federal and state law.

SCOPE

This policy applies to all regular and project employees, and individuals working on a temporary basis of Clark County. The policy does not apply to employees of the Clark County Sheriff's Office.

PROCEDURE:

1. **Lactation Time:**

   a) The County encourages managers and supervisors to allow for a flexible work schedule for nursing mothers. Most nursing mothers typically require reasonable breaks (i.e. 15 to 30 minutes duration) to express milk. These breaks should normally coincide with the employee's regularly scheduled break with brief extensions as needed.

   b) Flexible Work Schedule – employees may request a flexible work schedule subject to approval by the manager or supervisor. The lunch hour may be modified or the beginning and/or ending of the work day may be adjusted to accommodate longer breaks to ensure a full work day.

   c) Use of Paid Leave – employees may use their vacation, floating holiday, or comp time or unpaid time if accrued leave time is not available to cover the extra time needed.

2. **Lactation Room Location** – the county provides two private and comfortable lactation rooms with a refrigerator to store expressed milk.

   a) Public Service Center (PSC) – first (1st) floor, Room 116

   b) Center for Community Health (CCH) – 4th floor, Room A427

c) For facilities other than the PSC or CCH, a sanitary and private environment that is shielded from view and is free from intrusion from co-workers and the public will be made available.

3. **Lactation Room Use**

a) Public Service Center – keys may be checked out in Human Resources for a period of up to three (3) months. If an extension is needed, notify Human Resources. Staff is responsible for returning keys in a timely manner.

b) Center for Community Health – room is accessible without a key during regular building hours; swipe card access is required outside regular hours.

c) Labeled breast milk can be stored in refrigerators in the employee break room or in the lactation room. Containers must be clearly marked and dated. Milk left for more than four (4) days may be discarded.

d) Nursing mothers must provide their own breast pump and other supplies.

e) The lactation room is solely for the use by nursing mothers for the purpose of expressing breast milk. The room may not be used for any other purpose.

f) Employees who are ill should refrain from using the room out of respect for others.

g) Registered Dietitians employed through Public Health are available to provide support and educational information to breastfeeding employees and can be reached by calling 397-8000 and asking for Nutrition and Family Wellness.

4. **Communication** – Information about the program will be provided to current and new employees**.** Additional information on breastfeeding is also available on the HR Intranet site.

11.11 FOR REASONS OF FAITH OR CONSCIENCE

PURPOSE:
To provide employees to up to two (2) unpaid days off 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 holiday."

SCOPE:

This policy is established in accordance with state law effective June 12, 2014.

DEFINITIONS:

Employee – a regular full-time, part-time, job-share or project employee.

POLICY:

An employee may take up to two (2) unpaid calendar days off upon approval by their Department Head or Elected Official or their designee. Partial day absences will count as a full day toward the yearly allotment of two days.

On January 1 of each year employees are eligible for two days. New employees are eligible for two days upon their hire date. Unused days expire on December 31; they do not accumulate year to year.

Paid days are not substituted for unpaid days under this policy. Employees who want to take time off using vacation or PTO must request a day in accordance with County Policy or their respective collective bargaining agreement, and their department's request procedures.

REQUESTING TIME OFF

Employees may request time off under this policy by submitting the "Unpaid Time Off for Reasons of Faith or Conscience" leave request form to their Department Head or Elected Official or their designee. This form must be submitted at least two weeks in advance of the need for leave unless it can be demonstrated that timely notice was not possible.

The request must include the following information to be considered:

- the day(s) or partial day(s) being requested
- a sufficient description of the reason for the leave
- if the request is untimely, the reason why it was not possible to submit the request in a timely manner

The request may be denied if:

- it was not submitted in a timely manner, or

- the reason for the requested leave is not appropriate under the law, or
- the two (2) days have been taken for the calendar year , or
- granting the request would cause an undue hardship; or
- the employee is necessary to maintain public safety.

Definition of "Undue Hardship" as established by the Washington State Office of Financial Management. Undue Hardship is defined as an action requiring significant difficulty or expense to the employer. The following factors should be considered when determining whether approving unpaid leave results in an undue hardship.

- The number, composition, and structure of staff in the department, division or program.
- The financial resources of the county, department, division or program. Is the cost greater than a deminimus cost in relation to the county, department, division or program.
- The number of employees requesting leave for the same day off.
- Service impact on the department or the program as it relates to the type operation, or if it is a matter of public safety.
- Geographic location or separation of worksite.
- Nature of the employee's work.
- Deprivation of another employee's job preference or other benefit guaranteed by a bona fide seniority system or collective bargaining agreement.
- Any other impact on the department's operation or program due to the employee's absence.

UNPAID TIME OFF FOR REASONS OF FAITH OR CONSCIENCE
LEAVE REQUEST FORM

Name: _____ Date of Request._____

Days off Requested:_____ Start Time: _____ End Time: _____

State Reason for Request: _____

_____

_____

_____

Please note: Partial day leave use is counted as one full day allotment per calendar year.

Request Granted: ___ Request Denied: ___

Reason for Denial:

_____

_____

_____

Signature Date

Human Resources

☐ Approved ☐ Denied, Reason: _____

Signature: _____ Date: _____

Policy No. **12.0**	**Leaves of Absences**	Page 1 of 30	
Policy Sections: 12.1 Family Medical Leave (including Pregnancy Disability) 12.2 Family Care 12.3 Military Leave 12.4 Bereavement and Funeral Leave 12.5 Domestic Violence Leave 12.6 Civic Duty Leave 12.7 Workers Compensation Leave 12.8 Leaves of Absence-Personal/Educational 12.9 Employees in Unpaid Status		Effective: Supersedes:	09/22/2009 06/01/2005

The leave of absence sections identify polices and procedures related to Federal and State mandated leaves of absence, as well as unpaid leave conditions.

12.1 FAMILY MEDICAL LEAVE (including Pregnancy Disability)

PURPOSE

An employer mandate to provide employment rights to employees who need time off work to provide care for themselves or covered family members in the event of a "serious health condition" pregnancy disability, Military Caregiver, and Qualified Exigency under the applicable Federal and State leave laws. Where applicable, leave taken will be applied under all Federal and State leave laws concurrently.

For non-serious health conditions for dependent children, see the Family Care policy.

SCOPE

All County departments and employees.

POLICY

Clark County provides leave for family medical reasons in conformance with the Federal Family and Medical Leave Act (FMLA), the Washington Family Leave Act (WFLA), and Pregnancy Disability rights. As the laws change, Clark County shall comply with the mandated changes. The purpose of these laws is to provide certain rights for employees to respond to their own health needs and those of their family members without being penalized for taking such leave and to guarantee reinstatement to the employee's former or equivalent position. Clark County's Family and Medical Leave policy has been designed to consolidate the provisions of both State and Federal laws in such a way as to allow employees the maximum advantage. Where applicable this policy will run concurrently with the Family Care policy. Since Family Medical Leave (FML) is an employer mandate, the county may, at its discretion, designate an employee's absence as FML.

DEFINITIONS

- Eligible Employee – shall mean an individual with a regular appointment to a County position. In certain circumstances this may also cover a Project Employee.

- Child – shall mean a biological, adopted or foster child, a stepchild, a legal ward, or the child of a person standing in loco parentis, (i.e. the individual acted as a parent and who had day to day responsibilities to care for and financially support the employee) who is 18 years of age or younger, or who is older than 18 but incapable of self-care because of a mental or physical condition that exists apart from the serious health condition. In addition, an adult child with an acute onset of a serious health condition may be covered.

- Covered Service Member – means a member of the "Armed Forces" including a member of the national Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status or is otherwise on temporary disability retires list for a serious injury or illness.

- Parent – shall mean the biological, step or adoptive mother or father of the employee. Parent also includes an individual who stood in loco parentis to the employee when the employee was a child. A legal or biological relationship is not necessary. Parent-in-law is not covered under this policy.

- Next of Kin – for purposes of the military leave provisions only, "Next of Kin" is defined as the "nearest blood relative" of the employee (injured veteran). *Note: this definition will change with the final regulations for this law update.*

- Intermittent Leave – is leave taken in separate blocks of time due to a single qualifying reason.

- Military Related Leave – means leave for those family members who are called to active duty or are notified of an impending call or order to active duty in the Armed Forces (including Reserves and National Guard) in support of "contingency operation." This leave does not apply to Reservists or National Guard participating in the annual required training.

- Line of Duty – means injuries and illnesses that arise in the line of duty during active service. All injuries experienced during active service are found to be in the "line of duty", unless they result from the individual's gross misconduct.

- Reduced Schedule – means a leave schedule that reduces the usual number of hours per work week or hours per work day for an employee.

- Equivalent position – shall mean a position in which the employee enjoys the same status, seniority, rate of pay, and benefits.

- 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 subsequent treatment resulting from such inpatient care; or
- A period of incapacity of more than three (3) consecutive calendar days, and any subsequent treatment by a health care provider with two or more treatments or one treatment by a health care provider with a regimen of continued treatment (a regimen of continuing treatment that includes taking over the counter medications such as aspirin, antihistamines, bed rest, drinking fluids, etc., without a visit to a health care provider, is not, by itself, sufficient to constitute a regimen of continuing treatment under this section; or
- Any period of incapacity for pregnancy or prenatal care. However, leave needed for prenatal care or pregnancy shall be covered under the Pregnancy Leave Policy and leave will not be counted as FML;
- Any period of incapacity or treatment of such incapacity due to a chronic serious health condition (e.g.. asthma, diabetes); or
- Permanent or long-term incapacity due to a condition for which treatment may not be effective (Alzheimer's, severe stroke, etc.); or
- Any period of absence to receive multiple treatments either for restorative surgery after an accident or injury that would likely result in a period of incapacity of more than three (3) days if untreated; or
- Substance abuse may be a serious health condition if one of the other conditions listed above are met, but only for the treatment of substance abuse by a health care provider or by a provider of health care services upon referral by a health care provider. Absence from work because of the employee's use of substance, rather than for treatment, does not qualify for leave; or
- An illness, disease or condition that poses an imminent danger of death, is terminal in prognosis, or requires constant care.

Note: Health conditions not considered serious (unless complications arise) include, but are not limited to: short term illnesses (common cold, flu, ear aches, upset stomach, ulcers, headaches other than migraines), routine dental or orthodontia problems, cosmetic treatment or routine physical exams.

- Pregnancy includes, but is not limited to, pregnancy, the potential to become pregnant, and pregnancy related conditions.

- Pregnancy Related Conditions include, but are not limited to related medical conditions, miscarriage, pregnancy termination, and the complications of pregnancy; (i.e. morning sickness, edema, gestational diabetes, et al).

- Reasonable Accommodation will be provided as feasible to allow the employee to properly perform the essential functions of their job based upon medical documentation from the treating health care provider.

ELIGIBILITY

In order to qualify for leave under the FML policy, the employee must meet all of the following conditions:

The employee must be a regular status, probationary, project, or temporary employee who is employed by Clark County and paid through Clark County's payroll. Employees who are absent from work due to service in the National Guard or the Reserves shall have their time spent in the military service count toward the eligibility requirements.

The employee must have worked for Clark County for at least 12 months or 52 weeks and at least 1250 hours during the preceding 12 month period immediately before the date the leave is to begin. The 12 months or 52 weeks need not have been consecutive. For eligibility purposes, the employee will be considered an employee for an entire week even if the employee was on the payroll for only part of a week or the employee is on paid or unpaid leave during the week.

WHO IS COVERED

- Employee
- Legal Spouse
- Domestic Partner (must have a signed Affidavit of Domestic Partnership on file in HR-Benefits)
- Child – biological, adopted, or foster; stepchild, legal ward, or child of the domestic partner who reside in the employee's home or where there is an In Loco Parentis** relationship. The child must be under the age of 18, unless he/she is "incapable of self-care*" because of a mental or physical disability.
- Parent (biological or an individual who stood in loco parentis** to the employee when the employee was a child),
- Next of Kin for purposes of return from active duty – nearest blood relative.

**Incapable of self care means "unable to care for his or her own basic medical, hygienic, or nutritional needs or safety, or is inable to transport himself or herself to the Health Care provider, etc.*

***An "In Loco Parentis" is a person with whom an employee has developed a parent/child relationship in the absence of a biological or adoptive parent, and in the parental role the individual is responsible for the day to day care and financial responsibility of the child.*

TYPES OF LEAVE COVERED

In order to qualify as FML under this policy, the employee must be taking leave for one of the reasons listed below:

1. Serious Health Condition of the employee. An employee may take leave because of a serious health condition that makes them unable to perform the functions of their job.
2. Care required for the employee's legal spouse, child, or parent due to a serious health condition.

3. Birth of a child and care of the newborn child, except where covered under the Pregnancy Leave Policy.

4. Adoption of a child or placement of a foster child in the employee's home.

5. Care of spouse, child, parent or next of kin, who is a service member undergoing medical treatment, recuperation or therapy, is on out-patient status, or is on the temporary disabled retired list for a serious injury or illness.

DURATION OF LEAVE

FML – Up to 12 Weeks of Leave is available to eligible employees in a 12 month period. Leave equivalent to twelve weeks may be taken on an intermittent basis or a reduced leave schedule if medically necessary. Part time employees are eligible for a pro-rated amount of the 12 weeks or 480 hours based upon their FTE. For example: a .5 FTE employee is eligible for 240 hours.

Military Family Leave – Up to a combined total of 26 weeks of leave for eligible employees reduced by any need for leave due to a serious health condition. In no event shall leave exceed 26 weeks. In addition, this leave is a one-time leave and must be exhausted within 12 months from date of request. Once used it is not available in the future. Note: the combined total includes any other FML leaves during the 12 month period.

Rolling Twelve-Month Period – The amount of leave time available is determined by using the "Rolling Twelve Month" method. This method looks at the previous 12 months from the date the employee is requesting the leave will start to determine how many eligible weeks/hours the employee has available for their request.

Birth, Adoption or Foster Care Leave – twelve (12) weeks of leave for the birth or placement for adoption or foster care for an employee's child must be taken and concluded within one (1) year from the date of birth or placement. Parental leave must be taken in a consecutive period of time, unless the employee's supervisor approves leave on another basis such as a reduced work week or a scheduled intermittent leave.

- For intermittent time off or a reduced work schedule, the employee's supervisor and the employee must mutually agree to the schedule before the leave begins.

- If a husband and wife both work for Clark County, and each wishes to take leave for the birth of a child, adoption or placement of a child for foster care they each may take 12-weeks of leave.

Intermittent Leave or Reduced Work Schedule – When the leave is for the employee's own serious health condition or the serious health condition of a covered family member FML can be used intermittently or under certain circumstances used to reduce the work week or work day, resulting in a reduced hour schedule, up to the 12 week FML maximum.

Temporary Transfer – The County may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule.

CERTIFICATION OF SERIOUS HEALTH CONDITION

The County will require certification from the attending health care provider(s) for leave to care for an employee's eligible family member with a serious health condition or the employee's own serious health condition, including disability for pregnancy and following childbirth. The medical certification form must provide all required information in order to determine if the condition meets the definition of Serious Health Condition.

If leave is foreseeable, this information must accompany the request for FML at least 30 days in advance of the leave. The Medical Certification by Physician or Health Care Provider must be submitted within 15 calendar days from the date requested by HR.

If the leave is unforeseeable, the employee must submit an *FML Request form* and *Medical Certification by Physician or Health Care Provider* as soon as practicable or within 48 hours from the start of the leave.

Failure to provide Medical Certification may result in denial of the rights and protections of this policy and applicable laws.

If the serious health condition is related to a family member, the attending health care provider must attest on the Medical Certification by Physician or Practitioner form that the employee is needed to provide care.

Second Opinion – if there is reason to doubt the certification from the employee's health care provider, the County has the right to require a second opinion from a physician of the County's choosing and at the expense of the County.

Third Opinion – if necessary to resolve a conflict between the original certification and the second opinion, the County may require the opinion of a third health care provider. The County and the employee will jointly select the third Health Care provider, and the County will pay for the opinion. The third opinion will be considered final.

HEALTH CARE PROVIDER

All of the following are recognized health care providers, provided they are authorized to practice by the State in which they practice:

- Doctors of Medicine or Osteopathy
- Podiatrists
- Dentists
- Clinical Psychologists
- Optometrists
- Chiropractors (limited to manual manipulation of spine to correct subluxation shown to exist by x-ray)
- Nurse Practitioners

- Nurse Midwives, if authorized to practice under State law and consistent with the scope of their authorization
- Clinical Social Workers
- Any health care provider recognized by the County's group health plan
- Christian Science practitioners listed with the First Church of Christ Scientist in Boston, MA
- A health care provider as defined above who practices and is licensed in a country other than the United States.

PREGNANCY DISABILITY LEAVE

Pregnancy Disability Leave provides an additional period of covered absence when an employee is pregnant; has pregnancy related conditions or child birth. The amount of time taken for Pregnancy Disability will not reduce the amount of time available under FML. The employee will be required to use all accrued paid leave, starting with the use of sick leave for pregnancy related absences. If accrued paid leave has been exhausted, the employee may take unpaid leave.

- Requesting Pregnancy Leave

    - The employee shall notify her supervisor/manager and HR-Benefits at the earliest possible date of the need for pregnancy disability leave. Medical certification will be required.

    - If the employee's need for pregnancy disability leave extends beyond the date originally estimated by the health care provider, the employee must provide an updated medical certification form explaining the medical necessity for the extension and the estimated duration.

- Upon release from the employee's attending health care provider, the employee may take Parental Leave up to 12 weeks in a 12 month period in accordance with the FML provisions. If the employee wishes to return to work following pregnancy disability leave, she shall be reinstated to the same or equivalent position she had prior to the leave.

- The total amount of time an eligible employee may take for pregnancy disability and FML combined is the amount of time the employee is disabled due to pregnancy or child birth, and up to 12 weeks of parental leave under FML.

HEALTH BENEFIT CONTINUATION

Employees taking approved FML will have their employer-provided group health benefits continued for the period of their approved pregnancy disability and/or FML.

Benefits to be continued while on an approved leave include medical, (including prescription drug and vision coverage), dental coverage, and services under the Employee Assistance Program and under the same terms as the employee received while actively at work. In addition, the County will continue the group term life insurance for a period of 90 calendar days in accordance with the Group Term Life Insurance policy. An employee will be able to continue contributing through payroll to his or her active health care reimbursement spending account

during the 12-week period thus continuing to be eligible for expenses incurred during their leave. They may also continue the additional life insurance policy for a period of 90 calendar days provided they pay the full premium on or before the first of each month. Participation in the Dependent Care – FSA may not be continued during the leave of absence in accordance with IRC regulations.

During the leave, if the employee is in an unpaid status, he or she will be responsible for paying his or her share of any applicable health or life insurance premiums directly to the County. If the employee is in a paid status at the time premiums are normally collected, the employee's contribution will be withheld from his or her pay.

If the employee will be on an extended leave of absence beyond the approved leave (Pregnancy Disability and/or FML) health insurance coverage will end the last day of the month in which the employee's approved leave ends. Life Insurance (GTL and ADL) coverage ends on the 91st day of the approved leave, however premiums are paid through the end of the month in which coverage terminates.

SERVICE ACCRUAL AND OTHER BENEFITS

- An employee is entitled to the same level of seniority held when they went on leave. However, when the employee is on leave for 15 calendar days or more their salary anniversary date and accrual date will be adjusted for the period of time they are on leave and rounded to the first of the next month. The only exception to this provision is required for pension vesting (PERS).

- Vacation and sick leave benefits will only accrue during the leave when the employee is in a paid status. Employees on FML at the end of the year shall be granted their annual Floating Holiday benefit upon their return to work. The benefit will not be prorated for the period of time they were on an approved leave.

- Upon the employees return from FML, they are entitled to any applicable cost of living increase granted during their leave, which will be effective as of the date of their return to work.

- Step increases and Merit increases, subject to performance review, will be delayed until the employee returns from leave and will be effective as of the date of their return to work.

- Attendance – leave time under FML will not count against the 8/8 Attendance Policy, the sick bonus plan, or any safety bonus.

PAID LEAVE

If an employee is taking FML to care for a seriously ill family member or themselves, the employee must exhaust all accrued sick leave prior to using vacation, or floating holiday. Employees may not go into an unpaid status until all of their leave banks are exhausted. *Note: Use of sick leave for family members must comply with the applicable collective bargaining contract or County policy identifying covered family members.* Payment for comp time is not

counted as time under FML. Comp time should be used during the Pregnancy Disability Leave or at the end of their FML leave if the employee needs an extended period of time.

In the event of the death of the eligible family member for which the employee is providing care while on FML, bereavement leave shall be taken for the applicable days following the family member's death. Bereavement leave shall be taken in accordance with the applicable collective bargaining agreement or County Policy. The approved FML shall end as of the date of death of the family member.

Military Related Leave: Employees shall be required to use their accrued paid leave to care for a covered family member who has a serious health condition as defined above. For "Next of Kin" only vacation or Floating Holiday may be used.

UNPAID LEAVE

In many instances, an employee will use some unpaid leave during an FML. If an employee is using both accrued paid leave and unpaid leave, the unpaid leave shall not begin until all accrued paid leave is exhausted. Once an employee goes into an unpaid leave, they will remain in an unpaid leave status until they return to work.

A department director can approve additional leaves without pay consistent with the applicable collective bargaining agreement or County policy regarding Personal Leaves of Absence. If an employee goes into an unpaid leave status during an approved FML, this unpaid time counts toward the unpaid period that may be approved by the department head.

Pay docking for exempt employees is allowed under FML for time not worked because of a reduced schedule leave. This will not jeopardize the employee's exempt status under the FLSA. Therefore, if an exempt employee is off work on a reduced work schedule and they run out of accrued paid leave, the County will reduce their pay for the hours they did not work.

WORKER'S COMPENSATION LEAVE

Employees away from work on an extended leave of absence covered under worker's compensation shall have their time counted against the 12 weeks of Family Medical Leave as long as the employee worked 1250 hours in the preceding 12 months.

WORKING FROM HOME DURING LEAVE

Certain circumstances may warrant the need for employees to work from home. With the approval of the employee's manager, and their attending health care provider via written documentation, the employee may work from home on a limited basis. *Please note: This is not telecommuting in accordance with the telecommuting policy.*

The amount of work from home should be limited to only those duties that will not cause the health condition to worsen or continue beyond the period of time the health care professional indicates is necessary for the employee to recover.

The time the employee works from home shall not be counted as time under the FML policy and applied against the 12 weeks of leave, and shall be paid as regular pay, but only for the amount

of time actually worked. This also applies to exempt employees as FMLA provisions allow for exempt employees to have their pay reduced or charged to their accrued paid leave bank for the amount of time they are on leave and not working. The employee's time sheet should be coded as REG for the time worked.

RETURN TO WORK

If an employee has been on leave due to his or her own serious health condition, the employee must provide the supervisor with a *Release to Return to Work* form completed by their health care provider. Any information regarding limitations or restrictions must be included in order to allow the department to consider providing necessary reasonable accommodation(s). The "Release to Return to Work" form must be forwarded to Human Resources to be retained in the employee's medical file.

When an employee returns from an approved FML, he or she shall be restored to his or her former position or an equivalent position without loss of seniority or previously accrued benefits or rights possessed at the beginning of the leave, except for paid leave the employee used during the leave of absence.

The County retains the right to deny an employee's return to work due to the following: 1) the employee would have lost the job due to layoff if he/she had not been on leave; 2) the employee fraudulently obtains family medical leave; 3) the employee violates the County's policy and is subject to discipline; and/or 4) upon return, the employee fails to provide a completed and accurate *Release to Return to Work.*

An employee taking an approved FML may cancel the leave and notify the employer of his or her request to return to work. The employee must be returned to work within a reasonable timeframe, (normally 2 – 4 work days) with an accompanying "Release to Return to Work," pursuant to any restrictions; and whether a full release or partial release. If there is less than a week of FML remaining, the employee may be reinstated at the end of the leave as originally scheduled. The employee must request this exception in writing.

FAILURE TO RETURN FROM LEAVE

Certain regulations apply to situations where an employee voluntarily terminates employment during an approved leave or fails to return to work at the end of the leave. In these instances, the County retains the right to require repayment for the cost of health insurance provided during any unpaid FML period.

In the event that failure to return to work is beyond the employee's control, such as severe deterioration of the health status of the employee or the family member or the employee elects retirement, this provision will not apply. If failure to return is due to continuation, recurrence or onset of a serious health condition, medical certification will be required within fifteen (15) calendar days from the date the County requests the information.

An employee who fails to return to work following an approved leave and who does not qualify for or is not granted additional leave by the department head or manager shall be treated as if resigned. The department head or the employee's manager will provide the employee written notice of the intended action. If the employee fails to respond to the notice within five business

days of the notice being sent, the personnel action will be final on the date the leave of absence was scheduled to end.

In the event the employee does not return to work at the end of their approved FML or Pregnancy Disability period, continued benefits will be subject to the provisions under COBRA. Eligibility for continued coverage begins the first of the month following the end of the 12-week period of FML. This will also apply to situations such as: a) additional unpaid leave, subject to County approval; b) voluntary termination; or c) failure to pay the employee-portion of the health premium during the approved leave.

REQUEST PROCEDURES

An employee must submit a request for FML either verbally or in writing to his or her supervisor at least thirty (30) calendar days in advance of the leave. In situations where an emergency arises and the need for the leave is not anticipated, the employee must notify his or her supervisor as soon as practicable. The employee or manager must contact HR to request an FML packet which contains the Employee Request form, Medical Certification by a Health Care Provider, Benefits Continuation, and other important information.

Since actual dates of leave often cannot be determined in advance, the employee should estimate the dates as closely as possible at the time of the request. If the date(s) are different than those originally submitted, the employee's supervisor will be responsible for notifying HR-Benefits of the actual date the leave began. The start and end dates of FML will be amended upon receipt of this information.

In instances where the leave is taken for the illness of the employee or family member, the Family Medical Leave Request form must be accompanied by a health care provider's certification documenting the need for the leave. If a medical certification is unavailable due to emergency or unanticipated leave, the employee must provide such certification within fifteen (15) calendar days after submitting the request form.

Employees or department managers/representatives may request forms by contacting HR – Benefits.

SUPERVISOR'S RESPONSIBILITY

Upon receipt of *a Family Medical Leave Request* form, the Supervisor/Manager signs the form and sends it to HR – Benefits in a confidential envelope. Note: signature of the form does not constitute approval; it is an acknowledgement of awareness of the requested leave.

If leave is unforeseen or no advance notice is given, the supervisor shall notify the employee verbally that the leave is to be counted as provisional FML, and contact HR so that an FML letter can be sent to the employee.

Due to requirements under the Americans with Disabilities Act and FMLA, information related to the employee's medical condition for either the employee or a family member cannot be retained in the department's and/or supervisor's files. It is important that these forms are submitted to HR - Benefits for inclusion in the employee's medical file.

Upon receipt of a *Family Medical Leave* request, HR – Benefits will send a copy of the FML determination letter to the department and employee outlining the approved dates of leave and type of paid/unpaid leave to be used.

Timesheets: The employee and/or supervisor must submit timesheets using the appropriate codes for hours taken as FML. These codes will be detailed in the FML determination letter, and are outlined in this policy under Pay Codes. Pending formal approval of FML, any leave time used must be coded as FML. If the request is denied, the employee's FML file will be documented.

If the employee's status changes to Leave without Pay, the department must submit an updated Personnel Action Form to HR showing a status of "Leave of Absence – FML" and identify the effective date the employee goes into an unpaid status.

Upon completion of a Family and Medical Leave the department must submit a Personnel Action Form as follows:

- If employee will continue to be on a medical leave of absence, but not FML, then the Personnel Action Form must identify a leave of absence for medical reasons, and provide the start date of the leave. In the comments section of the PAF, be sure to identify the anticipated return to work date.
- If the employee is returning to work, the department must submit a Personnel Action Form returning the employee to active status.
- If the employee is returning part time on a transitional basis (2 weeks or less), then the PAF can reflect a return to full time employment with a notation in the comments section that the employee will be working part time and the corresponding amount of time.
- If the employee is terminating their employment at the end of the FML period, a PAF must be submitted showing termination of employment. Failure to return at the end of the FML period may subject the employee to "ineligible for rehire," as determined by the manager and/or Human Resources.

HUMAN RESOURCES RESPONSIBILITY

Upon receipt of the *Family Medical Leave Request* form, HR – Benefits will make an eligibility determination and if the employee is eligible will conditionally qualify the leave within the scope of the Federal and/or State Family Medical Leave Act(s).

HR – Benefits will issue an FML determination letter copied to the department stating the status of the request, the period of time approved, and information on coding the employee's timesheet. If HR – Benefits is notified of a change in the start or end dates, HR – Benefits will send an updated determination letter with the revised dates to the employee and their department.

If an employee will be away from work on a continuous leave of two weeks or more the department must submit a Personnel Action Form to HR showing a leave with pay for Family and Medical Leave.

REPORTING REQUIREMENTS

The law requires specific posting and record keeping. Each department is required to post the "Federal Family and Medical Leave Act" poster in an accessible location. Records on the use of

Family and Medical Leave are subject to audit by the Department of Labor; therefore, it is necessary that supervisors comply with timely notification of any FML and applicable time used.

If you have any questions on the Family Medical Leave policy for such leaves, please contact HR – Benefits.

12.2 FAMILY CARE

PURPOSE

The Family Care Act provides employment rights for employees who need time off work to provide care for their child(ren) and other covered family members and is available where the employee has accrued paid leave available. The law protects the employee's right to take time off work as long as the basis for the leave is consistent with the Family Care Act and the employee has accrued paid leave available to cover the time away from work. Furthermore, all time under the Family Care Act that also qualifies for the Washington Family Leave Law and the Federal Family & Medical Leave Act shall be counted concurrently.

SCOPE

This policy covers regular full-time and part-time employees (includes regular status and project employees) who have accrued paid leave available, and have a covered dependent with a qualified health condition. This policy does not apply to the employee's own health condition for which they need time away from work.

POLICY

Clark County will provide time away from work consistent with the Washington & Federal Family Leave laws and regulations, and the legal interpretations of such.

COVERED DEPENDENTS

The following dependents qualify for leave:

- Child:
    - A child under the age of 18, and who is a biological, adopted, or a foster child, a stepchild, a legal ward, or a child of a person standing *in loco parentis*; OR*
    - A child who is age 18 or older and incapable of self-care because of a mental or physical disability. "Incapable of Self-Care" means that the individual requires active assistance or supervision to provide daily self-care in several of the "activities of daily living" (ADL's) or "instrumental activities of daily living" (IADL's). Activities of daily living include adaptive activities such as caring appropriately for one's grooming and hygiene, bathing, dressing, and eating. Instrumental activities of daily living include cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, using a post office, etc.
- Other covered family members:
    - Employee's legal Spouse,

- Parent (*biological or an individual who stood in loco parentis* to the employee when the employee was a child*),
- Parent-in-law, or
- Grandparent (parent of a parent of an employee).

**An "In Loco Parentis" is a person with whom an employee has developed a parent/child relationship in the absence of a biological or adoptive parent, and in the parental role the individual is responsible for the day to day care and financial responsibility of the child.*

QUALIFYING EVENTS

Covered Child:

- A covered health condition that requires treatment or supervision for a covered child shall include:
  - any medical condition requiring medication that the child cannot self-administer;
  - any medical or mental health condition which would endanger the child's safety or recovery without the presence of a parent or guardian; or
  - any condition warranting treatment or preventive health care such as a physical, dental, optical or immunization services, when a parent must be present to authorize the treatment.

Other Covered Dependents:

- Serious health conditions for "other covered family members" shall include:

  - A serious health condition defined as an illness, injury, impairment or physical or mental condition that involves any period of incapacity or treatment connected with inpatient care (i.e. overnight stay) in a hospital, hospice, or residential medical care facility, and any period of incapacity or subsequent treatment or recovery in connection with such inpatient care; or
  - Continuing treatment by or under the supervision of a health care provider or a provider of health care services, and which includes any period of incapacity (i.e. inability to work, attend school or perform other regular daily activities);
  - An emergency condition where a health condition is a sudden, generally unexpected occurrence or set of circumstances related to one's health demanding immediate action, and is typically very short term in nature.

DURATION OF THE LEAVE

The duration of leave under the Family Care Act will continue as long as the employee has accrued paid leave available, and the covered family member has a qualified health condition.

CERTIFICATION OF SERIOUS HEALTH CONDITION

The County may require certification from the attending health care provider(s) for leave to care for an employee's family member with a serious health condition;

If the serious health condition of the covered family member requires a period of incapacity of three (3) or more consecutive calendar days, the employee will normally be required to provide medical certification immediately upon return to their job.

If the serious health condition is related to a family member, the employee is required to apply for and submit appropriate paperwork in accordance with the terms and conditions of the Family and Medical Leave policy. The completed paperwork must indicate that the employee is needed to provide care.

CERTIFICATION FOR NON-SERIOUS HEALTH CONDITION (SICK CHILD)

In situations where an employee appears to be abusing the Family Care policy by calling in excessively or if there is a pattern, such as Monday/Friday absences, the county reserves the right to ask for medical documentation from the child's health care provider certifying the child was sick and required the employee to provide care.

RETURN FROM LEAVE

The employee is expected to return to work on their next scheduled work day immediately following the end of their requested time off.

Failure to return to work or notify their Department Manager/Supervisor regarding the need for extended leave will be considered as a voluntary termination. Requests for extended leave shall require the employee to provide medical documentation along with a written request for an extension.

REQUEST PROCEDURES

Calling in day of incident – all employees must follow their department's call-in policy to notify their manager/supervisor of the need to be away from work. They must notify the manager/supervisor of the following:

- duration of leave and estimated return to work
- family member affected (child, spouse, parent, etc)
- contact number if other than home number
- establish schedule to communicate for changes in the situation such as length of leave. Once per week may be sufficient depending on the employee's notice responsibilities and department scheduling needs
- notify HR-Benefits when leave is for family member with serious health condition. Human Resources will follow-up with FML request forms

Emergency Situations - In situations where an emergency arises with a sick child, or an emergency situation with another covered family member, the employee must notify the manager/supervisor or their designee, as soon as practicable.

MANAGEMENT'S RESPONSIBILITY

The manager/supervisor's responsibility is:

1. Contact HR-Benefits when the employee is requesting time away from work other than for a minor dependent child with a non-serious health condition;

2. Document information shared to and from the employee when leave is for a minor dependent child with a non-serious health condition; and

3. Ensure the time is coded accurately on the time sheet in order to track the employee's time away from work.

TRACKING & REPORTING RESPONSIBILITY

Human Resources-Benefits is responsible to:

1. update the policy and provisions of the Family Care Act,
2. notify county managers/supervisors and/or employees of any changes in the policy,
3. evaluate requests for compliance with eligibility and consistency for serious health conditions for covered family members, and
4. provide appropriate paperwork, where applicable.

Payroll shall track the hours used under the Family Care Act by maintaining records in the time keeping system.

REPORTING REQUIREMENTS

County Payroll has established leave specific coding and will maintain appropriate records on employee use of paid leave for the Family Care Act. The pay code to be used for Family Care will be SIE – Sick Family Schedule, or the applicable vacation, floating holiday, or comp time codes.

GUIDANCE

The County Benefits Manager is available for discussion and consultation regarding leave law requirements.

12.3 MILITARY LEAVE

Employer obligations to provide military leave and reinstatement rights for employees are addressed in both Federal and State Statutes: the Uniformed Services Employment and Reemployment Rights Act (USERRA) and RCW 38.40.060. These laws provide civilian job protection and benefits for employees, veterans and members of National Guard or Reserve components who voluntarily or involuntarily take a leave of absence for military service or training.

The subject of military leave is sufficiently complex to warrant careful consideration of any situation in which an employee provides notification of military training or service. If you have any questions, please contact the Human Resources Department before taking any action.

SCOPE

This policy applies to all regular full-time and part-time employees who meet the following criteria:

1. The employee must give notice to the County that leave is needed for military training or service.

2. The leave must not exceed five years of cumulative service (not including periodic absences for training).

3. The employee must be released from service under honorable conditions.

4. The employee must report back to work in a timely manner or make timely application for reemployment.

5. Employees who are laid off with recall rights, on strike, or on a leave of absence remain "employees" for USERRA purposes. However, if employees are laid off before or during their uniformed service, and are not eligible for recall during that period, the County is not required to reemploy them following their period of service.

DEFINITIONS

Military Training: Required training for reservists and National Guard members. The two-week annual training sessions and monthly weekend drills mandated for reservists and National Guard members.

Active Duty: Active Duty (other than for training) by volunteers supporting "operational missions" for which Selected Reservists have been ordered to active duty without their consent. Active Duty is also defined as service under involuntary order to, or to be retained on, active duty during domestic emergency or national security related situations; service under an order to, or to remain on, active duty (other than for training) because of war or national emergency declared by the President or Congress; service by volunteers who are ordered to active duty in support of a "critical mission or requirement"; federal service by members of the National Guard called into action by the President to suppress an insurrection, repel an invasion, or to execute the laws of the United States.

Uniformed Services Covered: The following "uniformed services" are covered by USERRA: Army, Navy, Air Force, Marines, Coast Guard, Army or National Guard (when engaged in active duty for training, inactive duty training, or full-time National Guard Duty); the commissioned corps of the Public Health Service; a cadet or midshipman attending a service academy; or those specially designated by the President as "uniformed service" members. Service in the uniformed services applies to both voluntary and involuntary activities.

NOTICE REQUIREMENT

An employee must give advance written or verbal notice to the County for any leave of absence for military service or training. Federal law requires the service member to provide "as much advance notice as possible". The only circumstance in which advance notice is not required is "if the giving of such notice is precluded by military necessity or, under all of the relevant circumstances, the giving of such notice is otherwise impossible or unreasonable." Examples include a classified recall of military personnel or when the employee cannot give notice due to failure of the phone system, mail system, or other means of delivering notice.

The County is required to grant military leave to eligible employee service members, and the employees will be placed on leave of absence for the period of their military service.

At the time the leave is to begin the employee is not required to notify the County when they expect to return to work. There is also no limit on the amount of time that may elapse between the dates the employees leave and the date in which they actually enter uniformed service.

DURATION OF SERVICE

An employee may be absent for up to five (5) years (cumulative or consecutive) for military duty and retain reemployment rights. The following leaves **do not** count toward the cumulative five (5) year limit: 1) periodic and special Reserve training; 2) voluntary or involuntary service performed by Reserve and National Guard members in time of emergency, when Reserve Component members are being recalled; and 3) service that is performed if the person is unable to obtain orders releasing them prior to expiration of the five (5) year period, and which was of no fault of their own.

An employee will be entitled to take leave beyond five (5) years, if necessary, to complete an initial period of obligated service (e.g. a six year tour in the Navy's nuclear power program).

LEAVE OF ABSENCE WITH PAY

Annual Training

Any employee of the County who is a member of the Washington National Guard and who receives notification of military service is entitled to a leave of absence with pay and benefits not to exceed "twenty-one (21) days (as of June 12, 2008) during the training year. Employees who are a member of another state's National Guard and who receives notice is entitled to fifteen (15) days leave with pay and benefits during a training year. Leave paid by the County shall not exceed these amounts per training year. The term "training year" refers to the federal fiscal year defined as October 1 through September 30. During the period of training leave the employee shall receive their normal pay.

If an employee will be on Training Leave greater than 21 work days, they may use their accrued paid vacation, PDO, PTO, Floating Holiday, or Comp Time.

Such leave may be taken consecutively or intermittently throughout the year. These leaves of absence with pay are generally used for annual duty and training associated with State National Guard or reserve units of the United States Military. An employee must show proof of military

service by providing a copy of their Military Training Orders to have time credited toward leave of absence with pay up to the 21 calendar days. If the employee does not show proof of military service either in advance or upon return to work, time away from work may be credited toward vacation, PTO, PDO, Floating Holiday, Comp Time, or leave without pay; it is the employee's choice.

Active Duty

If an employee is called to **active duty** and will be away from work in excess of the 21 calendar day training period, the employee may request the use of paid leave during their leave to be used on a continuous basis from the start of their leave. The use of paid leave shall include: vacation, PTO, PDO, Floating Holiday or compensatory time. Employees are not required to use all accrued leave. They may choose to leave hours in their leave bank.

Spouse Leave for employee called to Active Duty

The spouse of a member of the armed forces, National Guard or Reserves who has been notified of an impending call or order to active duty or has been deployed is entitled to a total of 15 work days of unpaid leave per deployment after they have been notified by the armed forces. The employee must provide notice within five (5) business days of receiving the official notice and of their intention to take leave.

- Employee may use vacation, PTO, PDO, Floating Holiday or comp time during leave.
- Whether paid or unpaid, all benefits shall continue to accrue – seniority, accrual date, medical, dental, vision, life and disability insurance.
- Employee shall be restored to same position.

SERVICE ACCRUALS DURING MILITARY LEAVE

All time spent on military leave counts toward continuous employment with the County. Military leave outside the annual entitlement for paid leave, or use of vacation, PTO, PDO or comp time is unpaid leave, and therefore, employees do not receive pay, vacation, PTO or PDO, Floating Holiday, or sick leave accruals. However, upon their return to the County the employee is entitled to begin at the same seniority, salary step, and level of vacation accrual as the employee would have achieved had they not left on military leave. If the employee did not complete probation prior to entering the military, the employee will be required to complete the remainder of the probation period upon return to County service.

DEPARTMENT NOTIFICATION TO HUMAN RESOURCES

All military leave must be reported on a Personnel Action Form. The period of paid or unpaid leave must be included for benefit determination purposes, as well as notification to payroll, and identified as leave with pay or leave without pay. In addition, the timesheets for the employee shall be designated for military leave with pay (MIL). Oracle time codes include Vacation-military, Comp time-military, and FLH-Military. When the employee runs out of accrued paid leave or requests to go into an unpaid leave status and hold accrued balances on the books, time is not submitted to payroll through the timesheet.

If an employee chooses to use vacation or compensatory time for additional days of training or weekend duty this time is not required to be designated on a Personnel Action Form.

BENEFITS DURING LEAVE

Medical, Dental and Employee Assistance Coverage

During the annual 15-day military leave, medical and dental benefits will be continued for the employee and their covered dependents. Any employee contribution due for coverage shall be the responsibility of the employee. While in a paid status, the employee contributions will be deducted from pay. If military leave continues beyond the 15-day annual leave, the County will continue the medical and dental coverage for the employee and their dependents as follows:

- While on Training Leave in excess of the 15 day annual leave, the County will continue coverage while the employee is in a continuous paid status by using their accrued paid leave. When leave continues, but the employee is in an unpaid leave benefits will end the last day of the month.

- While on Active Duty and on a continuous leave from the start of the active duty period, the County will continue to cover medical and dental for the employee and their covered dependents. When the continuous paid leave is exhausted, the County paid medical and dental coverage will end. However, under special Military Leave provisions, medical and dental coverage for the employee and their dependents will continue for a period up to 90 days (or 3 months) with approval by the County Administrator and Director of Human Resources. An additional 90 days may be provided with approval by the County Administrator.

- In accordance with County policies related to continuous paid leave and benefits, employees must use paid time continuously to be eligible for benefits. Intermittent use of paid leave will not continue benefits.

- At the conclusion of the benefits extension, the County paid coverage will end the last day of the month. However, the employee and/or their covered dependents will have the opportunity to continue coverage for the lesser of their uniformed service or 24 months. Family members can make an election separate from the employee since the employee is covered under the military health care program. COBRA coverage will be extended for medical, dental and the Employee Assistance Program.

Group Term Life

Clark County will continue the employee's Group Term Life Insurance coverage for a period of up to 90 calendar days in accordance with the Military Leave provisions provided by the County's life insurance provider. At the conclusion of the 90 day extension coverage will end. The employee will have the right to convert the plan to a non-group plan and pay premiums directly to the carrier.

Additional Life Insurance (ADL) – including dependent life

While on military leave, employees may continue coverage under the Group ADL program for up to 90 days. During this 90 day period, and while the employee is in a paid status, premiums will be deducted from their paycheck. If the employee is in an unpaid status, the County will require payment of premiums, and they will be due on the first of each month. If payment is not received by the premium due date, and within the grace period, coverage will be terminated.

Following the 90 day continuation period, employees may continue their coverage by applying for conversion of coverage to an individual plan. In no event, shall coverage under the group plan be continued.

Upon return to employment, the employee may re-apply for coverage under the ADL program.

Accidental Death & Dismemberment Coverage (AD&D)

Under the Group Term Life plan the County provides AD&D coverage. Employees who enroll in the Additional Life insurance program may purchases AD&D coverage also. This coverage is only continued for the period of time the Group Term Life and Additional Life Insurance plans are continued, but not longer than 90 days from the start of the leave.

Please note: the policy excludes payment of AD&D benefits in the event of war or an act of war. For specific details, consult the Life Insurance Summary Plan Description.

Long Term Disability

Clark County will continue the employee's Long Term Disability (LTD) Insurance plan for a period of up to 90 calendar days in accordance with the Military Leave provisions provided by the County's LTD carrier. At the conclusion of the 90 day extension coverage will end.

Please note: the policy excludes payment of AD&D benefits in the event of war or an act of war. For specific details, consult the Life Insurance Summary Plan Description.

Flexible Spending Accounts (FSA)

Participation in the Health Care FSA will continue if the employee is in a paid status, or through continuation under COBRA. This applies to Military training or active duty status as provided under the same terms as medical and dental continuation. To continue to be eligible the employee must be in a continuous paid status. At the time the employee moves into an unpaid status, the employee will lose eligibility to participate in the plan. However, they may continue to participate by making contributions on an after-tax basis, and under the provisions of COBRA.

Participation in the Dependent Care Account — will cease upon the start of the military leave. However if the leave is due to Military training and the employee will only be gone for the 2 week period, participation will continue.

Retirement Plan (PERS, LEOFF)

The employee may be eligible to receive up to five years of service credit from military service by paying member contributions for the time spent in the military.

Seniority Based Benefits

Upon reemployment, former service members are entitled to all seniority based benefits and rights to benefits they had at the time they left for uniformed service. Former service members are also entitled to all seniority based benefits and rights to benefits they would have accrued had they remained employed with the County for the entire period. "Seniority" means longevity in employment, and includes any benefits of employment that accrue with, or are determined by, longevity in employment. An example is vacation accruals. The time in uniformed service counts toward the total time for moving to the next tier of vacation accrual.

REPORTING BACK TO WORK

Employees absent on leave for military training or service are eligible for reinstatement to their former or equivalent position. As a condition of reinstatement the employee must be discharged under honorable conditions, and return to work or apply for re-employment under the following timelines:

- **Periods of training or service up to 30 consecutive days:** The employee must report back to work on the first full work shift following completion of military service and the expiration of eight hours following safe transportation to the employee's residence.

- **Periods of training or service between 31-180 days:** The employee must "submit an application for re-employment" or register intent to return, not later than 14 days after release from service.

- **Periods of training or service of 181 days or more:** The employee must "submit an application for re-employment" or register intent to return not later than 90 days after release from service, or from hospitalization continuing after discharge for a period of not more than two years.

When "submitting an application for re-employment" the employee is notifying the County that he/she is a former employee returning from Military service and not a new applicant. The application need not be in writing, but the County may require documentation of service to establish if the application for re-employment is timely and to verify the service has not exceeded five (5) (cumulative or consecutive) years (via a DD-214, an endorsed copy of military orders or a letter from the Commanding Officer.)

The laws require the following in returning an employee from military leave:

- The employee must be "promptly reemployed" which is defined by law to be a matter of days, not weeks or months.

- An employee returning from military leave is entitled to reinstatement to their former position or an equivalent position if the former position no longer exists. Reinstatement

shall be made regardless of another individual filling the position on a temporary basis while the employee was on leave.

- Employees returning from military leave have special protection against discharge, except for cause, for a limited time. If the period of service was for 181 days or more, the period of special protection is one (1) year. If the period of service was 31-180 days, the period of special protection is 180 days.

- The County must make "reasonable efforts" to train or retrain an employee returning from leave to refresh or upgrade their skills so they might qualify for re-employment.

Escalator Provision –The County is required to reemploy returning employees who were in the military for fewer than 91 days in the position they would have attained, with reasonable certainty, by remaining continuously employed. This could be a higher position or layoff status, depending upon what happened to the employment situation while the employee was in service. If the re-employed employee is not qualified for this escalator position, the employer must offer the employee's old position.

For employees in the military for 91 or more days, employers have two additional options. Instead of the escalator position, the employer could reemploy the employee in a position of like seniority, status and pay to the escalator position. Similarly, instead of the old position, the employer could offer a position of like seniority, status, and pay.

Disabled veterans – There are special rules for employees disabled while in the military. If the employer is unable to re-employ a disabled employee in his or her escalator position or old position, even with a reasonable accommodation, then the County must re-employ the employee in:

- Any other position of similar seniority, status, pay, and duties which, with reasonable effort by the County, the employee could perform; or

- The nearest approximate position consistent with the individual's circumstances.

Reinstatement of Benefits upon Return

Employees returning from uniformed service shall have their benefits reinstated for themselves and their covered dependents immediately upon their date of return to work. Enrollment may be required.

12.4 BEREAVEMENT AND FUNERAL LEAVE

PURPOSE

Clark County recognizes that employees may require a period of time away from work upon the death of an immediate family member. This policy is intended to allow employees to attend the funeral service, memorial service, burial, paying respects to the family at a wake or visitation or to grieve the death of an immediate family member; travel, if necessary; or attend to other associated activities such as making funeral arrangements.

SCOPE

Paid bereavement leave is a benefit provided by Clark County for non-represented regular full-time and part-time employees with a regular work schedule of 20 or more hours per week. Employees covered by a collective bargaining agreement should consult with the agreement for terms and conditions of bereavement leave.

DEFINITIONS

Immediate Family Members are:

- The employee's legal spouse,
- The employee's domestic partner*,
- Biological or adopted children (or the step and in-law equivalents),
- Children of a domestic partner*,
- Parents (or the step and in-law equivalents),
- Brother (or the step and in-law equivalents),
- Sister (or the step and in-law equivalents),
- The employee's grandparents,
- The employee's grandchildren,
- The employee's aunts and uncles,
- Other relatives living in the employee's household.

* Bereavement leave for a domestic partner or their children requires that a signed Affidavit of Domestic Partnership is on file in HR-Benefits.

Regular Work Schedule — the ongoing consistent work schedule of an employee, which has been documented on a Personnel Action Form, and is on file in the employee's Personnel file.

POLICY

A regular employee shall be granted up to three (3) work days of paid bereavement leave for the death of the employee's immediate family member to be normally used within two (2) weeks of the date of death. An employee shall be granted up to an additional two (2) work days of paid bereavement leave when air travel or one-way land travel of four hours or longer is necessary, when pre-authorized. Bereavement leave may be used for qualified family members in the case of imminent death, but the total bereavement leave portion shall not exceed the three or five work day limitation. Exceptions to the two (2) week use provision will be considered on a case by case basis and requires manager approval.

Bereavement leave in excess of amounts listed above or for other relatives or friends may be granted with approval of the supervisor and charged to an employee's vacation, floating holiday, or comp time account.

Consistent with the needs of the County and as approved by the Department Director or Managers, an employee shall be granted not more than three (3) hours of bereavement leave to attend the funeral or memorial services for a current County employee or retiree.

12.5 DOMESTIC VIOLENCE LEAVE

PURPOSE

To allow victims of domestic violence, sexual assault, or stalking to take reasonable leave from work to take care of legal or law enforcement needs and obtain health care. Family members of a victim may also take reasonable leave to help the victim obtain treatment or seek help.

SCOPE

This policy applies to all regular employees, and project employees through the term of their project. Managers must comply with this policy as well as employees unless otherwise stated in their collective bargaining agreement

DEFINITIONS

Covered family members:

- Child
- Spouse
- Parent
- Parent-in-law
- Grandparent
- Person whom the employee has a dating relationship

"**Domestic violence**" means: (a) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, between family or household members; (b) sexual assault of one family or household member by another; or (c) stalking as defined in RCW 9A.46.110 of one family or household member by another family or household member.

"**Dating relationship**" means a social relationship of a romantic nature. Factors that the court may consider in making this determination include: (a) The length of time the relationship has existed; (b) the nature of the relationship; and (c) the frequency of interaction between the parties.

POLICY

Pursuant to the provisions of the Washington State Domestic Violence Leave law, Clark County shall provide reasonable leave to employees who experience domestic violence, sexual assault, or stalking.

An employee may take a reasonable continuous leave, intermittent leave, or a reduced work schedule with or without pay to:

- Seek legal or law enforcement assistance or remedies to ensure their health and safety or the health and safety of a covered family member, 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;
  - Seek treatment by a health care provider for physical or mental injuries caused or attend to health care treatment for a victim who is the employee's family member;

- Obtain or assist a family member in obtaining services from a domestic violence shelter, rape crisis center or other social services program;
- Obtain or assist a family member in obtaining mental health counseling;
- Participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the employee or employee's family member.

The rights provided in this policy are in addition to any other rights provided by state and federal law.

NOTIFICATION

An employee shall give the county advance notice of their intention to take leave, and as soon as practicable; preferably within 48 hours of such need for leave.

If advance notice is not practicable, because of an emergency or unforeseen circumstance due to an event, the employee or his or her designee must give notice to the Department Manager no later than the end of the first day that the employee takes such leave. Employees may also call into Human Resources in lieu of the Department Manager, and HR will notify the department.

VERIFYING NEED FOR LEAVE

Documentation is required to verify the need for the leave. The verification must provide that the employee or their family member is the victim of an event; that the leave is for one or more of the purposes described above under the policy.

Verification must be provided within a reasonable time period either during to or immediately following their return to work.

Verification must be provided with at least one of the following documents:

- Police report indicating that the employee or employee's family member was a victim of domestic violence, sexual assault or stalking;
- A court order protecting or separating the employee or their family member from the perpetrator of the act
  - Or other evidence from court or the prosecuting attorney that the employee or their family member appeared or is scheduled to appear in court in connection with an incident of domestic violence, sexual assault or stalking;
- Documentation that the employee or their family member is seeking or sought assistance in addressing the domestic violence, sexual assault or stalking from:
  - An advocate for victims of domestic violence, sexual assault or stalking
  - An attorney
  - A member of the clergy
  - Or a medical or other professional
- An employee's written statement that the employee or their family member is a victim and that the leave taken was for one of the purposes described under this Policy.
- Verification of the familial relationship between the employee and the victim may include but is not limited to a statement from the employee, a birth certificate, a court document, or other similar documentation.
- Any other request for information not stated above is prohibited.

DISCLOSURE OF INFORMATION:

Information given by the employee may be disclosed by the county only if:

- Requested or consented to by the employee;
- Ordered by a court of administrative agency; or
- Otherwise required by applicable federal or state law.

PAY DURING LEAVE and BENEFITS

An employee may elect to use their accrued sick leave for medical related absences. Vacation, PDO/PTO, floating holiday, compensatory time, or leave without pay may be used during their absence for all other related time away from work (i.e. court appointments). The employee must notify their manager about the type of paid leave they will use prior to their leave, if possible. If no prior notification is provided the county will charge the time away to their compensatory time, and if none to sick leave, then vacation, then floating holiday, as available,

Employees who take leave under this policy will not lose any benefits accrued before the date the leave began. Health Insurance and Life Insurance will also continue for the duration of the leave at the level and under the conditions coverage would have been provided if the employee had not taken leave. If the employee is in a paid status all other voluntary benefits applicable to the employee shall continue.

RESTORATION TO POSITION

Regular employee's taking leave under this policy shall be restored to the position they held prior to when the leave began, or if the position no longer exists, they shall be restored to an equivalent position with equivalent pay, benefits, and other terms and conditions of employment.

Project employee's who takes leave under this policy are not eligible for restoration if the position has ended because the employment term or project is over, and the county would not have otherwise continued the job

Individuals working for the county through a staffing agency as a temporary employee shall not be eligible for restoration to the job being performed prior to their leave.

CONFIDENTIALITY

Documentation regarding the need for leave related to Domestic Violence shall be retained in a confidential file in HR-Benefits. Send any documentation you receive from the employee.

FILING A COMPLAINT

Employee's who believe they are not provided their rights under this policy may file a complaint under the Complaint Policy in Policy No. 3.0, 3.3 Complaint Policy.

12.6 CIVIC DUTY LEAVE

Jury Duty

1. Leave with pay shall be granted as necessary to allow employees to serve as a member of a jury. Any compensation received by the employee for such duties, excluding mileage allowance and meal allowance, shall be waived or remitted to the County.

2. When an employee is excused or dismissed from jury duty, he/she shall promptly notify their manager. Employees may be required to report to work for any portion of their regularly scheduled shift during which they are not actually serving on a jury or waiting to be assigned to a panel of jurors.

Witness Leave

1. Service as a county witness in matters arising from the course and scope of employment shall be considered on-duty time.

2. Service as a witness or party to non-job related matters shall be charged against the employee's vacation, floating holiday or comp time balance. If accrued paid leave is not available the employee may take the time as unpaid leave.

Voting

1. Employees unable to vote while off duty may use paid vacation, comp time or floating holiday time to vote during the work day.

12.7 WORKER'S COMPENSATION LEAVE

1. Employees are entitled to compensation for injuries or illness contracted on duty in accordance with state law, and as provided by the policies and procedures established by the Loss Control Office.

2. An employee may charge his/her sick leave account for the difference between any compensation received from the Worker's Compensation Insurance and the employee's normal pay for injuries or illnesses covered by Workers' Compensation. The calculation shall be based on the difference between the employees normal post-tax take home pay and the net pay from workers compensation.

3. County provided benefits (medical and dental) are continued during an approved leave of absence due to job related accident or illness. Group Term Life Insurance and Long Term Disability insurance continue for a period of 90 consecutive calendar days. Employees purchasing Additional Life Insurance coverage may continue this coverage by paying the County monthly premiums for a period of 90 days. Beyond 90 days the employee must continue the coverage through the plans portability feature or waiver of premium.

4. Family Medical Leave shall run concurrent with worker's compensation leaves of absence.

12.8 LEAVES OF ABSENCE – PERSONAL/EDUCATIONAL

1. Regular employees may request a leave of absence for up to twelve (12) continuous months for educational or personal reasons subject to the approval of the Appointing Authority.

2. Any accrued paid leave available (other than sick leave) must be used on a continuous basis during this leave of absence until exhausted.

3. Not more than one (1) such leave will be permitted during any five (5) consecutive calendar year period.

4. The Appointing Authority has the discretion to grant or deny a leave request.

Among the factors which determine whether a leave will be approved by the Department Head are:

- The reason for the request;
- Efficiency of operation and the department needs;
- Overall length of service;
- Prior performance, disciplinary and attendance records;
- Any previous leaves of absence (and the length/purpose of such leaves); and
- Availability of a temporary replacement.

5. A personal leave which has been granted for less than twelve (12) months may be extended, provided that the extension is requested prior to the expiration of the original leave and is deemed appropriate under the above standards.

6. Accrued, earned and available paid time off shall be exhausted (except for sick leave) prior to an employee becoming eligible for personal leave under this Section. The order in which paid leave shall be used is:

   - Compensatory Time
   - Floating Holiday Leave
   - Vacation

7. Personal leaves must be requested in writing at least thirty (30) days in advance (except in emergency situations), must specify the reason and the proposed starting and ending date. Each leave request will be evaluated on a case by case basis.

8. Employees on an approved leave of absence at the beginning of the calendar year will be credited with their Floating Holiday upon their return to work.

9. Salary adjustments that would be normally received during the leave of absence will be made upon the employee's return to work, such as a COLA or step adjustment. Merits will be granted in conjunction with the performance evaluation.

10. Employee benefits, pursuant to the employees status, will be reinstated the first of the month following the date of the employee's return to work.

12.9 EMPLOYEES IN UNPAID STATUS

1. Employees must use all accrued paid leave available on the day their leave begins and before they go into an unpaid status. Accrued paid leave must be used continuously. Employees may not alternate between paid and unpaid leave. *Please note: if the employee's absence is not related to their own illness/injury, or that of one of their covered family members, then sick leave is not available.*

   See benefits eligibility section under Policy 11.1 – Insurance Eligibility regarding continuation of health insurance.

2. Employees on unpaid leave of fifteen (15) calendar days or more shall have their salary anniversary and seniority/service dates adjusted by the amount of the leave and rounded to the first of the following month.

3. Employee's who would normally be eligible for a COLA, step or merit increase during their period of unpaid leave will not be eligible to receive pay increase until their return to work.

4. Employees on leave without pay for a portion of the pay period may not accrue paid leave (vacation, sick leave and PDO/PTO leave) unless they are in a paid status at least 80% of their work schedule. Employees on unpaid leave during an entire pay period will not accrue paid leave. Employees on unpaid leave at the start of the calendar year will not receive their Floating Holiday until their return to work. Commissioner's Holiday, granted between December 16 and January 31, is not granted to employees on an unpaid leave of absence if their leave is for the entire period of time. However, if the employee returns during that period of time, they will receive and be eligible to use the special holiday as long as it is used by January 31.

5. Employees reporting to work at the end of an authorized leave of absence shall be employed in the same classification held at the start of the leave unless otherwise informed at the time of the approval; provided that such return to work shall be in accordance with all other applicable policies including layoff. Employees on leave shall be considered the same as other regular employees in layoff situations.

6. An employee who does not return to work by the date established in the written approval of the leave and who has not, in writing, sought and received approval for an adjusted return date, shall be considered as having resigned voluntarily.

Policy No. **13.0**	**Employment Standards**	Page 1 of 24
Policy Sections: 13.1 Ethical Conduct 13.2 Employee Use of County and Personal Property 13.3 Electronic Communications Standard 13.4 Substance Abuse Free Workplace 13.5 Outside Employment 13.6 Political Activity 13.7 Charitable Activities and Solicitations 13.8 Solicitations for Commercial and Non-Charitable Organizations 13.9 Health and Safety 13.10 Nepotism 13.11 Tobacco 13.12 Possession of Firearms 13.13 Employee Indemnification 13.14 Bulletin Boards		Effective: 11/1/2013 Supersedes: 9/22/2009

PURPOSE

The county's duty to its citizens and customers requires that we establish and maintain the highest standards of job performance and conduct of our employees. This policy establishes standards and expectations for maintaining a high level of professional conduct and work performance, and is subject to enhancement, clarification and interpretation at the department or elected official level.

SCOPE

The policy applies to all county employees, temporary employees, volunteers, and those representing the county unless prohibited by law or superseded by a provision in a collective bargaining agreement. These standards are not all-inclusive and the county may establish or revise standards to ensure the effective operation of county government.

13.1 ETHICAL CONDUCT

The County expects the highest standards of integrity, honesty and ethical conduct of its employees. This section sets forth standards and guidelines to assist managers, employees and the public in understanding the meaning and importance of ethical conduct in all aspects of County government.

This policy is intended to amplify, clarify and expand upon the provisions of RCW 42.23 regarding ethical standards for county officials and employees in the state of Washington.

These standards and guidelines are subject to interpretation, clarification and application at the department level. Countywide standards are necessarily general and designed to put forth overall principles. What is or is not ethical will often be determined in the context of specific departments, work units and job categories.

1. **Definitions:** Integrity, honesty and ethical conduct are closely related. The following definitions may assist in understanding the goals of this policy.

   a) Ethics and Ethical. Ethics generally refers to a conflict between personal interests and job requirements. Unethical behaviors are those in which the professional role is used to pursue a personal interest. This may range from personal use of an office phone to steering a major construction contract to a friend or relative.

   b) Integrity. Integrity is firm adherence to a set of moral values or standards. It emphasizes consistency — following your beliefs, values, the County's policies and rules even when the outcome is unpleasant. As an example, a person with integrity follows a job application rating system, even when it screens out a friend.

   c) Honesty. Honesty means free from fraud and deception. Being honest means telling the truth but also not withholding information in order to deceive or protect personal interests. It means being forthright.

2. **Policy**

   Employees shall not solicit or accept any benefit, profit or advantage, directly or indirectly, from or by reason of the discharge of his or her responsibilities and duties as a county employee. Further, an employee may not use his or her position to secure special privileges or exemptions for himself/herself or others nor shall he/she be influenced by or act upon the basis of any personal or non job-related influence or interest — financial or otherwise.

   The core of the County's expectations is expressed in the "Code of Ethics" statement included at the end of this policy section. The end of the section also includes a list of examples illustrating ethical and unethical behavior.

   Interpretation and application of this policy should be guided primarily by four factors:

   a) The degree to which the employee benefited personally — financially or otherwise

   b) The degree to which a friend or relative benefited by the actions of the employee

   c) The degree to which a decision or action was or might be influenced by personal interest

   d) The degree to which the consideration was solicited by the employee

   Particularly stringent standards apply to employees in the Purchasing division or other officers and employees authorized to enter into contractual relationships with vendors, consultants or contractors or otherwise grant favor or consideration to any external enterprise or individual. For these employees, any solicitation or acceptance of any gift or other consideration of value is strictly prohibited.

3. **Duty to Disclose**

   All employees shall disclose to their Department Head or Elected Official any situation in which there is an apparent or potential conflict of or the appearance of a conflict between their personal and occupational interests or responsibilities. The Department Head or Elected Official, in consultation with the Prosecuting Attorney's Office and Human Resources, shall determine whether such a conflict exists and determine an appropriate remedy. The appropriate remedy may include a disqualification of the employee from participation in the decision, job reassignment or other measures to prevent an actual or perceived conflict.

4. **Exceptions/de minimis Situations**

   This policy is not intended to ban customary and usual business practices or substitute for reasonable judgment. Examples that are not viewed as inappropriate or unethical include attending a hosted hospitality suite at a professional conference allowing a person who has a continuing business relationship with the county to "pick up the tab" at a luncheon meeting so long as the situations cannot be construed as an attempt to buy favor or influence, and the hosting is infrequent.

   County-authorized programs that are available to all or to specific groups of employees are acceptable. Examples include travel discounts, memberships, etc.

   Additionally, the standards shall not be construed to apply to "de minimis" situations in which an employee receives a product or consideration of minimal or inconsequential value or influence. For example, the County does not expect employees to disclose receipt of or return unsolicited items of no significant material value such as office trinkets, calendars, food gifts, note pads and the like. Generally, those items should be shared by others in the work unit or department.

   Corrective or disciplinary action for violations of this policy may range from counseling to termination and must take into account all of the factors appropriate to adverse personnel decisions, including a penalty appropriate to the offense. Serious ethical violations, especially on the part of officials and managers, could result in immediate termination.

Code of Ethics
Clark County Government

Seek no favor	I will not seek or accept favored treatment, privilege or financial consideration based on the exercise of my duties and responsibilities. I will not attempt to exercise influence on behalf of personal interests, nor will I accept or yield to such efforts on the part of others.
Integrity	I will support and follow the rules, policies and tenets of my employer, my profession and my job, and will do so even when the outcome is unfavorable to my professional or personal interests.

Honesty	I will be honest and forthright in my dealings with others, while respecting and adhering to necessary principles of tact, diplomacy and confidentiality.
Merit Principle	To the extent I am empowered to make or implement personnel decisions, I will be guided and influenced only by merit and will exclude from consideration all non-job related matters.
Professional Standards	I will support, promote, and abide by the generally accepted standards of my profession. My decisions and actions shall be based entirely on professional, not personal, judgments, considerations and factors.
Disclosure	I agree to disclose to my superiors any situation in which there is the fact, appearance or possibility of a conflict of interest between my interests and those of the organization. I also accept the responsibility and duty to disclose or refuse to conceal acts of wrongdoing of which I may have knowledge. I will make appropriate judgments as to how, when, and to who these disclosures shall be made.

EXAMPLES OF UNETHICAL OR BORDERLINE BEHAVIORS

- An employee attempts to intervene or influence the outcome of a personnel decision regarding a friend or relative
- A buyer accepts sports tickets from a potential vendor
- A building inspector "looks the other way" on code violation involving the home of a high ranking County official, or inspects his or her own home
- An employee accepts a donation from an outside contractor for a County sponsored event such as a golf tournament.
- A supervisor grants an early salary increase to the employee because they are close friends
- An employee accepts a stipend for a speaking engagement done as a representative of the County
- Work time is spent doing work for a separate, outside employer
- A supervisor "strongly encourages" his staff to donate to a charitable organization he supports
- An employee uses County bulletin boards and mail systems to advertise a private business
- A County manager uses contacts and influence to obtain a vehicle registration without having to wait in line with the public
- Work assignments in a unit are based on who the supervisor "likes" the most
- An employee tells a friend who is applying for a job what the interview questions might be
- An employee signs up for a professional conference because he has family in the town, not based on the content of the program
- An employee sends personal correspondence on county/department letterhead or uses an envelope with a county/department logo, giving the impression of county authority

13.2 EMPLOYEE USE OF COUNTY AND PERSONAL PROPERTY

This policy addresses personal usage of County equipment or services and damage to personal property occurring at work. Other related policies, for example those governing business travel, are governed by County policies and directives published by the Auditor's Office. Departments — appointed and elected — may publish detailed policies and procedures for administering this policy at the department level.

1. Use of County equipment, work time and supplies for personal use or any other non-county business use is prohibited except as provided herein. This includes long distance telephone usage, copiers, fax machines, computers, vehicles, office supplies and other County property. Violations may result in disciplinary action up to and including termination. Use of County equipment or work time for private business enterprises or personal financial gain is strictly prohibited.

2. The County recognizes the pressures of balancing work and family issues. Employees will not be disciplined for negligible and minor personal use of County time and equipment such as copying a short personal document, inadvertently taking home a county pen or infrequent and incidental telephone use. Employees may make and receive occasional personal phone calls as necessary to attend to pressing personal matters. However, employees must reimburse the County for expenses incurred.

3. When personal activities cannot be avoided, the activity should be approved in advance by the applicable Department Head or Elected Official and the employee must reimburse the County for its cost. Additionally, the activity should be conducted on the employee's own time — breaks, lunch or paid leave.

4. Use of Personal Property and Equipment for Business Purposes

   This section addresses authorizations, prohibitions and reimbursements for the use of personal property for business purposes and job responsibilities. Examples include use of personally owned computers or software, home and cellular telephones and personal vehicle usage for business travel. The following sections are provided for illustration and are not inclusive of all possible applications of this policy.

   a) Generally, the County will provide employees with the resources necessary to accomplish their jobs. However, employees may be permitted, and in some cases required, to use personal property in connection with their positions.

   b) The use of personal property for business purposes is subject to specific County and departmental policies and procedures. Department managers and Elected Officials should set clear policies and expectations in this area. Unless authorized in advance by the Department Head or Elected Official, business use of personal property, for example using privately owned software applications on County computers, is prohibited.

   c) Expenses are reimbursable only to the extent specifically authorized by County and departmental policy. Authorization for use of personal property does not necessarily qualify the expense for reimbursement. For example employees using personal

organizers may be expected to do so at their own expense but departments may authorize reimbursement for annual calendars or specific tools and forms of value to job performance.

5. Loss of or Damage to Personal Equipment

   a) The County is not responsible for loss, theft or damage to personal property occurring at work. This includes automobiles, clothing, tools, eyeglasses, jewelry and other personal property.

   b) Exceptions may be allowed when the incident involved personal equipment which was authorized for use and which was lost or damaged through no fault of the employee. When authorized, reimbursement will be based on the present value (not replacement value) of the item. Reimbursement will also be limited to a reasonable value and employees who wear or use expensive items — e.g. Rolex watches — do so at their own risk.

13.3 ELECTRONIC COMMUNICATIONS STANDARD

PURPOSE

This policy sets forth the County's general standards regarding use of electronic communication, primarily electronic mail and the Internet. The policy exists to ensure that the County's use of these forms of communications is professional and appropriate and contributes to organizational effectiveness.

SCOPE

This policy is primarily directed toward use of Email and external communications through the Internet or other on-line services. To the extent that other applications (e.g. Scheduler) provide electronic communications capability its provisions apply to them as well.

The policy addresses three core areas:

- Propriety standards — inappropriate materials and communications.

- Personal usage standards — restrictions on use of these media for personal communications.

- Productivity standards — ensuring time and activities devoted to electronic communications, especially the Internet, are appropriate in light of other duties and responsibilities.

The policy applies to all employees — management, union and temporary as well as consultants, contractors, volunteers, or others who are acting as agents of the County in their communications.

Background

As most users have discovered, communications with others via electronic mail takes on a far less formal tone than business communications via memoranda, reports and letters or even the telephone. Email is analogous to leaving a note, albeit an electronic one. It can cause users to share thoughts they otherwise wouldn't or to express them in informal and sometimes inappropriate ways.

Secondly, the ease and speed of Email provides the opportunity and temptation to make use of the medium for personal communications or inappropriate materials — off color jokes for example. Internet connections create easy access to materials that range from being inappropriate in the work place to obscene or unlawful.

Finally, access to the Internet and World Wide Web creates time management challenges in that time devoted to these activities must be balanced with other priorities. Employees and their managers must exercise caution as to the relative priority of external electronic communications in relation to other work demands.

Official Materials

Electronic communications and electronic files are considered official, business communications and are the property of the County — not the employee. Additionally, unless they deal with matters exempted by state law, they are considered public records. They are not considered to be private or personal property. Even deleted messages are recoverable, often months or years after the communication.

Employees are accountable for their use of electronic communications just as they are for other conduct and communications at the workplace. The County will view the propriety or impropriety of any communications on the basis of how it would have been perceived and dealt with had it been conducted by phone, in-person or "paper" communications.

Propriety Standards

Employees are prohibited from communicating via electronic media in a way that would be unacceptable in other official communications forums such as use of inappropriate language. While language standards may vary somewhat from unit to unit within the County, those standards apply equally to electronic communications.

Employees are also prohibited from sending messages or possessing material that would generally be considered to be inappropriate in the workplace. This includes any material of a sexual nature such as jokes, posters, pictures or sexual communications.

Employees may not access or download materials from Internet sites that are inappropriate based on the above standards.

Finally, communications which would be inappropriate under other policies — sexual harassment, racial comments, religious or political solicitations, insubordination, breaches of confidentiality and so forth — are equally unacceptable if delivered via electronic communication.

Personal Usage Standards

The County's policies regarding personal use of Email and other electronic communications tools and channels are the same as those that are applicable to traditional written communications tools and resources — computers, the intra-county mail system, bulletin boards etc. That policy prohibits personal use of County equipment, work time and supplies. However, it provides that "employees will not be disciplined for negligible and minor personal use of County time and equipment and reasonable judgment should be applied to individual circumstances." The same policy applies to Email.

The "de minimis" (too minor to warrant concern) standard would mean that some personal communications, while not sanctioned, are not prohibited by the policy. Generally, this would include such uses as adding a personal comment to an official Email, sending a short personal note to a few colleagues or other personal interactions that are routinely a part of day to day business interaction and the only change is the use of electronic media.

The appropriateness of any particular communication should be measured by three factors —the number of addressees, the scope of the message and the content or purpose of the communication. Use of mass mailings to distribute a personal announcement would be inappropriate, as would extended personal messages to a single or small group of users.

Productivity Standards

Employees are generally accountable to their supervisors and managers as to the allocation of their time and the prioritization of work activities. Electronic communications and particularly Internet access can create opportunities and temptations and these activities must be prioritized and managed in relation to other work demands. While exploring the Internet for professional resources may qualify as "County business," the types of activities and the proportion of time devoted to them are subject to management review and approval. As these vehicles become available, managers should set and communicate standards and expectations at the department and employee level relative to Internet and Email activities.

Monitoring Policy

Workplace technology tools are provided to employees at taxpayer expense for business purposes. The County reserves the right to monitor the use of these tools to ensure they are used for both proper and productive purposes.

To that end, this policy describes, in general terms, the means and extent to which the County will monitor employees' electronic communications activities, especially use of the Internet. As used in this policy, "monitor" includes:

- Electronic tracking of sites accessed and time spent
- Maintenance of records
- Internal reporting of Internet access

- Using electronic means to block access to certain Internet sites
- Public disclosure of records
- Filtering or screening of e-mail

Nothing in this policy should be construed to limit the County's right and authority to engage in additional monitoring activities as are appropriate and consistent with its responsibilities to provide government services.

The monitoring techniques and procedures are the responsibility of the Department of Information Services. That department will develop and administer the specific monitoring and reporting activities.

POLICY

1. Blocking

   The County will use the monitoring software to block access to sex/porn/adult sites and such other sites as it determines to be clearly inappropriate. All other sites will be accessible but that does not mean their use is authorized. Within the limits of the monitoring software, departments, such as those in law enforcement may remove the blocking feature for access to sites needed in the conduct of investigative activities.

2. Tracking

   The monitoring software will record access to sites based on their category or purpose — sports, entertainment, news, etc. — and seeming value or relationship to county services. This feature will allow the County to assess the value and productivity of Internet access and time spent at sites with a marginal business value. It will also allow tracking of the total amount or percentage of time spent by employees, individually and collectively, on the Internet. All determinations as to how productive or wasteful these types of activities are remain within the jurisdiction of the employee's department management.

3. Reporting and Access

   The IS department will produce or maintain records and reports of employee Internet access. Elected officials and department heads may request reports and can determine who, within their departments, is authorized access to the information. Except for staff in Human Resources and Information Services with a "need-to-know," no information will be released to managers or employees without the authorization of the applicable elected official or department head. The information available through the reports or other tracking techniques will include:

   - Sites visited, employee and/or PC involved, date and time of access, length of visit, path, (means of getting there such as referring link or search query) etc

- Productivity type reports indicating amount of Internet access, date and time patterns, types/categories of sites visited etc. consistent with the capabilities and features of the monitoring software

- Special purpose or ad hoc reports prepared in response to specific requests or situations

4. Records

   The County will maintain active records for two-week time periods. After that time records will be archived or destroyed at the discretion of the County.

5. Employee Notice and Consent

   All employees with access to computers, Email and the Internet must be notified of the County's rights and intentions to monitor and sign a statement acknowledging same. The acknowledgement form is located at K:/county/hrcounty/forms/Electronic Communications Acknowledgement.

6. E-mail

   The County will also take appropriate measures to ensure the proper use of the County's e-mail system. As of the date of this policy, there is no routine screening of e-mail communications, from the outside or between employees. However, e-mail communications are considered the property of the County and are subject to search and retrieval at any time. Employees who are the recipient of inappropriate e-mails should notify Human Resources, Information Services or both. The County will make every effort to correct the problem and take appropriate action.

7. Discipline and Accountability

   It is the policy of the County that there should be some standardization of penalties and sanctions across departmental lines for violations of this policy. A similar violation, in similar circumstances by an employee with a similar employment history should be treated approximately the same by the County. However, it is understood that many factors will come into play — and some distinctions may be appropriate.

   Managers must exercise extreme care in responding to what may appear to be inappropriate activity. The ability to determine the facts of the situation, the motives of the employee or even the simple question of guilt or innocence may be clouded by the complexities of the technology, the Internet or the monitoring software. For example, what may appear to be a visit to a non-business or inappropriate web site may not be that at all — it might have been another employee, an accidental error or a misreading of computer output.

   Departments should work very closely with their assigned HR representative at the earliest, investigative stages in any situation that may warrant corrective action. The tests of whether discipline was properly imposed in technological misdeeds are as rigorous as other areas but the factual situations will likely be more complex.

13.4 SUBSTANCE ABUSE FREE WORKPLACE

Statement of Principle

Clark County Government, in keeping with the provisions of the Drug-Free Workplaces Act of 1988, is committed to providing and maintaining a substance abuse-free working environment for the safety, physical and mental health of all employees and the public whom we serve.

Any unlawful manufacture, distribution, dispensation, possession, use or working under the influence of an illegal drug or controlled substance in or on any County facility, vehicle or while on County business is strictly prohibited. Consumption of alcohol is prohibited for employees while on duty (including any breaks, lunches, etc.) or while in a designated "on-call" status or eight (8) hours following an accident or incident (unless a breath alcohol test has already been performed).

Clark County has established a drug awareness program which includes, but is not limited to, the following confidential employee services:

1. Drug counseling and rehabilitation available through the County's medical insurance plans

2. **E**mployee **A**ssistance **P**rogram (EAP) that may assist in counseling employees with substance/alcohol abuse problems

3. Clark County Department. of Community Services: Alcohol and Drug Services Program

Any employee found to be in violation of the County's Substance Abuse Free Workplace Policy may be subject to a requirement to participate satisfactorily in an abuse assistance or rehabilitation program approved for such purposes by a federal, state, local health, or appropriate agency approved by Clark County, and/or discipline up to and including termination.

Covered Classifications

All classifications are covered by this policy.

DRUG OR ALCOHOL TESTS REQUIRED

Reasonable Suspicion

To be conducted when a supervisor becomes aware of specific indicators characteristic of prohibited drug (including alcohol) use or possession, which may include:

1. Direct observation of drug use or possession

2. Direct observation of the physical symptoms of being under the influence of a drug, such as motor functions or speech, abnormal conduct or erratic behavior which may or may not be preceded by:

    a) An on-the-job accident resulting in an injury to the employee or others requiring medical attention beyond first aid and/or results in significant property damage to county or others' property

    b) An on-the-job unsafe practice that endangers the employee or others or risks significant property damage to county or others' property

3. An arrest for a drug-related offense

4. Information that is provided by reliable and credible sources and has been independently corroborated

5. Evidence that the employee tampered with a previous drug test

6. The opinion of a medical/substance abuse/chemical dependency professional employed at the worksite that an employee is using an illegal controlled substance

The supervisor will request another supervisor's (management and/or HR) opinion (both supervisors must agree) prior to requesting an employee to take a reasonable suspicion drug/alcohol test. This will not be construed as an opportunity for an employee to delay testing. Employees may not operate county motor vehicles or equipment after being notified that a reasonable suspicion test is warranted. Additionally, employees believed to be under the influence or impaired for any reason shall be tested at the job site, collector's office or medical facility (transportation, if necessary, will be provided to the testing site). Following the testing, the employee will be transported home via a local cab company, at the County's expense, or provided the opportunity to contact a non-duty-employee or non employee for a ride. The employee will be informed that the law enforcement authorities shall be notified of his/her vehicle license number if the employee insists on driving. In no case will a supervisor or other on-duty employee transport the employee.

Testing shall take place as soon as practicable. An employee subject to such testing is expected to remain readily available to undergo the tests. However, this should not be construed to require the delay of necessary medical attention for injuries or to prohibit an employee from leaving the scene of an accident or incident if necessary to obtain assistance to respond to the accident or incident or to obtain emergency medical care. In all circumstances the employee will be transported to the testing site. An employee waiting to be tested will remain in paid status from the time of the accident/incident until testing is completed.

Employees who test negative will be transported back to the duty station and remain on paid status for the completion of the shift or if normal work hours are exceeded, until leaving the normal place of work. Employees whose tests are not immediately available will be transported from the test site to their residence via a local cab company at the County's expense. Employees, who leave the scene of an accident or incident inappropriately, will be considered to have refused to test and will be subject to discipline up to and including termination.

Random Testing

Employees required to have a Commercial Drivers License (CDL) will be selected for testing on an unannounced, random basis throughout the year and may be selected for either drug testing alone or both drug and alcohol testing. Selection will be done via a computer based random number generator and will be made at the rate of fifty percent (50%) of covered employees for drug testing and ten percent (10%) of covered employees for alcohol testing. Every employee will have an equal chance of being selected every time a selection is made. Employees will be notified of their selection during their shift and will be expected to submit at that time to the drug/alcohol testing. Employees need not be escorted by supervisors to the testing site.

Refusal to Test

Refusing or failing to submit an adequate specimen for drug or alcohol testing or specimen tampering during specimen collection, as defined by the **M**edical **R**eview **O**fficer (MRO), constitutes insubordination and will be treated as if the employee has tested positive. The employee will be evaluated by a **S**ubstance **A**buse **P**rofessional (SAP) or **C**hemical **D**ependency **P**rofessional (CDP) and will be subject to discipline up to and including termination.

Refusal to test includes:

- Refusal to take a drug or alcohol test
- Tampering with or attempting to adulterate the specimen or collection procedure
- Not reporting to the collection site in the time allotted, or
- Leaving the scene of an accident or incident without a valid reason before testing
- Providing false or inaccurate information

Drug/Alcohol Testing Processes

Drug and alcohol testing shall be conducted in strict accordance with federal regulations to ensure accuracy, reliability, and confidentiality. Testing records and results will be released only to those authorized by the federal drug and alcohol testing rules to receive such information. Clark County will make every appropriate effort to protect the employee's privacy and dignity during the sample collection, testing and notification process.

Drug Testing

Specimen collection for drug testing will conform to the standards of 49CFR part 40 to maintain documented chain of custody and assure sample reliability. Drug test collections may be conducted at the work site, collector’s office or medical facility. The specific procedure used for testing is as follows:

- The collection site personnel will obtain the appropriate urine custody and control forms and inspect the collection room.

- The donor will be asked to present picture identification to the collection site person.
- The donor will check belongings and remove unnecessary outer garments.
- Donor will wash hands, take the collection cup and enter the privacy enclosure to collect at least forty-five (45) milliliters of specimen unobserved.
- The collector records the temperature of the specimen.
- The collector will split the specimen into two bottles.
- The collector will label and seal both bottles in front of the donor.
- The custody and control form will be completed, transferring custody from the donor through the collector to the laboratory courier.
- The split specimen will be placed in secure storage until shipped for analysis.

The integrity of the testing process is ensured through a variety of methods. The collection site is secured when not in use, access to the site is restricted during specimen collection, water sources are controlled to discourage specimen adulteration, trained site collection personnel carefully follow prescribed procedures, specimens are labeled and sealed in front of the donor, custody and control forms are used, specimens are left in locked storage, and the laboratories used for analysis must meet strict standards to be certified by the U.S. Department of Health and Human Services.

The initial drug screen shall use the Immunoassay (EMIT) process and the confirmatory test will be by gas chromatography/mass spectrometry. The drug testing results will be reviewed and positive tests interpreted by the MRO. The following tests and positive test levels shall be used:

	Initial	Confirmation
Marijuana and metabolites	50 ng/ml	15 ng/ml
Cocaine and metabolites	150 ng/ml	100 ng/ml
Amphetamines and metabolites	500 ng/ml	250 ng/ml
Opiates	2000 ng/ml	2000 ng/ml
Phencyclidine (PCP)	25 ng/ml	25 ng/ml

Alcohol Testing

The alcohol test will be performed using an **E**vidential **B**reath **T**esting (EBT) device that is approved by the **N**ational **H**ighway **T**raffic **S**afety **A**dministration (NHTSA) and administered by a trained **B**reath **A**lcohol **T**echnician (BAT).

The alcohol testing process will consist of the following steps:

1. Upon arrival, the employee will be shown to the testing site. The site will afford the employee privacy during the process.

2. The employee will provide picture identification to the BAT for inspection

3. The BAT will explain the test process and will, with the employee, complete the Alcohol Testing Form.

4. The BAT will open a sealed disposable mouthpiece in view of the employee and attach it to the EBT device for a screening test**.**

5. The employee will blow forcefully into the mouthpiece and be shown the result.

6. If the test result is less than **.**04 (non-DOT) and **.**02 (DOT) the test will be recorded as negative.

7. If the initial test indicates an alcohol concentration of **.**04 (non-DOT) and **.**02 (DOT) or greater, a second confirmatory test will be conducted at least 15 minutes, but not more than 30 minutes, after the initial test.

8. Before the confirmatory test is conducted, the BAT shall conduct an airblank test which must read 0.00 to proceed.

9. The confirmatory test will be conducted using the same procedures as the screening test with the exception of the post-test airblank.

10. The result of the confirmatory test is considered to be the final result.

The integrity of the alcohol testing process is ensured through the external calibration checks required on the EBT device, the security of the testing site and EBT device, and the strict testing procedures required to produce a valid test.

Positive Test Results

An employee who tested **.**04 (**.**02 if CDL) or greater for alcohol or fails to pass a drug test will be removed from the performance of his/her job for a minimum of 24 hours, and evaluated by a substance abuse professional. An employee may substitute any available vacation, floating holiday or comp time for the non-pay status.

An employee who tests positive for illegal drugs or controlled substances will be removed from the performance of his/her job and evaluated by a Substance Abuse Professional (SAP) or Chemical Dependency Professional (CDP).

An employee who tests positive for drugs shall have the right to challenge the accuracy of the test results. The employee may request that the original sample be analyzed again. Such request must be made within 72 hours of when the MRO made the employee aware of the original test results.

Pay Status

If an employee is removed from his/her job prior to or during an investigation, they shall be in a pay status pending outcome of the investigation and/or disciplinary action.

Employees who have satisfied any disciplinary action and who are in a recognized treatment program for a drug or alcohol problem may use available sick leave, floating holiday, accrued vacation or comp time for counseling and treatment.

Return to Duty and Follow-up Testing.

An employee who tests positive for an illegal drug, controlled substance and/or alcohol will generally be allowed to return to duty following compliance with all treatment recommendations of the SAP or CDP. Employees who test positive a second time for an illegal drug, controlled substance or alcohol or who fail to comply with treatment requirements (as determined by the SAP or CDP) will be subject to discipline up to and including termination.

Follow up testing will be conducted when an individual who has violated the prohibited substance abuse conduct standards returns to work. Follow-up tests are unannounced and will be conducted-as recommended by the SAP or CDP. Follow-up testing of CDL drivers must conform to DOT standards. Employees testing positive during the follow-up testing period will be subject to discipline up to and including termination.

Employee Rights and Responsibilities

The County will keep confidential all testing results.

If at any point the results of the testing procedures specified in the Drug & Alcohol Testing Processes section of this are negative, all further testing shall be discontinued. The employee will be provided a copy of the results and all other copies of the results (including the original) will be maintained in the Human Resources Department.

An employee, who voluntarily seeks assistance concerning a drug or alcohol problem, prior to reasonable suspicion, shall not be disciplined by the employer and will be immediately referred to the County's EAP. Employees may use available sick leave, floating holiday, accrued vacation or comp time for counseling and treatment.

An employee not designated "on-call" and requested to report to work shall inform their supervisor of any inability to work due to the consumption of alcohol or drugs which may impair the employee’s ability to safely perform his/her job. Under this Section, an employee will not be subject to discipline for advising the employee’s supervisor of his/her inability to work.

All employees who must use a prescription drug that causes or results in adverse side effects (e.g., drowsiness or impaired reflexes or reaction time) shall inform their supervisor that they are taking such medication according to the advice of a physician. Such employees are responsible for informing their supervisor of the possible effects of the drug and their performance and expected duration of its use. If the prescription drug use could cause productivity or safety problems, a supervisor may grant the employee sick leave or temporarily assign the employee different duties, if available.

Employees are required, in compliance with this Substance Abuse Free Workplace Policy, to notify the County of any criminal statute conviction for a substance abuse related violation occurring in the workplace no later than five (5) working days after such conviction.

Education and Training

All supervisors and first level managers will be required to attend a training course which will cover this policy, the effects of illegal drugs, controlled substances and/or alcohol abuse in the workplace, behavioral symptoms of being under the influence of drugs and alcohol, and rehabilitation services available. Union/Guild shop stewards will be invited to attend the above training. Employees attending the training will be on paid status. Refresher courses will be offered periodically and will also be on paid status.

All employees will receive a copy of this policy, informational materials about the effects of controlled substances/alcohol in the workplace and rehabilitation services available.

Record Retention

The drug and alcohol records will be maintained in the Human Resources department in a secure location with controlled access, in accordance with HIPAA guidelines. The following records shall be maintained for five (5) years:

- Records of alcohol test results indicating an alcohol concentration of **.**04 or greater.
- Records of verified positive drug test results.
- Documentation of refusal to take a required alcohol/drug tests.
- Drug and Alcohol related evaluations and referrals.

Records of negative and canceled drug tests and alcohol test results with a concentration of less then **.**04 shall be expunged immediately unless following a valid positive test and in that case subject to the same retention as the positive test.

The County shall provide copies of these records to other employers when former County employees have applied for employment with those employers and have written and signed a release form authorizing the County to release such information.

Laws & Regulations

Should the federal or state government requirements change, the County's policy will be revised accordingly.

13.5 OUTSIDE EMPLOYMENT

Outside employment is permitted to the extent that it does not present an actual or potential conflict of interest or the appearance of a conflict. Additionally, the outside employment must have no negative impact on the employee's job performance or effectiveness in their County role. The following restrictions and procedures apply:

1. The hours of work must not infringe upon or overlap the assigned hours of work for the County position.

2. County equipment, supplies or working time must not be used.

3. No conflict can exist between the purpose or duties of the outside employment and the position held with the County or the interests of the County department.

4. Employees engaged in or contemplating outside employment which is potentially in violation of this policy must notify their Department Head or Elected Official of the role and organization for which they are employed or contemplating employment. The Appointing Authority may request information as necessary to determine whether the employment represents a conflict, potential conflict, or the appearance of a conflict as provided herein.

5. If, in the judgment of the Appointing Authority, a conflict is determined to exist the employee shall be notified of the disapproval and may be subject to disciplinary action if he/she continues to engage in the outside employment. Conflicts may be remedied through mutually acceptable changes in the hours, duties or role of the employee in his/her County or outside employment.

13.6 POLITICAL ACTIVITY

Political activity shall not be permitted on County time nor shall any County employee be required or permitted to expend any time, effort or money on any political activity as a condition of employment.

No person shall solicit any financial contribution or other support from County employees on County property, during working hours or through the use of County equipment and facilities.

Discrimination for or against a County employee based upon political views or affiliations is prohibited unless such affiliation or support is found to be a bona fide consideration in the quality and effectiveness of their job performance and contribution to the organization.

13.7 CHARITABLE ACTIVITIES AND SOLICITATIONS

SCOPE:

This policy addresses solicitations of employees for charitable and non-profit organizations

PURPOSE AND GOAL

The core elements of this policy are necessary and appropriate to:

1. Prevent disruption of employees and departments in their core work activities
2. Limit and manage the conduct of non-County business on County time
3. Ensure reasonably equal and fair access of outside organizations to our employees at the workplace

Policy Statement

Generally, charitable solicitations are considered for approval at a level corresponding with the extent of their impact. Countywide solicitations must be approved at the County Administrator level, department-wide solicitations must be approved at the Elected Official or Department Head level and solicitations within a work unit may be approved at the unit manager level. The approval criteria will include the amount of time or resources involved, the legitimacy of the organization or cause and the degree of disruption to employee activities.

The County exists and is funded to provide certain governmental services and functions, and as such, any charitable activity or politicization must be appropriate in a governmental workplace. The County does not permit solicitations that are religious, political, or controversial or result in personal gain. For example, employees may not sell products or services at the workplace.

Definitions and Scope

1. Charity or charitable cause: any organization or cause with a charitable or humanitarian purpose. Not all tax-exempt or non-profit organizations qualify as charities and not all charitable causes are managed by a qualifying organization. For example, a parent/employee raising funds for a child's youth group, while not a charity, falls under the umbrella of this policy.

2. Fund raising: raising money or supporting activities for the charity. This includes volunteering time, donating goods and materials, endorsing it (such as passing along a flyer) or supporting the organization in some other means. Examples include blood drives, bone marrow donor searches, soliciting for volunteers, etc.

3. County time and staff: any use of paid hours to pursue the activity other than leave time. Leave hours are those which the employee is free to use for any purpose such as vacation, compensatory time off, observed or floating holidays. Lunch periods which are unpaid are considered personal, not County time. Special circumstances apply to breaks and sick leave.

4. County resources: E-mail, internal mail system, copying machines, fax machines, phones, bulletin boards, computers, supplies, buildings and facilities or other related resources.

5. Solicitation: any activity promoting or in support of the organization or cause. In addition to direct mail, phone or in-person solicitations, this would include use of bulletin boards, leafleting cars in parking lots or any other use of the workplace or County resources to promote the activity.

Procedures and approvals for charitable activities and solicitations

Any proposed charitable solicitation should be requested and approved in writing before it is undertaken. The request must include or clearly indicate the following information.

1. The organization involved — name, address and phone, nature of incorporation, purpose, product or service, tax exempt status, if any, and contact personnel.

2. The type of solicitation proposed including communications tools, department(s) affected, target audience and duration.

3. Other required County resources — employee time, facilities, etc.

4. The mission, goal or benefit to be gained by the organization, the County or the affected employees

Where the solicitation is proposed to be contained entirely within a single County department, the request must be submitted to the first level manager and then, through channels, to the Department Head or Elected Official. When it is from an outside organization the request may be submitted directly to the Department Head or Elected Official.

Where the solicitation is proposed to be conducted on a countywide basis or involves multiple departments, the request must be submitted to Human Resources who will review the request and make a recommendation to the County Administrator. County Administrator approval is required for all cross-department solicitations.

The County Administrator may appoint a committee to oversee operation of this policy and to consult or control approval of solicitations at the County level. In addition, the County may elect at any time to revisit the list of officially sponsored charities.

Except for the authorizations herein, no person or organization has authority or access to distribute materials or otherwise solicit employees for non-County purposes using any County resources. Further, the County reserves the right to reject any and all materials or offerings.

Departments are responsible for assuring that employees are informed of this general policy and the particular restrictions, allowances and procedures at the department level for promotion of charitable causes. Employees who violate this or department policies are subject to corrective action. The level of discipline imposed will depend on the facts and circumstances of the particular case.

Use of County time or resources for charitable causes must be pre-approved as follows:

Charity Type	**Approvals and Policies**
Endorsed charities. Charities that the County has adopted, sponsors and supports. As of the date of this policy, those are the United Way Campaign, the Children's Sharing Tree Project, Youth Foundation, and Red Cross blood drives.	Official sponsorship of the charity authorizes full use of County resources to support it. Employees may spend work time on the campaign, use mail and email to promote the program, hold meetings on County time and use County facilities. When a charity has official sponsorship, cross-department promotion and solicitation is permitted. Coordinators can, for example, send broadcast emails to the full workforce soliciting funds. The County Administrator's approval is required to officially sponsor a charitable cause.
Internal Charities. Programs run by County departments that support human service or charitable goals, such as drunk driving program, food warehouse, victims' assistance and others.	County Administrator approval is required for these programs to solicit funds, donations, and volunteers on a countywide basis. Employees within the program may undertake activities that support the program, using County time, resources, within the limits of their position.
Department Level charities – charitable activities occurring entirely within a department — not involving any countywide or cross-department solicitations.	Approval of the responsible Elected Official or Department Head is required. The approval does not authorize any cross-departmental solicitation. When approval is obtained, it authorizes use of resources such as internal mail, Email and bulletin boards within the department only.
Employee-level charities — small scale efforts initiated by employees such as selling raffle tickets or candy for a child's school or youth group. Pledge drives also fall in this category.	Must be approved by employee's first level manager (not lead or bargaining unit supervisor) and should be done on the employee's own time or with limited use of county time or resources. Email solicitations are permitted provided there are few of them and they are directed to a small group of employees. Employees should not be made to feel pressured or uncomfortable by the solicitation.

13.8 SOLICITATIONS FOR COMMERCIAL AND NON-CHARITABLE ORGANIZATIONS

Commercial solicitations are defined as solicitations on behalf of businesses, employees or other groups where the purpose or result is financial or personal gain. Generally, the County does not permit use of County work time, equipment, facilities or resources for personal or commercial activities. Any exceptions to this must be pre-approved to allow for fairness among like organizations and to limit the amount of county resources expended on these activities. The following describes the level of access and the general approval:

Level of Access	**Activity types/Approvals**
Mass distributions/solicitations via email, voicemail, internal mail system, or direct contact, including both countywide and department-wide solicitations.	Generally prohibited. May be considered if the product or service is restricted to government employees, is of significant value to the county or its employees and it presents no fairness concerns (there are no comparable organizations that could seek the same treatment or other business that can provide a similar opportunity). The County Administrator's approval is required.
Posting or displaying materials on employee bulletin boards or break areas	Allowed for employee-initiated activities such as classified ad type sales and certain, one time, commercial solicitations where there is a benefit to an employee. Not permitted for political, religious or other potentially sensitive or controversial solicitations. The Department Head's approval is required.
Distribution of materials through/by the Human Resources department, in new employee orientation or the Human Resources reception area.	Generally reserved for officially endorsed and approved organizations such as Magic Kingdom Club, Costco discounted rates at local health clubs, and certain credit unions. The County Administrator's approval is required.

13.9 HEALTH AND SAFETY

Clark County recognizes the need to maintain a healthy and safe working environment for all employees. Responsibility for health and safety matters are shared between the County's designated safety official and the respective Department Heads and Elected Officials. Detailed and specific policies are located on the county's intranet Occupational Health & Safety under "Health and Safety Manual."

13.10 NEPOTISM

The County will not permit employment situations in which a conflict of interest is created based upon family or personal relationships. A conflict of interest shall be deemed to exist when any employee has the authority or practical power to exert favorable or unfavorable influence over the employment, or terms and conditions, of a relative or other personal relationship. This

includes the authority to supervise, appoint, terminate, discipline or to review or audit the work. For the purposes of this section a conflict may be determined to exist based upon an actual or potential conflict or the appearance thereof.

Employees who become related or otherwise involved in a personal relationship that creates an actual or potential conflict of interest must notify their respective Department Head or Elected Official. The responsible official shall make such changes as are necessary to preclude the conflict of interest and the employees will be given a "grace period" in which to change work responsibilities, supervisors, or positions in order to comply with the intent of the policy. The grace period shall be for no longer than ninety (90) days.

Additionally, all employees are prohibited from attempting to intervene in or influence the County's treatment of other employees or applicants for employment with whom they have a family or personal relationship. Similarly, the County will deal directly with and only with its employees or applicants and will not handle employment issues or disagreements with anyone other than the employee/applicant, or, if authorized, his/her official representative.

13.11 TOBACCO

Smoking is prohibited within 25 feet of all entrances and exits, windows that open, and ventilation intakes, and inside all County facilities and buildings. Use of tobacco products in County vehicles is not permitted with the following exception:

- Open air equipment such as backhoes, loaders, paving equipment, and mowers.

13.12 POSSESSION OF FIREARMS

Detailed and specific policies regarding possession of firearms are located in the county's intranet Health and Safety Manual under "Workplace Violence."

13.13 EMPLOYEE INDEMNIFICATION

Clark County shall protect, defend, hold harmless and indemnify for any damages, including court ordered attorney's fees, all current and past officers, employees, Elected Officials and their respective marital communities against any and all claims or causes of action which arise as a result of alleged acts or errors and omission occurring within the scope of their duties and responsibilities or employment with Clark County. Provided, the County may elect not to provide indemnification for acts not undertaken in good faith, official acts or misconduct, for the defense of the right to hold office or if the employee fails to fully cooperate with the defense of such action. If the Board of County Commissioners makes such determination, the employee, officer or Elected Official shall be notified of such decision and shall have a right to meet with the Board prior to the decision being final.

Legal services will be provided by the office of the Prosecuting Attorney. Should the Prosecuting Attorney's Office have a conflict of interest, appointment of legal counsel shall be in accordance with RCW 36.27.030.

13.14 BULLETIN BOARDS

County bulletin boards are designated for the official business use of the County and the County retains the exclusive right to determine the appropriateness of any use of same or the materials to be posted. Use of bulletin boards for commercial, political, religious, or other potentially sensitive or controversial solicitations is prohibited. All other uses require the approval of the responsible Department Head or Elected Official or his/her designee.

Policy No. **14.0**	**Corrective Action**	Page 1 of 6	
Policy Sections: 14.1 General 14.2 Meetings That May Result in Disciplinary Action 14.3 Corrective Measures 14.4 Performance and Conduct Standards and Expectations 14.5 Corrective Action Review and Approval 14.6 Records		Effective: Supersedes:	03/01/2014 09/22/2009

PURPOSE

To provide guidelines for corrective action to address employee job performance or work conduct which is unsatisfactory.

SCOPE

This policy applies to all non-exempt regular full-time and part-time employees. M1 and M2 employees are considered "at-will" employees who serve at the discretion of their Appointing Authorities and may be disciplined, terminated or reassigned at any time without cause or notice.

14.1 GENERAL

1. The range of corrective action available includes counseling, verbal and written warning/reprimand, suspension, demotion, and termination. Additional tools include the use of performance appraisals, training, the Employee Assistance Program, "last chance" agreements and performance improvement plans.

2. The degree of corrective action should take into account the employee's past record, length of service and the particular circumstances surrounding the problem to be addressed.

3. No particular sequence of corrective action is required and the County reserves the right to terminate employment immediately in cases of serious misconduct or serious or willful violations of County policies or standards, or for any other reason warranting termination.

4. All disciplinary actions due to misconduct for regular employees involving a loss of pay as a result of suspension, demotion, and/or termination require formal written notice in advance to the employee and a pre-disciplinary meeting to afford the employee an opportunity to respond to management's specific concerns.

5. In cases where management, in consultation with Human Resources, determines that an employee should be removed from the workplace pending corrective action or to conduct an investigation, the employee should be placed on paid administrative leave. The length of the leave should be kept to the minimum time necessary to complete the review or investigation.

6. Probationary Employees. The first six months of employment with the County is a probationary period. Supervisors are encouraged to counsel probationary employees if performance or conduct problems occur. However, supervisors may terminate probationary employees (with or without prior counseling or disciplinary action) for any lawful reason.

7. Temporary and Project Employees. Individuals hired by the County into temporary/seasonal or project positions are employed for a limited time or on an "as needed" basis. A supervisor may terminate the services of these individuals for any lawful reason without prior corrective action or notice.

8. An employee may appeal corrective action by utilizing the Complaint Resolution Policy (HR Policy 15.0). Bargaining unit employees are required to use the grievance procedure provided by their collective bargaining agreement

14.2 MEETINGS THAT MAY RESULT IN DISCIPLINARY ACTION

1. Bargaining unit employees will be provided union representation, upon the employee's request, at meetings called to gather information that could result in disciplinary action. Requests from non-union employees for a co-worker representative at such meetings will be granted, provided the individual is available and not otherwise involved in the matter.

2. An employee's attorney, or other non-employee advisor, may not participate in County investigatory/corrective action meetings.

3. Unauthorized Recordings. Employees may not use tape recorders or other electronic devices to record or transmit any meeting or conversation with employees or representatives of the County involving County or employment-related matters unless all participants of the meeting/conversation are specifically informed and consent to the recording.

14.3 CORRECTIVE MEASURES

No particular action or sequence of actions is required or promised prior to any corrective action.

1. Addressing Job performance:

   Counseling: Counseling or coaching to identify deficiencies so the employee can make needed improvements. Counseling, which may or may not be documented, is not considered disciplinary action.

   Performance Improvement Plans: Performance improvement plans are developed when an employee's performance has failed to meet expectations after diagnostic and remedial steps have been taken to improve performance, e.g., clear expectations, gap analysis, additional training (if appropriate), one-on-one meetings, and performance monitoring.

Salary Step Denial: The denial or delay of a scheduled step increase is generally used in cases of borderline job performance and not as a punitive measure. It is used to freeze the salary for a specified period until the required improvements are met.

Demotion: Demotion is usually made to the employee's former classification or one in the same job family. Demotion may be appropriate when the problems are related to the responsibilities or requirements of a higher classification and the employee is likely to succeed in a lower position.

2. Addressing Misconduct:

Counseling: Counseling or coaching to identify inappropriate conduct so the employee can make needed improvements. Counseling, which may or may not be documented, is not considered disciplinary action.

Verbal Warnings: Used to inform an employee that 1) specific actions must be corrected and 2) further corrective action will result if improvement does not occur. A written record of the verbal warning should be kept by the supervisor for future reference if needed improvement does not occur. Verbal warnings are generally kept for one year unless stated otherwise in a relevant collective bargaining agreement.

Written Warnings: Used when less formal measures have not corrected a problem or as a first step where misconduct warrants a written warning. A copy will be filed in the employee's HR personnel file for two years unless stated otherwise in a relevant collective bargaining agreement.

Suspension: An involuntary period of leave without pay imposed when unacceptable conduct continues or recurs despite prior corrective action. A suspension may also be utilized without prior corrective action if the misconduct so warrants. A copy of the suspension will be permanently filed in the employee's HR personnel file.

Demotion: Demotion is usually made to the employee's former classification or one in the same job family.

Final Warning: A defined, pre-termination improvement period used to provide an employee with a last opportunity to avoid termination. Final warnings may be used in lieu of suspension for misconduct such as violation of the attendance policy. An employee on a final warning may be determined ineligible for promotion, transfer or salary increase.

14.4 PERFORMANCE AND CONDUCT STANDARDS AND EXPECTATIONS

This policy sets forth a set of general standards and expectations of employee job performance and on-the-job (and some off-the-job) conduct. It is intended to guide managers and employees in knowing what is acceptable and what may serve as the basis for corrective or disciplinary action or termination. (See also HR Policy 13.0 ("Employment Standards") for specific standards on subjects such as outside employment, ethical conduct, use of County property.)

Termination without prior warning or use of progressive discipline may be appropriate for any serious misconduct or serious performance problems. The County's management, in consultation with Human Resources, determines whether conduct or performance problems are so serious that it is appropriate to terminate an employee without a prior action. By listing the following standards the County does not limit its right to discipline employees for any reason sufficient in management's judgment to justify corrective action.

1. Job Performance Standards: Poor performance could serve as the basis for a performance improvement plan that may lead to termination. Severely poor performance may directly result in termination. Most job performance expectations are defined based on the employee's department standards, job classification, qualifications, assignment, etc. This section sets forth the following general standards which apply to all employees:

   a) Exercises appropriate judgment, decision-making and initiative.

   b) Knows and follows working policies, procedures and work techniques.

   c) Carries out work assignments in a diligent, cost-effective, efficient and timely fashion. Displays an adequate sense of priorities and a strong work ethic.

   d) Overall output or quantity is acceptable and within established timelines and priorities.

   e) Work product meets all standards of accuracy, quality and professionalism.

   f) Achieves and maintains the level of knowledge, skill and ability required by the employee's job classification and assignment.

   g) Carries out assignments with the level of training and supervision appropriate to the employee's classification and qualifications (does not require too much training or supervision in relation to expected skill levels).

   h) Establishes and maintains effective working relationships with coworkers at all levels within and outside the organization/department as necessary to accomplish job objectives. Expresses disagreements in an appropriate setting and in a manner that is constructive and not disruptive or harmful to the goals of the job and department.

   i) Communicates effectively and appropriately with the public and department customers and displays an adequate commitment to effective customer service.

   j) Maintains an acceptable record of attendance and punctuality.

   k) Establishes and maintains the required level of health and fitness required for the effective performance of duty.

   l) Is mentally and physically able to perform the essential tasks of the position with, if required, reasonable accommodation due to a qualifying disability.

m) Is attentive to job safety considerations and follows all required safety policies, procedures, and techniques.

2. Conduct Standards: Misconduct that could serve as the basis for corrective/disciplinary action up to and including immediate termination of employment includes but is not necessarily limited to the following examples:

a) Absence without leave or failure to follow required procedures for requesting and reporting absences.

b) Abuse of leave privileges or misrepresentation of reasons or necessity for leave or failure to return from leave.

c) Insubordination: Refusal to carry out a reasonable order from an authorized supervisor.

d) Theft or misuse of County property, funds or working time.

e) Violation of published policies and standards regarding employee conduct.

f) Falsification of official documents or other forms of misrepresentation or dishonesty.

g) Negligence or other acts which damage or endanger the County's property, equipment, or the personal safety of employees or others, including fighting, physical abuse, or possession of weapons in the workplace.

h) Conviction of a felony or misdemeanor or violation of laws and ordinances provided the criminal offense or activity is harmful to the legitimate interests of the County or has a bearing on the employee's job responsibilities.

i) Conduct off duty or on the job which impairs the employee's on-the-job effectiveness or which may reflect adversely on the County's operations, interests or reputation.

j) Conduct that is, or may result in, a conflict of interest between job responsibilities and private (business, personal or financial) interests.

k) Possession, sale, use or under the influence of controlled substances or alcohol while on duty or reporting for duty or working with impaired effectiveness due to off-duty use of controlled substances or alcohol. (See also HR Policy 13.4, "Substance Abuse Free Workplace".)

l) Discrimination or harassment in violation of County policy prohibiting such conduct or related inappropriate behavior.

m) Unprofessional conduct or appearance, abusive, or inappropriate language or behavior, wearing of inappropriate attire or unacceptable/unprofessional personal grooming and cleanliness.

n) Engaging in other unlawful or inappropriate activity on the job including prohibited activities in the areas of employee solicitation, political activities, or other activity that is damaging or detrimental to the County's reputation and interests.

14.5 CORRECTIVE ACTION REVIEW AND APPROVAL

1. Corrective action involving suspension, demotion, performance improvement plans, or termination will be reviewed with Human Resources before being imposed.

2. County Administrator review is required for suspensions, demotions and terminations when Human Resources and the Appointing Authority are unable to agree on an appropriate course of action.

14.6 RECORDS

1. All corrective action taken at the level of a written warning or higher, and completed performance improvement plans, should be placed in both the department and Human Resources personnel file. Other written materials (e.g., documentation of counseling efforts and verbal warnings, complaints about an employee, performance notes) should be retained by the supervisor in working files.

2. Employees may request, or management may initiate, removal of written warnings from the personnel file after two (2) years provided the problem(s) has been fully corrected and there have been no new or additional concerns during that period. Union contracts may have specific provisions for document removal. Retention of corrective action documents will be in compliance with requirements of RCW 40.14 (Preservation and Destruction of Public Records).

3. A corrective action document removed from the personnel file generally should not be used as a basis for further progressive disciplinary action. However, where there is a resumption of the same or related discipline problem, prior documented corrective action and the length of any period of improvement may be relevant in addressing a recurring problem.

Policy No. **15.0**	**Complaint Resolution**	Page 1 of 3
Policy Sections: 15.1 Non – Retaliation 15.2 Timeliness 15.3 Contents of Complaint 15.4 Informal Resolution 15.5 Initial Review 15.6 Senior Management Review 15.7 Human Resources Review 15.8 County Administrator or Elected Official Review 15.9 Suspension of Review Process 15.10 Terminated Employees		Effective Date: 09/22/2009 Supersedes: 04/18/2005

PURPOSE

The County has established the procedure set forth in this policy to provide an effective process to address and resolve employee concerns or complaints regarding employment-related actions, decisions or application of policy affecting an employee's work environment.

SCOPE

This policy applies to all regular and project employees.

This policy's complaint resolution procedure does not apply to matters which may be grieved under a collective bargaining agreement's grievance procedure or the Civil Service Rules for Clark County appeals procedures, unless the agreement/rules allows for employees to utilize this policy in lieu of the those processes and the employee so chooses.

Complaints regarding departmental decisions not governed by Human Resources Policies should be filed with the employee's manager.

Complaints regarding an Elected Official's department will be accepted under this policy if and to the extent that the Elected Official has adopted the Human Resources Policies for his/her department. However, if the complaint is subject to an Elected Official's written complaint procedure that provides for final review by the Elected Official, or designee, this policy will not apply.

HR Policy No. 3.0 ("Equal Opportunity Employment and Harassment") provides a complaint procedure for filing complaints regarding unlawful discrimination or harassment.

HR Policy No. 23.0 ("Whistleblower Policy") provides a complaint procedure for filing complaints regarding improper governmental action by County officers or employees.

15.1 NON-RETALIATION

Employees bringing forward complaints under this policy, in good faith, are advised that any retaliation for doing so is prohibited.

However, employees may be subject to disciplinary actions, up to and including termination, for knowingly furnishing false information as determined by the employee's appointing authority, or for filing a complaint that is not in good faith.

15.2 TIMELINESS

In order to address and resolve problems, notice of issues and interests must be brought to the attention of department supervision as soon as practicable**.** All times specified in this resolution process may be extended by the County with notice to the employee. For purposes of this policy, "working days" means Monday through Friday, excluding holidays.

15.3 CONTENTS OF COMPLAINT

To initiate this policy's complaint resolution process, the complaint shall be in writing and include the following:

- the actions or decisions challenged;
- the policy or procedure not followed or challenged;
- the remedy recommended or requested;
- the employee's name, address, phone number, and signature

15.4 INFORMAL RESOLUTION

Employees are encouraged to resolve concerns informally with their supervisors. Employees also may contact Human Resources to discuss issues or request information regarding interpretation and application of policies and procedures before deciding whether to initiate the complaint resolution process described below.

15.5 INITIAL REVIEW

Employees should provide their supervisor with a written complaint within ten (10) working days after becoming aware of the issues of concern. The supervisor will respond in writing within ten (10) working days after receiving the complaint. If circumstances justify not presenting a complaint to the employee's supervisor, the employee should contact the next level of management or Human Resources for assistance.

15.6 SENIOR MANAGEMENT REVIEW

An employee not satisfied with the initial response may request review by senior management by filing the request within five (5) working days with the employee's department head. Included should be the reasons the employee is not satisfied with the initial response and the desired resolution. The department head, or designee, will respond in writing as soon as practicable.

15.7 HUMAN RESOURCES REVIEW

An employee not satisfied with the senior management response may request further review by the Human Resources Director by filing the request within five (5) working days. Included should be the reasons the employee is not satisfied with the prior response and the resolution desired. The Human Resources Director, or designee, will respond in writing as soon as practicable.

15.8 COUNTY ADMINISTRATOR OR ELECTED OFFICIAL REVIEW

An employee not satisfied with the prior responses may request final review by the County Administrator (or appropriate Elected Official if in such department) by filing a request within five (5) working days. Included will be the reasons the employee is not satisfied with the prior responses and the desired resolution. The official, or designee, will respond in writing as soon as practicable.

The decision at this step is final and binding on all parties.

15.9 SUSPENSION OF REVIEW PROCESS

If any issue submitted for review under this policy becomes subject to administrative agency proceedings or litigation, the County will determine the appropriateness of continuing the review process.

15.10 TERMINATED EMPLOYEES

Terminated employees may have their termination reviewed under this policy by filing a written complaint with the County Administrator or Elected Official post marked within ten (10) calendar days of notice of their termination. The written complaint should include:

- A description of the relevant facts, to include persons involved or witnesses if appropriate;
- The reasons the individual disagrees with the termination decision;
- The remedy recommended or requested;
- The employee's name, address, phone number and signature.

The official, or designee, will provide a written response within 30 days.

Policy No. **16.0**	**Separation from County Service**	Page 1 of 7	
Policy Sections: 16.1 Resignation 16.2 Retirement 16.3 Department Transfers vs. Resignation/Rehire 16.4 Abandonment of Position 16.5 Layoff Policy		Effective: Supersedes:	09/22/2009 04/18/2005

PURPOSE

The purpose of this policy is to outline the responsibilities of employees and the County when an employee separates from County service. The employment relationship may be terminated by a number of means including resignation, retirement, death, layoff, dismissal or abandonment of a position.

SCOPE

This policy applies to all Clark County Elected Officials, Department Heads, Managers, Supervisors, and employees.

16.1 RESIGNATION

1. Any employee desiring to leave County service in good standing shall present a letter of resignation to the appropriate management official (generally the employee's immediate manager) at least two (2) calendar weeks prior to the actual termination (which is the last day of work) and the reason for the resignation. Senior officials of the County are encouraged to provide 2-4 weeks additional advance notice to allow adequate time to complete active projects and assist in the transfer of job responsibilities.

2. Failure to comply with the two (2) week notification shall not be considered resigning in good standing and may jeopardize the employee's eligibility for reemployment or other favorable treatment following separation.

    a) Employees who separate from County service will be paid for certain forms of accrued, but unused leave. See Policy No. 12 - Leaves of Absences. Employees may not extend the termination date beyond the last day of work by using accrued leave. The Department Head or Elected Official and Human Resources must approve exception to that requirement.

    b) Unless an employee meets all the retirement criteria of their retirement plan, they will not be considered retired, but will be considered as a voluntary resignation regardless of their stated reason for separation.

3. Department must submit a Personnel Action Form (PAF) as soon as practicable following notice of intent to resign.

16.2 RETIREMENT

Clark County is a member of the federal Social Security System, the Washington Public Employee Retirement System, and the Washington Law Enforcement Officers and Fire-Fighters Retirement System. When an employee reaches the appropriate retirement age for his/her retirement system, has accumulated a sufficient number of years in the appropriate retirement system, and meets the other Retirement Plan eligibility requirements, he/she may retire from County service. Employees contemplating retirement or who have questions about their retirement system should contact the Department of Retirement Systems at least 30 calendar days in advance of the last day of employment. Human Resources should also be contacted regarding other retirement related benefits, such as Health Insurance. The employee's department must submit a PAF to Human Resources as soon as practicable following notice of intent to retire.

16.3 DEPARTMENT TRANSFERS VERSUS RESGINATION/REHIRE SITUATIONS

In most cases, the movement of an employee from one department to another will be treated as an interdepartmental transfer[1] and there will be no break in service. The employee's service/seniority will transfer with him/her as will leave balances and other accumulated rights and privileges.

1. In certain cases, with agreement of the employee, the "receiving" department, labor organization (if applicable) and Human Resources, an interdepartmental movement or certain elements of it, may be treated as a resignation/rehire situation.

2. This may be appropriate, for example, when there is a substantial change in pay between the new and former positions or when an employee is retiring from one system (LEOFF or PERS) and entering another.

3. The terms and conditions of each such transfer/separation/rehire are subject to approval of the applicable departments and Human Resources.

In all other cases, the movement of an employee from one department to another will be considered an internal movement — promotion, transfer, and such, and treated accordingly as provided by these policies.

16.4 ABANDONMENT OF POSITION

An employee who is absent from his/her position for three (3) consecutive work days without notice to the Appointing Authority or designee shall be considered to have abandoned his/her position, unless in the opinion of the Appointing Authority 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 within fourteen (14) calendar days after the three (3) consecutive work days of absence.

[1] Even though it may not be lateral for salary purposes and may therefore be a promotion or demotion

16.5 LAYOFF POLICY

A layoff is the termination of an employee based on the elimination of the employee's position or through displacement. The County may eliminate positions due to reorganization, elimination of services/function, budgetary decisions, lack of work, or other similar and appropriate reasons. Layoff is not considered to be a "for cause" separation, and should not be used in its place. The position of a laid off employee may not be retained or re-created and filled other than by recall within twelve months following layoff.

Employees may be laid off through displacement by an employee through the reassignment procedure outlined in this manual. Reduction in hours may be initiated for the same reasons and shall generally be accomplished through the policies and procedures in this section.

Employees who are displaced and reassigned to a lower classification shall be considered laid off from their former classification for the purpose of recall under this policy.

1. Selection of Positions and Employees for Layoff

   a) The Appointing Authority shall identify by classification the positions to be eliminated.[2] Within classification, employees shall be selected for layoff based upon a blend of qualification, skills, past performance and length of service. The selection should be made based on an objective assessment of the employees' ability to perform the jobs and assignments remaining after the layoff and the needs of the department.

   b) For appointed departments, County Administrator approval is required for the layoff decision and the selection of employees prior to issuance of notices of layoff.

   c) For all departments, Human Resources approval is required as to the content of the layoff notice and the rights and procedures specified therein.

   d) Employees shall be provided a minimum of two calendar week's written notice of layoff or pay in lieu of notice.

2. Service

   To the extent length of service is a consideration, the primary consideration should be given to time in the job classification and job family. The following additional exceptions or considerations should be applied:

   a) When an entire classification is eliminated and replaced with a new classification (for example Office Assistant II replacing General Journey Clerical), seniority in the former classification shall be added to seniority in the new classification;

   b) Service in alternately staffed positions, e.g. Office Assistant I/II, should be computed as all time in any of the alternate classification;

[2] See subsection 16.5 entitled "Layoff Policy" at end of this section for guidance on identifying positions and employees in layoff situations.

c) When time in classification is relatively equal, additional credit may be given based on service in the department and/or in the County;

d) For reassignment purposes, service should include all time in the classification from which the employee is being laid off AND all time in the classification to which reassignment is being considered provided the classifications are in the same job family. For example, time as a Senior Office Assistant will be added to time as an Office Assistant I/II.

3. Reassignment

Employees facing layoff shall be considered for reassignment in the order below to positions in the classification in which they are currently or have been formerly employed and have attained regular status. No step may be utilized unless there are no available positions in the preceding steps. Surplus employees should be considered for:

a) Vacant positions in the County in the classification from which they are being laid off provided the employee possess the requisite qualifications for the position;

b) Vacant positions in lower classifications in the employee's department provided the employee possesses the requisite qualifications for the position;

c) Vacant positions in former classifications on a countywide basis provided the employee possesses the requisite qualifications for the position;

For the purposes of this section, "qualified" or "possess the requisite qualifications" shall be defined as meeting the published minimum qualifications based upon the classification description and possessing all reasonably required skills, knowledge and abilities for the individual position.

No available positions may be filled through normal procedures until all qualified laid off employees have been considered.

d) In the event there are no available and suitable vacancies the employee(s) shall be laid off.

e) Non-represented employees are not eligible to "bump" employees in lateral or lower classifications within the department in which the layoff is occurring or on a county-wide basis. However, the Department Head or Elected Official may reassign surplus employees to positions in classifications they have formerly occupied within the department and lay off employees displaced by that action. There is no formal, employee-initiated bumping right or procedure for nonrepresented employees.

For the purposes of this section, "departments" are defined as follows:

Assessment
Auditor's Office, including Elections and Auto License
Board of Equalization

Board of County Commissioners Office
Budget Office
Communications Resource Center
Community Development
Community Planning
Community Services
Cooperative Extension
GIS
Medical Examiner
County Clerk's Office
District Court and Corrections
Emergency Services
Environmental Services
Human Resources
Information Services
Public Health
General Services, including Records, Print Shop, Facilities Management, and Risk Management
Juvenile Court Services
Prosecuting Attorney's Office, including Children's Justice Center, and Victim/Witness Program
Public Works
Sheriff's Office
Superior Court
Treasurer's Office

4. Recall

The names of employees laid off from a classification shall be placed on a recall list for the classification from which they were laid off for a period of twelve months from the effective date of layoff or reassignment in lieu of layoff.

Laid-off employees will be considered for employment in any available vacancy in the County in the classification from which they were laid off provided they possess all required skills, knowledge and abilities for the position. Laid off employees who have received a written warning within one year prior to layoff or a suspension or demotion within three (3) years prior to layoff are eligible only for recall to their former department.

Laid off employees are eligible for consideration for positions in other job classification in the County through the competitive recruitment and selection procedures and shall be allowed to compete as internal candidates for the duration of their recall eligibility period. Laid off employees are responsible for making themselves aware of available positions other than those for which they are entitled to recall consideration.

a) Recall Procedure: Notice of recall shall be sent to the employees at the last address reflected in the employee's official personnel file and/or HRMS system, and the employee must respond within seven (7) calendar days of the date of the notice. An employee who rejects a recall offer for the classification from which they were laid

off or who fails to respond to a recall notice for that classification shall be removed from the recall list. Failure to accept or respond for a position in a formerly held classification shall not result in removal from the recall list for the classification from which they were laid off. The employee shall be responsible for notifying the Human Resources Department of any change in address, telephone number and circumstances relative to their availability for recall.

b) Rights upon Recall: Employees who are recalled within one year shall be reinstated with all rights formerly attained including vacation accrual rates and accrued sick leave balances that were not otherwise paid out in accordance with County policy on sick leave payout.

c) Vacation and floating holiday balances cashed out at termination may be restored by the employee paying the full cash value of the leave restored within 30 calendar days of re-employment. A recalled employee's health and dental insurance waiting periods may be waived as permitted by insurance carrier contracts, and if waived, coverage shall be effective the first of the month following reinstatement.

d) The hire date shall be adjusted to reflect the time on layoff, but the employee shall otherwise retain all service credit held at the time of layoff. Employees recalled to their former classification shall be appointed to the step and range formerly held and credit toward the next salary anniversary date shall be continued, less the time on layoff.

5. Benefits Continuation

   The County shall continue the employer's contribution toward the cost of medical and dental insurance through the end of the first calendar month following layoff, provided however that such time shall be counted toward the total period of eligibility under the COBRA continuation period.

6. Layoff Administration

   Layoff planning and implementation has legal implications, as well as major operational and morale implications. This section is intended to offer guidance to managers in planning layoffs, selection of positions to be eliminated and selection of employees to be laid off or reassigned.

7. Layoffs stemming from elimination of services and reorganization are generally less complex — the positions being eliminated are clearly identified, as are the incumbents who are affected by the organizational decisions. Generally, the incumbent of the deleted position will be identified for layoff but may have reassignment options as provided for in this policy.

8. For financially-based and reduction-in-force (RIF) type layoffs, the following process is recommended to identify both surplus positions and employees to be laid off or reassigned:

Step 1. Identify positions to remain and to be eliminated based on function and importance, independent of the incumbent; e.g. redesign the organization chart assuming all positions were vacant. The product of this effort will be a new staffing chart identifying the positions remaining by classification, division, work assignment, location, etc;

Step 2. No further action is needed for all classifications in which there is no reduction in staffing unless employees are subject to bumping or displacement by others;

Step 3. For each classification with surplus employees (headcount exceeds available positions), identify critical skill employees who cannot be let go based on specialized responsibilities, skills or both. These employees should be exempt from layoff and from any bumping from or to other positions;

Step 4. The remaining "positions" within each classification can then be filled (or surplus employees identified) by a ranking process. It is recommended that ranking be based on expected future job performances within the classification. This measure will blend demonstrated qualifications and skills, past performance evaluation and other appropriate indicators. "Bands" rather than discrete rankings are recommended, i.e. exceptionally qualified, very qualified, well qualified, etc. Presumably, layoffs will be occurring within the band considered average or just qualified;

Step 5. Where a choice or cut must be made within a band, it is generally recommended that length of service be used as a tie breaker and that time in classification be the primary measure of length of service. Consideration may be given to time in the department or all County service;

Step 6. Employees surplus within a classification should be considered for reassignment to other vacant or occupied positions as indicated under Selection of Employees for Layoff above. It is generally recommended that assignment changes within the employee group remaining be minimized. It is not advisable that a two person staff reduction trigger six new work assignments and managers should seek to minimize the disruption of widespread job changes.

9. Alternatives to Layoff

Layoff should be considered a course of last resort and should only be invoked when other less stringent actions are not adequate to address the situation. Alternatives to layoff may include such measures as elimination of vacant positions, temporary employees and consultants and/or reduced work hours programs where all or groups of employees agree to reduce their work hours in lieu of elimination of whole positions.

Policy No. **17.0**	**Travel, Training and Tuition Reimbursement**	Page 1 of 4	
Policy Sections: 17.1 Travel and Training 17.2 Tuition Reimbursement		Effective: Supersedes:	09/22/2009 04/18/2005

PURPOSE

It is the policy of the County to support travel and training expenditures as necessary for the effective delivery of services and accomplishment of department goals and objectives. Additionally, an investment in employee training and development is necessary to ensure that staff at all levels remain current in the knowledge, skill and abilities required of their positions. Budget proposals and expenditures for travel and training expenditures will be considered in the context of competing demands for expenditures in other areas including personnel and equipment, capital improvements, etc.

SCOPE

This policy addresses general business travel and travel for training purposes including professional conferences, association meetings and seminars.

17.1 TRAVEL AND TRAINING

1. Budgetary Guidelines

   a) Annual travel and training budgets should relate to the size and makeup of the department's employee population. Departments with a high proportion of professional and management employees will typically expend more funds on training and travel than departments with an emphasis in trades and support personnel. Generally, (and subject to specific review on a year-to-year basis) departments' combined travel and training budgets should fall in the range of 1% to 3% of the total salary (excluding benefits and temporary employees) budget. This formula also recognizes the higher investment required for higher salaried employees. Expenditures in the following categories would be excluded from this calculation:

      - County-funded on-site training programs
      - tuition reimbursement
      - licenses and certifications, professional dues and memberships
      - publications and subscriptions

b) The foregoing percentage span is a guideline amount and assumes no special circumstances which might justify a higher or lower figure. For example, a planned cross-country trip of three people to visit an innovative program might justify a higher percentage figure in a particular year.

c) As part of the annual budget cycle, all known travel and training expenditures in excess of $1,500 per trip/program should be specifically documented in department budget submissions.

2. Expenditure Guidelines

Individual expenditures should be considered carefully to ensure that training and travel expenditures represent a cost-effective investment. Programs which provide immediate, practical skills, and at the least cost, should be favored. Other factors to be considered include:

a) The cost of training in relation to the travel and accommodations expenses

b) Economy of scale considerations where one employee can attend and return to train others

c) Maximizing discount opportunities in such areas as using discount airfares, advance purchase, Saturday night stays, less expensive lodging, etc.

d) Alternative training sources, interactive computer tutorials, ordering only the reference materials for the course, etc.

Generally, all training opportunities and associated travel costs should be pursued within the state of Washington, the Portland metropolitan area or other locations within the region of equivalent distance and cost. Exceptions will be considered for programs that are not available within those areas, long distance travel that is less costly than regional travel or to allow senior managers and Elected Officials to participate in the national programs of their respective professional associations.

3. Approval procedures: Departments reporting to the Board of County Commissioners

a) All planned travel and training expenditures must be approved in advance by the Department Head or his/her designee.

b) The County Administrator's advance approval is required for expenditures on the part of the Department Head in excess of $1,000 or outside of the state of Washington or region or travel/training expenditures in excess of the total department budget for the year. Expenditures specifically documented and approved via the budget process need not be re-approved by the County Administrator when the trip is planned and taken.

4. Approval procedures: Elected Official's Departments

   a) Elected Officials' proposed annual budgets will be considered in the context of the foregoing general and budgetary guidelines, including documentation of major travel expenditures.

   b) Expenditures within budget are subject to the procedures and approvals required within the applicable Elected Official's department.

5. Career Development

   a) Individual applications for study, course work, and other career development experiences are expected to be based on the employee's career development plan which, in turn, reflects both organizational needs and personal aspirations.

   b) Clark County supports the concept of shared responsibility for career development. Both the organization and the individual share the responsibility of continued improvement.

6. Computation of Work Time during Training

   Computation of work time while attending a training function or in traveling to and from a training function shall be in accordance with the Fair Labor Standards Act. The general rule for employees that are exempt from FLSA shall be that all time in actual meetings is time worked and travel time during normal work hours shall be time worked, while travel time outside normal work hours shall be unpaid. For employees covered by FLSA, travel time is payable time only during their normal working hours or if they are expected to drive a car or chauffeur other employees, and the training to or from which they are traveling is required by the Appointing Authority (See 29 C.F.R. S.785.28-785/41). The intent of this Rule is that an employee should receive their normal pay for training functions but not gain additional benefits nor be put in a position where they would lose benefits.

7. Prepayment of Training Expenses:

   In certain instances, a Department Manager or Elected Official may direct an employee to attend a short-term training program or college level course(s) to acquire a skill needed by the Department and in those instances they shall be entitled to compute travel time and time in class as time worked along with prepayment of tuition, books, and materials. However, the employee must sign a waiver that the County may withhold the cost of the program from the employee's paycheck if the employee terminates employment while enrolled in the training program or if the employee fails to satisfactorily complete the program.

8. Seminars and Conferences:

   Employees may request opportunities to attend work-related seminars and/or professional conferences to acquire new skills and/or latest information relating to his/her professional field. Payment for attendance at seminars/conferences may be made by the County provided that funds are available in the department budgets.

9. The County may also pay for professional licenses or memberships in professional organizations, provided that funds are available in the departmental budget

17.2 TUITION REIMBURSEMENT

When an employee desires to pursue an accredited college course to improve his/her skills or to enhance their opportunities for future promotion, then he/she shall be eligible to be reimbursed for tuition, books and fees, subject to IRS regulations and provided:

1. The class and educational institution are pre-approved by the Department Manager or Elected Official.

2. Course is work-related or part of a well-documented employee development and training plan.

3. Funds are available within the budget for the department.

4. The employee provides proof of successful completion attached to the reimbursement request.

Under hardship cases the Department Manager or Elected Official may advance tuition fees to employee. Prior to advancing such tuition fees to the employee, the employee must sign a "Prepayment of Training Expense Agreement". Tuition shall be reimbursed in full upon completion of the course, provided the employee earns a grade of C or better (or a passing mark from those institutions where traditional rating systems are not used).

Tuition reimbursement is provided with the understanding that an investment is being made in the development of our employee(s) for the betterment of Clark County and the employee. Therefore, if an employee receives tuition reimbursement and subsequently **voluntarily** leaves the employ of Clark County, within twelve (12) months of having received such reimbursement, the employee will be required to repay all tuition reimbursement received during the twelve (12) months preceding the notice of termination.

Policy No. 18.0	Vehicle Use	Page 1 of 16

Policy Sections:

18.1 Vehicle Use and Scope
18.2 Definitions
18.3 Assignment of County Vehicles for Operational Considerations
18.4 Insurance
18.5 Use of Personal Vehicles for County Business
18.6 Use of County Vehicles for Personal Business
18.7 Incidental Travel and Stops
18.8 Political Use of County Vehicles
18.9 Use of County Vehicles by Other Individuals
18.10 Permitted and Prohibited Uses of County Vehicles
18.11 Vehicle Use Agreement (VUA) – Abstract of Driving Record
18.11A Driver License and Insurance Requirements
18.11B Responsibilities
18.12 Driver Disqualification and Review
18.13 Accidents and Citations
18.14 Clark County Employee Accident Review Board
18.15 Commercial Motor Vehicle Operator Requirements
18.16 Commercial Driver License (CDL) – Washington State Law
18.17 County Vehicle Related Purchases
18.18 Vehicle Fuel Policies and Fuel Credit Card Uses
18.19 Repairs, Preventative Maintenance
18.20 General Motor Vehicle Safety

Effective:	03/15/2010
Supersedes:	09/22/2009

18.1 VEHICLE USE AND SCOPE

This policy addresses assignment of county vehicles for business use, for home-to-work commuting and after-hours use, use of personal vehicles for county business, mileage allowances, general motor vehicle safety expectations, and reporting requirements for commercial vehicle operators as per RCW 46.25.030.

SCOPE

This policy applies to:

1. Departments reporting to the Board of County Commissioners.

2. Elected officials' departments with the proviso that those officials are responsible for application of this policy, or a comparable alternative, in their departments. All allowances, mileage reimbursement rates, and other cash disbursements require approval of the Board of County Commissioners.

3. Represented and non-represented employees - Where permitted, the policy is applicable to bargaining unit employees depending on the collective bargaining agreement for that unit and the requirements of RCW 41.56.

4. Where provisions of this policy address topics covered in the Sheriff's Office Vehicle Use policy, those rules shall apply.

5. All users of county vehicles (owned, leased, or rented) or personal vehicles being used for county business purposes, including regular employees, temporary employees, contractors, volunteers and citizens.

18.2 DEFINITIONS

"Vehicle" – Any motorized or non-motorized vehicle to include boats, aircraft, and utility tractors designed to transport persons or goods on public roadways, waterways, or federal airspace.

"Weapon" – Any firearm (handgun, rifle, shotgun or zip-gun capable of firing a projectile), sling shot, sand club, metal knuckles, spring blade knife or any knife the blade of which is automatically released by a spring mechanism or other mechanical device, any knife having a blade which opens or falls or is ejected into position by the force of gravity or by an outward, downward or centrifugal thrust or movement, any dagger, dirk, bow and arrow, crossbow, spring or gas propelled BB or pellet gun, spear, javelin, any device commonly known as non-chu-ka stick which consists of two or more links of wood, metal, plastic or similar substance connected with wire, rope or other means, any device commonly known as throwing stars, which are multi-pointed, metal objects designed to imbed upon impact from any aspect, incendiary devices, incapacitating gas dispensers, or any other weapon as defined by Clark County Code 9.02.020.

18.3 ASSIGNMENT OF COUNTY VEHICLES FOR OPERATIONAL CONSIDERATIONS

1. County vehicles may be assigned to specified employees on a 24-hour basis when that person is responsible for responding to emergency situations. Assignments must be authorized by the department head or applicable elected official and may be authorized on a continuous basis or a specified time period. Under no circumstances will anyone other than an authorized county employee be assigned a county vehicle.

2. Assignment is authorized under this policy when:

   a) There is considerable workday usage of the vehicle;

   b) The employee is frequently called out to duty during off-hours for emergency response; and

   c) The vehicle is equipped with a radio, weapon, or other equipment that cannot reasonably be kept in a personal vehicle.

3. Each employee authorized a vehicle assignment under this section must maintain a record of after-hours vehicle use including dates, miles driven and the event or reason for the trip. The record shall be maintained at the department level and approved by the department head or designee on a monthly basis. Employees are also required to provide to their supervisor proof that they possess a valid motor vehicle operator's license.

4. Tax treatment of all vehicle assignments shall be subject to current county regulations.

18.4 INSURANCE

1. Clark County is self-insured and all county owned/leased vehicles have liability insurance through the county.

2. Employees should verify with their personal insurance companies that their policy provides liability insurance for de minimis use of their personal vehicle for county-related business.

18.5 USE OF PERSONAL VEHICLES FOR COUNTY BUSINESS

County employees are authorized to utilize personal vehicles for business travel purposes subject to the following requirements and conditions:

1. Use is subject to the approval of the department head or elected official. Employees may be required to utilize a county vehicle based on cost or safety considerations. Authorization to use private vehicles may be given on a trip-by-trip or standing approval basis. Upon request, employees are required to provide to their supervisor proof that they possess a valid motor vehicle operator's license and proof of current vehicle liability insurance.

2. Private vehicles being used for county business are considered official vehicles and must conform to the following requirements:

   a) The vehicle must meet legal requirements to operate on a public highway.

   b) The vehicle must be in sound mechanical condition and present no safety risks.

   c) Employees will be reimbursed at the county's optional standard mileage rate allowance. The Finance Director shall periodically publish the reimbursement rate.

   d) Firearms and dangerous weapons are prohibited within the vehicles (except for Sheriff's Office personnel, Prosecuting Attorney's Office investigators, or any other employee authorized by their department head, elected official and/or county policy to carry a firearm or weapon.).

   e) Drivers are prohibited from reading, dialing, manually writing or sending a message on an electronic wireless communications device, or holding a wireless communications device to their ear while the vehicle is moving. Exceptions to this section include: using a wireless communications device in the hands-free mode; using devices to report illegal activity or summon medical aid or other emergency assistance or prevent injury to a person or property; using hearing aids. Hands free mode means the use of a wireless communication device with a speaking phone, headset, or earpiece.

3. Employees must obtain approval to transport county equipment in their personal vehicle. If the county equipment is damaged or stolen while in transit, the responsible employee must file a police report. The employee will not be financially responsible for replacing the damaged or stolen equipment. However, if the county determines that the damaged or

stolen equipment was the result of lack of judgment, the employee may be held responsible for his or her actions.

18.6 USE OF COUNTY VEHICLES FOR PERSONAL BUSINESS

Employees using county vehicles on a continuing assignment or trip-by-trip basis are prohibited from using vehicles for personal business except as provided herein. Unauthorized personal use of a county vehicle may result in disciplinary action, up to and including termination of employment.

1. Employees and their managers should exercise reasonable judgment regarding the use of a county vehicle for personal purposes. Personal use of a county vehicle may be permitted, subject to the approval of the applicable department head or elected official, where the use serves the county's interests, results in negligible expense and/or is justified by compelling circumstances and doesn't pose a "bad appearance" even if on personal time.

2. Prohibited personal use of a county vehicle includes:

   a) Personal trips or route variations for personal purposes adding significant mileage to the otherwise shortest distance of the business travel.

   b) Use of the vehicle to transport or store personal equipment.

   c) Transporting unauthorized passengers for non-business related purposes.

3. Permitted use of a county vehicle for personal use includes:

   a) Transporting other county employees, officers or agents provided the travel is for business purposes.

   b) Transporting non-employees such as volunteers, community or business representatives.

   c) With advance approval of the department head or elected official, immediate family members of employees may ride in, but may not drive; county owned/leased vehicles unless an emergency occurs and the employee cannot safely drive.

   d) Car pooling arrangements between county employees.

4) Employees with a county-assigned vehicle are subject to current county regulations. Additionally, the Board of County Commissioners may fix fees to be charged to employees receiving transportation to and from work in a county vehicle or may waive such fees as part of the county's commute trip reduction program.

18.7 INCIDENTAL TRAVEL AND STOPS

Employee-drivers should remember that public perception of county employees is important and influenced by how and where the public observes county vehicles being used. Employee-drivers should not make incidental stops at locations the public would perceive as inappropriate. Examples

are gaming and sports venues, liquor outlets, and other locations where it is unlikely that any county business or allowable incidental use is involved.

Employees are not permitted to use county vehicles for personal purposes unless approved.(Exceptions to this rule are:

1. Incidental stops - Examples are stops at a restaurant for a meal, an automatic teller machine (ATM) or financial institution, urgent care or emergency room or a gas station or convenience store.

2. Employee-drivers required to stay overnight away from home may, with permission of their supervisor, use a county vehicle for the types of necessary activity that could be expected of a traveler away from home. Examples include evening use to go to a pharmacy, grocery, laundromat, fitness center, or other locations to purchase goods or conduct activities necessary for the employee's health and well-being.

18.8 POLITICAL USE OF COUNTY VEHICLES

No employee or person may use any vehicle owned or operated by the county for any trip which is exclusively for the purposes of campaigning in support of, or in opposition to, any candidate or cause for national, county or local office, unless use of the vehicle is required for purposes of security protection provided by the county or local governmental unit.

18.9 USE OF COUNTY VEHICLES BY OTHER INDIVIDUALS

1. Use of county vehicles by temporary employees or volunteers requires authorization from the department head or the county's Equipment Services Manager. Temporary county employees and volunteers are subject to the applicable provisions of this policy, including signing the Vehicle Use Agreement and providing proof of valid drivers license.

2. Interagency use of a county vehicle requires authorization from the county's Equipment Services Manager. Use of a county vehicle under an interagency agreement is subject to the provisions mutually agreed upon by the agencies involved.

18.10 PERMITTED AND PROHIBITED USES OF COUNTY VEHICLES

The following policies govern county vehicle use:

1. Use of a county vehicle must be for official county business only or for a bona fide emergency. Incidental use associated with official business away from the county is strictly limited.

2. Vehicles shall be locked when unattended with the engine turned off. Keys shall not be left in the ignition unless authorized by the department head or elected official.

3. Firearms and dangerous weapons are prohibited unless the device(s) is a required job necessity (Sheriff's Office personnel, Prosecuting Attorney's Office investigators, or any other employee authorized by his/her department manager and/or county policy to carry a firearm or weapon.

4. All drivers and passengers in county vehicles must comply with all the motor vehicles laws of the state or country (Canada) in which the vehicle is operated, including seatbelt and cell phone laws.

5. Drivers are personally responsible for the cost of all traffic citations, parking tickets, etc. Passengers are personally responsible for the cost of any traffic citation they may receive while riding in a county-owned/leased vehicle - (i.e. seatbelt violations, throwing object from vehicle).

6. Compliance with county vehicle use policies is required of all drivers and passengers.

7. No person may use a county vehicle, or permit the use of a county vehicle, in the following prohibited manners:

   a) Reckless driving or speeding or intentional violation of any traffic law or regulation.

   b) The driver is impaired by fatigue or any other known mental or physical condition that affects the safe operation of the vehicles.

   c) The driver is impaired because of prescribed or over-the-counter medications or drugs that causes or results in adverse side effects (e.g., drowsiness or impaired reflexes or reaction time). As described in Policy 13.4 - Substance Abuse Free Workplace, employees are responsible for informing their supervisor of the possible effects of the drug and their performance and expected duration of its use.

   d) Tobacco use (smoking and non-smoking products) is prohibited in county-owned vehicles. This does not include smoking in personal vehicles used for county-related business.

   e) Transporting non-county employee passengers, including family members, is not permitted unless authorized by the employee's department manager. Employees may be required to have the invited guest/passenger sign a "ride-along" agreement/release of liability form.

   f) Permitting non-authorized individuals to drive a county-owned/leased vehicle unless it is for a bona fide emergency purpose.

   g) Use for personal gain, such as delivering goods or services.

   h) Modifications including affixing signs, stickers, antennas, bike racks, ski racks, etc. Modifications to county vehicles may be undertaken only with the prior written consent of the department manager and the Equipment Services Manager. Any modification to a county-owned vehicle will be performed by Equipment Services or its designee.

   i) Transporting animals − Allowed only with prior written consent of the department manager- (excludes Animal Control activities and transportation and use of canines or other animals by the Sheriff's Office).

j) Hauling loads that exceed the structural capacity of the vehicle and that could cause damage to the vehicle (i.e., hauling firewood or gravel in a passenger vehicle).

k) Use of trailer hitches and towing − Allowed only with prior approval by Equipment Services. Hitches must be rated for the anticipated load and must be installed by Equipment Services.

l) Installation or use of any radar or speed detection devices.

m) Transporting hitchhikers.

n) Personal bicycles transported inside vehicles unless a wheel chair or personal assistance device as part of one's necessary equipment under ADA or from a medical professional.

o) Drivers of motor vehicles are prohibited from reading, manually writing or sending a message on an electronic wireless communications device or holding a wireless communications device to their ear while the vehicle is moving. Exceptions to this section include: operators of an authorized emergency motor vehicle; a driver using a wireless communications device in the hands-free mode; using devices to report illegal activity or summon medical aid or other emergency assistance or prevent injury to a person or property; using hearing aids. This includes lap-top type display devices.

p) Use for vacations, side trips or any other use not expressly authorized by this policy or department managers.

8. Drivers who have questions regarding the appropriate use of a county vehicle should consult with their department manager, supervisor or the Risk Management Office.

18.11 VEHICLE USE AGREEMENT (VUA) – ABSTRACT OF DRIVING RECORD

To ensure employees are licensed to operate a motor vehicle for county-related business and are insured if they utilize a personal vehicle for county business, an annual process to examine driver license and vehicle insurance requirements has been implemented by means of a Vehicle Use Agreement (VUA) and examination of employee Abstract of Driving Record.

Use of a county (owned, rented or leased) or personal vehicle for business purposes is contingent upon the following conditions and requirements:

1. **Vehicle Use Agreement** - Annually, each department head and elected official or their designee will acquire from each of their employees that operate a personal or county-owned or leased vehicle for business purposes a signed Vehicle Use Agreement (VUA); including those employees required to hold a Commercial Driver's License (CDL).

2. **Request for Abstract of Driving Record**

   a) Employees who are required to operate a vehicle per their job description shall, as part of the annual Vehicle Use Agreement, authorize Clark County to acquire a copy of

their driving record by signing a "Request for Abstract of Driving Record" for the licensing DOL agency.

b) All other employees who drive a vehicle for County business shall be required to provide a Request for Abstract of Driving Record when requested by their department manager and/or the Risk Management Office.

c) Copies of these forms for the states of Oregon and Washington are located in the Forms and Reports section of the Health and Safety intranet manual.

18.11A Driver License and Insurance Requirements

To operate a motor vehicle for business purposes the following conditions, as detailed on the Vehicle Use Agreement, must be met by employees and verified by department managers:

1. Proof by employee presentation of a current and valid driver's license; to include Commercial Driver License (CDL) verification where required.

2. Proof of vehicle liability insurance equal to current statutory limits covering any personal vehicles driven for county business. This requirement may be met by the employee producing a current proof of insurance card or a copy of his/her insurance policy.

3. Employees driving a county-owned/leased vehicle must be licensed to drive the vehicle but do not need evidence of personal insurance as the county vehicle is covered for liability under the self insurance fund.

4. Job applicants who have reached the final interview stage of the employment selection process will provide the county with an "Abstract of Driving Record" and a "Request for Abstract of Driving Record" release form prior to being offered the position. This applies to both internal and external applicants and only to those applicants whose job would require them to operate county vehicles on a regular basis.

18. 11B Responsibilities

1. Department Heads and Elected Officials

   a) Acquire and complete annual Vehicle Use Agreement and Request for Abstract of Driving Record from department employees as required.

   b) Forward the original Vehicle Use Agreement and Request for Driving Abstract to Risk Management. (Documents to be stapled together for each employee)

   c) Immediately notify Risk Management regarding any employee who becomes ineligible to operate a vehicle under this policy and prohibit employees from operating any vehicle for county-related business until issue is resolved.

2. Risk Management

   a) Maintain the original VUA copy.

b) Make copies of the original Request for Driving Abstract and attach to the original VUA.

c) Mail original Request for Driving Abstract to the licensing DOL agency with payment for services. (Cost for acquiring these documents may be borne by Risk Management or respective departments by prior agreement with the Risk Management Office.)

d) Conduct an annual review of employees' driving records whose job descriptions require them to have a valid driver's license or on any other employee operating a motor vehicle for county business as needed by acquiring "Driving Record Abstracts" from the licensing DOL agency.

e) Notify the employee's department manager or elected official if there has been any change in an employee's driver license status pursuant to receipt of the employee's driving record abstract.

f) Provide the motor-pool coordinator a list of employees authorized to drive county-owned or leased vehicles.

3. Employees

a) Employees must annually sign a VUA and Request for Driving Abstract as required.

b) Employees whose driver's license status is changed, updated, suspended, revoked, or canceled must immediately notify (within the next business day) his/her supervisor of the change in his/her driver status.

c) Employees who use motor-pool vehicles are required to present their driver's license to the motor pool coordinator each time they check out a county vehicle.

d) Employees who sign the VUA acknowledge an understanding of, and future compliance with, the directives in this policy. Failure to comply with the Vehicle Use Policy will be reviewed by the employee-driver's supervisor and may be considered a violation of work rules resulting in a loss of county vehicle driving privileges and possible discipline, up to and including discharge.

4. Motor Pool Coordinator

a) Examine list provided by Risk Management of employees eligible to drive motor pool vehicles prior to assigning vehicles.

b) Report any possible problems or issues to the Risk Management Office.

18.12 DRIVER DISQUALIFICATION AND REVIEW

County employees and other authorized agents of the county may not drive a county vehicle if their driving record reflects any of the following conditions:

1. Three or more moving violations and/or three or more accidents where the driver was substantially at fault in the past three years. The moving violation occurs when the citation is issued, not when the final court decision is made. However, two accidents if one or more results in a loss of life or significant property damage in excess of $25,000.00. Note: This includes only accidents where the driver was substantially at fault, as determined by the Clark County Employee Accident Review Board.

2. A Driving Under the Influence (DUI) citation when found guilty as charged within 12 months.

3. Suspension or revocation of driver's license.

4. Any change in the status of an employee's driver record resulting in disqualification or the failure to report such change may result in revocation of the privilege of driving a county vehicle and/or discipline up to an including termination.

5. Drivers must immediately inform their supervisor and department manager in writing whenever they become disqualified under these policies. Disqualifying changes include but are not limited to:

   a) DUI citation,

   b) License revocation, and

   c) Restriction or suspension.

6. Exceptions to this policy are subject to a review. Department managers should consult with the Risk Management Office regarding any requests for an exception. Approval will be documented and kept on file at the Risk Management Office.

7. Drivers denied the use of a county vehicle based on an unsatisfactory driving record may request a review of the denial through their department manager in consult with Risk Management.

18.13 ACCIDENTS AND CITATIONS

Employees are fully accountable to operate vehicles on county business in a legal, safe, and prudent fashion and are subject to appropriate corrective action for failure to do so, up to and including termination.

1. Employees shall immediately report all traffic accidents and/or damage to their vehicle to their supervisor or department head while operating a personal or county-owned/leased vehicle while on county business. In addition to any state required accident reports,

employees shall complete the Risk Management Vehicle Accident Report form within the first business day following the accident. The report will be forwarded to Risk Management and Equipment Services.

2. In the event that an employee has a motor vehicle accident while on county business, the department head or elected official, after consulting with the Human Resources Department, may require such employee to submit to a post-accident drug and alcohol screen.

3. Citations (including parking violations) are the responsibility of the vehicle operator. Passengers shall be responsible for any citations they receive. Citation fines shall be paid promptly by the offending employee. The county will provide the appropriate authority with the names of employees assigned to county vehicles that are observed violating traffic laws via any automated traffic enforcement device.

4. Employees shall report moving violation citations that occur while operating a vehicle for county business within the first business day of the issuance of the citation. Employees will notify their immediate supervisor, who in turn, will forward the report to the Risk Management Office.

18.14 CLARK COUNTY EMPLOYEE ACCIDENT REVIEW BOARD

1. Employees involved in an accident will have the accident reviewed by the Clark County Employee Accident Review Board (excluding Sheriff's Office personnel who are subject to the Sheriff's Office Accident Review Board). The purpose of the board is to determine whether the employee involved in the incident was substantially at fault for the accident.

2. The board will be convened by the Equipment Services Manager as needed but not less than 30 business days after an accident occurred. Scheduling exceptions may be required and approved by the fleet manager.

3. The board will be a fact-finding entity only and will not dispense or recommend discipline. However, use of county-owned vehicles may be curtailed or prohibited.

4. The board's decision will be based on the preponderance of evidence and a majority vote or consensus of finding.

5. The board will prepare a written report regarding its decision which will include at a minimum:

   a) A synopsis of the accident/incident

   b) Violation of applicable traffic law or policy, in any

   c) Finding by the board

6. The board will forward their findings in writing to the employee, Risk Management Department and the employee's department manager.

7. Findings by the board will be limited to one of the following findings:

   a) Employee was substantially at fault and the accident was preventable.

   b) Employee was not substantially at fault and the accident was non-preventable.

   c) Unable to Determine Fault.

8. The Equipment Services Manager may substitute board members in the event of any conflict of interest. Generally, the board will be comprised of the following individuals:

   a) Equipment Services Manager

   b) Peer representative from the same department as the employee/driver appearing before the board

   c) County Safety Specialist

   d) Sworn Deputy Sheriff – Traffic Enforcement Officer

   e) Risk Manager or representative

9. The employee-driver may appear before the board and may request a union or guild representative to attend the hearing.

10. The employee-driver may call witnesses.

11. The board will advise the employee and the employee's manager of the board's decision in writing within five (5) business days of the conclusion of the board meeting.

12. The employee may appeal the findings of the board to the Public Works Director within ten (10 working days of receipt of the board's findings. The appeal must be in writing and document why the employee-driver feels the board's decision was incorrect.

13. The Director of Public Works will review the employee-driver's appeal and render a decision within ten (10) working days of receipt of the appeal. The Public Works Director may extend this deadline in the event of absence from the county but must provide the employee-driver written notice of the delay.

14. The decision of the Director of Public Works is final.

18.15 COMMERCIAL MOTOR VEHICLE OPERATOR REQUIREMENTS

In addition to the conditions and requirements for all motor vehicle operators, Clark County employees who hold a commercial driver's license (CDL) are subject to the following requirements per applicable state and federal laws

1. CDL holders must report to their immediate supervisor, in writing, any and all violations of a state law or local ordinance relating to motor vehicle traffic control in this or any other

state or federal, provincial, territorial, or municipal laws of Canada, other than parking violations, within thirty days of the date of conviction.

2. CDL holders who are disqualified from driving a commercial motor vehicle for any state shall notify his or her department manager within the next business day. The manager will notify the Risk Management Office immediately.

3. Risk Management will notify the appropriate department head or elected officials when it is determined that an employee does not have an acceptable driving record.

4. Drug testing is required for all job applicants who have reached the final interview stage of the employment selection process prior to being offered a position that requires a CDL.

18.16 COMMERCIAL DRIVER LICENSE (CDL) —WASHINGTON STATE LAW

Pursuant to Washington law a commercial driver's license is required to operate certain commercial motor vehicles. The following guide is provided by the Washington Department of Licensing:

1. All single vehicles with a manufacturer's weight rating of 26,001 pounds or more.

2. All trailers with a manufacturer's weight rating of 10,001 pounds or more, if the gross weight rating of the combined vehicle(s) is 26,001 pounds or higher.

3. All vehicles designed to transport 16 or more persons (including the driver).

4. All vehicles that carry hazardous materials.

Commercial vehicles are divided into three size classes: A, B, and C. You may also need a special endorsement if you plan to carry passengers, haul hazardous materials, or drive double-trailer, triple-trailer, or tank vehicles.

The table below shows which vehicles can be driven with each class of commercial driver license (CDL).

CDL Class	What you can drive
A	• Single or combination vehicles of any size.
B	• Single vehicles of any size. • Vehicles towing a trailer with a weight rating of 10,000 pounds or less. • Any vehicles listed under Class C, if properly endorsed.
C	• Vehicles carrying 16 or more persons including the driver.* • Vehicles carrying hazardous materials with a weight rating of 26,001 pounds or less.*

* Requires a special endorsement

Special Endorsements:

There are a total of 6 commercial endorsements and 1 restriction for the commercial driver license (CDL). Each endorsement or restriction requires the commercial driver to pass specific tests.

Endorsement/Restriction	Description
Passenger endorsement (P)	Required for all drivers of vehicles designed to carry 16 or more persons (including the driver).
School bus endorsement (S)	Required for drivers who operate school buses to transport students to or from school and for school sponsored events. (Note: A passenger endorsement is also required for a school bus endorsement to be valid.)
Double/triple trailers endorsement (T)	Required for drivers pulling sets of double or triple trailers.
Tank vehicle endorsement (N)	Required for drivers of vehicles carrying liquids or liquid gases in portable or fixed tanks. This endorsement is not required for portable tanks with a rated capacity under 1,000 gallons.
Hazardous materials endorsement (H)	Required for drivers of vehicles carrying hazardous materials that require the vehicle to be classified or placarded for hazardous materials. For a hazardous materials endorsement (HME), drivers are required to be fingerprinted and undergo a federal background check. This includes the first time you get an HME, or when you renew or transfer a license from another state.
Combination endorsement (X)	This is a combination of a tank and hazardous materials endorsement.
Air brake restriction (K)	This is an automatic restriction. If a driver has successfully passed the necessary written and driving tests for air brake equipped vehicles, this endorsement will be removed. Drivers who do not pass these tests are restricted on the CDL to non-air brake vehicles.

18.17 COUNTY VEHICLE RELATED PURCHASES

Drivers of county vehicles are strongly advised to find out from their department manager which automotive service vendors and gas stations to use. Some repair and towing services needed to operate a county vehicle are primarily acquired through county contracts.

18.18 VEHICLE FUEL POLICIES AND FUEL CREDIT CARD USES

1. County-owned gasoline dispensers should be used whenever possible. There is one fill up per fuel key use - no doubling up on one key with more than one respective, associated vehicle. Department managers should provide directions to these locations and instruct their assigned drivers on the use of these dispensers.

2. Public self-service, regular unleaded and diesel dispensers should be used if county dispensers are not available. The most cost-effective vendor should be used whenever possible.

    a) The driver of the vehicle must be trained how to use fuel credit cards when operating a self-service dispenser. County policy restricts the use of fuel credit cards to purchase fuel, motor oil products, and related automotive consumables.

    b) Fuel credit cards can be used to purchase incidental vehicle-related expenses as needed (e.g., wiper blades, tail light bulb, fuse, etc.) when employees are driving county vehicles on out of town trips.

    c) Fuel credit cards may not be used for the purchase of non-vehicle items such as food, beverages and air fresheners with a county fuel card. Automotive products for personal use are strictly prohibited.

    d) If an attendant error occurs and non-vehicle items are charged to the fuel credit card, it is the responsibility of the employee-driver to notify and reimburse the respective department. Failure to reimburse for such purchases may result in the loss of driving privileges. Disciplinary action may be taken for improper use of a county fuel credit card.

    e) Drivers are advised to verify which purchases are permitted with the fuel credit card prior to use.

    f) Drivers who use the fuel credit card are responsible for obtaining receipts and forwarding those receipts to either the motor pool coordinator or directly to the Equipment Services Section of Public Works.

18.19 REPAIRS, PREVENTATIVE MAINTENANCE

1. When a vehicle is assigned to an employee, the driver is responsible for ensuring that all preventative maintenance is performed on schedule and the vehicle is serviced in a timely manner when notified by the Equipment Services Department.

2. Failure to perform the maintenance and repairs in accordance with county policy may result in loss of the vehicle, discipline or, in the event of damage to the vehicle, payment for vehicle repair.

18.20 GENERAL MOTOR VEHICLE SAFETY

1. All employees who operate motor vehicles for county-related business are responsible for operating the vehicle in a lawful, safe and prudent manner.

2. In the interest of safety, managers and supervisors may elect to have assignments, jobs or tasks delayed or postponed during inclement weather until driving conditions improve. Only essential vehicles equipped with necessary traction devices should be required to operate during hazardous conditions (e.g., Sheriff's vehicles, snow plows, sanding trucks, etc.). Vehicles used during inclement weather may require the use of tire chains. It is the responsibility of the vehicle/equipment operator to install tire chains when needed.

3. County departments may have additional requirements for the safe operation of motor vehicles.

Policy No. **19.0**	**Other Policies**	Page 1 of 10	
Policy Sections: 19.1 Emergency Closures and Response 19.2 Telecommuting		Effective: Supersedes:	11/12/2014 09/22/2009

19.1 EMERGENCY CLOSURES AND RESPONSE

PURPOSE AND SCOPE

The County is a major employer and also responsible for providing many crucial services in emergency conditions. We have a responsibility to our employees as well as the citizens when conditions become hazardous. This policy prescribes how the County will respond during periods of extreme inclement weather, volcanic eruption, earthquake, hazardous material release, or other natural or man-made disaster, and how it handles compensation and staffing in these situations. It is published to ensure the proper balance between staffing needs, employees' needs to travel safely between work and home in hazardous situations, and to equitably handle pay issues that commonly arise.

This policy applies to all county employees, except where collective bargaining agreements contain different provisions.

"Closed" means that the county offices and administrative services are closed to the public. However, certain operations in the County must provide at least partial services at all times regardless of or because of emergency conditions. Examples include Sheriff's patrol, superior and district courts, corrections and detention facilities, and road maintenance. Department heads and elected officials with responsibility for these operations will determine what services and staffing must be maintained in emergency situations. Emergency condition leave and pay is only authorized under this policy when/if the county declares a shut down of selected operations within their departments.

Key subjects addressed include:

- Authority to determine that the county will shut down operations
- Staffing needs and authorization for essential employees to work during a closure
- Notification of decisions
- Pay implications of various scenarios

1. Closures

    b) Except as provided below, the Board of County Commissioners retains authority to determine when emergency conditions warrant closing down County offices and

services. The Board may choose to delegate this authority to the County Administrator and the Administrator is authorized to make the closure decision if a quorum of the Board is not available.

c) The county may be closed for a full day, may close early, or may open late.

d) Once a closure directive has been issued, department heads and elected officials are authorized to determine which services and facilities will remain available to provide critical or emergency services. They are encouraged to develop specific written emergency condition policies and procedures, based on the general requirements of this policy.

e) When a closure directive has been issued, all departments will be notified through the department head or a designated contact person. The county will also make use of the media to communicate closures to employees and the public.

2. Staffing Levels

When an emergency condition closing is directed, department heads and elected officials must determine which services must remain available during the closure. Based on the determination of essential services, the county shall determine the level of staffing required and decide which employees can be released and which must remain on duty and/or report to work.

a) **Authorization to work.** When the county has announced a closure, only those employees who have been authorized to work are to perform work and be paid for such time. Normally, employees who are authorized to work will report to an established work site. On an exception basis, a manager may authorize an employee to work from home or other location to complete essential work.

b) **Flexible work schedules.** When it is highly likely that the county may announce a closure, the normal work day for "day" employees (those whose jobs are typically Monday through Friday and 8 or less hours per day vs. shift workers or 24 hour operations) will revert to an 8 am to 5 pm schedule. As a result managers may authorize employees to work schedules other than this, based on essential work needs.

3. Employee-Initiated Time Off

a) In hazardous conditions, but short of a closure, employees are authorized some discretion in deciding not to report for work or to leave work early. When employees legitimately believe that travel to or from work is overly hazardous, or circumstances at home require their presence, they may request the time off and may use paid leave to continue compensation during the absence. Leave charged for this purpose may be vacation, PDO days, floating holidays or comp time. Sick leave may not be used.

b) Time off under this section must be requested and approved by the employee's immediate manager or the person they would normally contact for time off. Requests will be honored provided the circumstances reasonably justify the employee's concern and the employee's presence is not required for critical services.

4. Pay During Closures

a) **Partial day closures.** This section addresses treatment of employees for pay purposes when the county closure is announced mid-day or there is an announced late start/opening.

- Employees who reported to work on the partial day closure will be paid for their normally scheduled shift, and paid leave need not be charged for the hours applicable to the closure. This time is considered emergency condition leave and is authorized by the Board's declaration of a closure. Employees are to code non-work time under this section as ADM on their timesheet.

- Employees who did not report to work or who left prior to the closure due to personal concerns relating to the emergency conditions are eligible for emergency condition leave from the beginning of the closure to the end of their shift or from the beginning of their shift to the end of the closure. Personal leave accounts need only be charged for the regularly scheduled work time prior to the closure or after the opening. For example, an 8 to 5 employee who leaves at 9:00 am on a partial day closure that is declared at noon must use three hours of leave and will receive four hours of ADM pay. When a late opening is announced, an employee who does not report to work will receive emergency condition pay from the start of the shift until the announced opening, the balance of the shift must be paid through the use of the employee's personal leave accounts or be unpaid.

- Non-exempt and represented employees who are authorized to work after other employees have been sent home will be granted compensatory time off equal to the amount of the emergency condition leave granted to employees in their department who were sent home for the closure. Exempt employees who remain at work after a closure are permitted to take time off in the future under the flexible scheduling policy.

- Emergency condition leave will not count as time worked for the purposes of overtime calculation for the week.

- Employees have the option of using accrued paid leave from vacation, compensatory time or PTO banks or being unpaid for the balance of their normal shift when they have not reported or left early as described in section 4, above.

- Employees working during any period of announced closure shall be paid at their regular hourly rate for all hours worked during their regular scheduled work shift, and shall be eligible for overtime and other pay as provided for in other sections of this manual.

b) **Full day closures.** If the closure is announced in advance of the work day and employees do not report on that basis, they must use their own paid leave for the day, e.g., PDO, PTO, or vacation.

5. Notification Procedure

This section addresses the procedure by which departments and employees are notified of decisions to close down some county operations in emergency condition situations. It addresses the notification system for departments when a shut down is declared during the County's regular business hours as well as procedures for communicating shut-down decisions that are made during off hours periods and weekends.

a) For business-hour shut downs, all departments will be notified by voice mail message and email message initiated by Human Resources. Off-hours shut-downs will be communicated by a combination of news media releases, an established voicemail box, and internet announcements.

b) When a closure decision is made outside of normal business hours, employees should call **(564) 397-2055** or check the county's web site. These two sources are the authoritative source of information regarding closures. Announcements will be placed there as soon as a decision has been made.

c) The following table describes the step-by-step procedure to be followed in each instance.

Step	Business Hours	Off-hours
1	County Administrator Obtains BOCC Authorization for shut-down	Same
2	Human Resources notifies a senior manager (e.g., elected official, deputy, etc.) of each department of the intent to close.	As soon as practical, County Administrator notifies Human Resources
3	Confirming notice sent to all employees via electronic mail and phone broadcast	Human Resources notifies Telecommunications Manager, Website Administrator and other designated outlets
4	Departments contact all other employees. Managers/supervisors communicate protocol for authorizing employees to work during closures	1. Telecommunications Manager places announcement on designated information voicemail box for employees to call in. 2. Website Administrator updates county website 3. Human Resources notifies www.pdxinfo.com and Portland television stations.
5	Department's and individual's voicemail messages for the public to indicate that the offices are closed and to provide any necessary information about rescheduling meetings, contact details, etc.	Department voice mail messages for the public should be changed to indicate that the offices are closed and to provide any necessary information about rescheduling meetings, contact details, etc.

d) Summary Version for Employee Communications

The Board of County Commissioners may occasionally elect to shut down certain County operations in hazardous and emergency condition situations. When a shut-down decision is made during normal business hours, (8:00 AM to 5:00 PM, Monday through Friday) all departments will be notified by phone by Human Resources and managers should review their work plans and communication protocol. County employees will then be notified by email and voice mail.

Since the line has a maximum on the number of simultaneous callers, some employees may have difficulty getting through. Closure announcements may also be made on television and radio stations, but employees are advised to validate this information by checking the county's voice message and/or website.

Procedures concerning which employees can be released and minimum staffing requirements in shut-down situations will be determined by the responsible Elected Official or Department Head.

19.2 TELECOMMUTING

1. Definition

a) Telecommuting means employees work one or more days each work week from a location other than the department's offices. This policy assumes telecommuting from home but it may be from other locations such as a satellite office.

b) For the purposes of this policy, telecommuting is not considered to include arrangements whereby employees occasionally work at home to accommodate a personal situation or to generate quiet time to work on a project.

2. General Policy

a) Generally, the county supports telecommuting as an alternative work arrangement and allows department heads and elected officials to implement arrangements, where appropriate, for eligible employees in recognition of the positive personal and management impacts of such arrangements.

Telecommuting is not appropriate for all employees. No employee is entitled to, or guaranteed the opportunity, to telecommute. Offering the opportunity to work at home is a management option, based on the discretion of the employee's immediate supervisor and department manager.

b) **Temporary Accommodation.** Telecommuting arrangements may be allowed to accommodate a *temporary* medical or personal situation. These generally involve situations where an employee works a full time schedule in the work place, but could perform some work at home during the approved leave. Telecommuting must be approved by the employee's manager with set duties. If leave is for the employee's own health condition, the attending healthcare provider must also approve

telecommuting to ensure that working from home will not impair the employee's ability to return to work at the end of the approved leave.

c) **Trial Basis.** No telecommuting arrangement should be considered or approved as a "permanent" work schedule. Telecommuting assignments are considered trial programs even if they are on a continuing basis. They may be ended or modified when they fail to meet the needs of the department or the employee.

d) **Technology.** In most cases, the telecommuting arrangement will require a functional technological setup to allow remote phone and data access and appropriate data security measures. The telecommuting proposal itself cannot be approved if an acceptable technological configuration cannot be achieved. To the extent that telecommuting proposals require additional equipment, funding or efforts on the part of technical staff, those requests will be prioritized and considered in conjunction with the department's other information technology needs and requests. To that end, telecommuting proposals must also be approved by the County's Information Technology Director. The section entitled "Equipment" below prescribes County and employee responsibility for equipment.

e) Quantitative Guidelines

- Departments should carefully manage the *proportion* of telecommuting hours in relation to their full, on-duty employee complement. This section provides quantitative guidelines toward that goal, as follows:

  i) No employee should telecommute more than 40% of the work schedule — 16 hours per week for 40 hour employees. 20% or eight hours is the *recommended* maximum.

  ii) No more than 10% of the organization should be participating in a telecommuting situation

  iii) No more than 5% of the organization should be in a telecommuting mode at any point in time.

  iv) All telecommuting arrangements should be established for a maximum of 60 days and be subject to reevaluation at the end of that time frame. However, all telecommuting arrangements will be canceled or modified at any time when serious operational problems are encountered.

- Exceptions to the above will be considered and may be warranted on a case-by-case basis. For example, in a limited duration telecommuting arrangement of 30 - 60 days, a higher proportion of the work week could be spent in telecommuting.

- Departments might consider an annual quantitative guideline such as 24 work days per year per telecommuter. That would translate into two days per month on a continuing arrangement, approximately a month of full time telecommuting or two months of half-time. Twenty four days per year is approximately 10% of a full time schedule.

- The guidelines above are included to provide guidance and assistance to departments in considering and managing telecommuting proposals and arrangements. Variations and more lenient or stringent arrangements may be very appropriate in individual situations.

3. Job Types

   a) Certain types of jobs and duties lend themselves more easily to telecommuting. This section describes the ingredients that should be present to ensure a successful telecommuting arrangement.

   b) Suitable telecommuting jobs are those which allow the employee to work alone for substantial periods of time with minimal supervision and little coworker and customer contact. Activities typically include project type activities such as computer work, writing, analytical tasks, research and reading.

   c) Additionally, the job should be relatively self-contained — not tied to materials and resources only available in the workplace. By its very nature; telecommuting is not viable in certain kinds of occupations. Most supervisory or front-line, direct-service kinds of positions will not accommodate a telecommuting arrangement.

4. Employee Profile

   a) Similarly, some employees are more able to succeed as telecommuters than others. Working from home creates a range of challenges and requires a reorientation toward the division of work and home responsibilities. Successful telecommuters tend to display the following qualities:

      - self-motivated and self-disciplined
      - conscientious, reliable
      - task and results oriented
      - independent, self-sufficient
      - fully competent and effective in the job
      - adaptable
      - a very good attendance record

   b) If these qualities are not present and can't be learned or developed, the employee is not a likely candidate for telecommuting

   c) In addition, telecommuting arrangements should only be considered for employees with a minimum of one year of service in their classification and who have demonstrated fully satisfactory performance in all key aspects of the position.

5. Work Hours and Supervision

   a) Telecommuting significantly changes the hours in which the work is performed and the nature of the supervisory relationship. Instead of the employee's physical presence in the office, accountability is maintained through monitoring of the outcomes and products of the work and somewhat of an honor system with respect to the hours expended.

   b) In most telecommuting situations, the employee will not work a set of rigidly scheduled hours such as 8:00 AM to 5:00 PM. Instead, the expectation will be that the employee telecommutes for a specified number of hours per week, knowing that the work may be spread over the 24 hour day and/or a seven day week. For example, an eight hour day might be accomplished by working from 7:00 AM to 10:00 AM and from 2:00 PM to 7:00 PM. However, in particular telecommuting arrangements, the department can require that the employee be on duty and accessible during certain scheduled hours.

   c) Ensuring the success of the telecommuting arrangement will require the skill and commitment of the telecommuter's supervisor in defining the scope of the telecommuting activities and measuring work activities and achievements under the program. Supervisors must be comfortable with measurement based on results, not process, and maintain a trusting, open and flexible point of view toward the program.

   d) The recommended time reporting arrangement (in addition to payroll timesheets) is that telecommuters provid written documentation at a weekly or pay period interval indicating the hours expended by activity or outcome. For example:

Date	Hours	Activity
06/23/96	8	preparation of YTD budget report
06/24/96	4	same
06/24/96	4	sort and collate customer service survey

6. Labor Agreement

   a) Some "flexing" of hours is envisioned as a normal part of a telecommuting arrangement. In the case of telecommuters who are covered by Collective Bargaining Agreements, consent of the union is required for any work schedules which are not provided for by the labor agreement or in which work that would otherwise be overtime (e.g. more than 8 hours in a day) is compensated at the straight time rate.

7. Terms and Conditions of Employment

   a) Telecommuting does not otherwise alter the basic terms and conditions of employment, including wages, overtime compensation, insurance benefits, paid leave, workers compensation, etc.

8. Equipment

This section addresses general employee and County responsibility for the equipment associated with telecommuting arrangements including computers, telecommunications, and software. Detailed policies, requirements and procedures are available through the County Information Technology Department.

a) Telecommuters are expected to provide the equipment — computers, phones, modems, software, fax machines and other equipment necessary to the telecommuting arrangement. For temporary arrangements or start-up situations, the County may provide some equipment or software on a loaned basis. The County will provide the security software to prevent unauthorized access to the County's systems and data.

b) The employee is primarily responsible for maintenance/repair of hardware used for telecommuting. The County will provide some maintenance and assistance to ensure that the hardware and software are functioning adequately to support the telecommuting arrangement. For this purpose, employees can bring equipment in and/or the County will provide technical assistance over the phone or through Email. The County will not provide "in-home" set up or maintenance and repair service. Installations, upgrades, modifications and maintenance that are indigenous to the telecommuting arrangement are the full responsibility of the employee.

c) The County Information Technology Department will define the minimum technical specifications and configurations for PC hardware, the operating systems to be used as well as other telecommuting-related hardware, such as modems, printers, fax machines, external data storage devices, etc. It will be the responsibility of the telecommuter to meet those requirements and to provide written certification of that compliance on such forms as the Information Technology Department may provide.

d) Employees must follow approved policies and practices with regard to protecting data through the use of anti-viral software. This applies to both their home and office PCs. Employees are required to certify that they understand and appropriately use anti-viral software to protect County data assets. The Information Technology Department will define any required specialized software, such as for secure remote access and virus checking.

e) Employees will arrange their own telecommunications services and handle all dealings with the telecommunications provider. The County will be available to provide consulting.

9. Safety, Workers Compensation and Liability

a) The telecommuting work site is an alternate worksite and employees remain accountable to follow acceptable safety practices. Similarly, the County is as liable for the actions of employees during the telecommuting portion of the workweek as it is normally. The County reserves the right to inspect workplaces and otherwise ensure that the safety of the employee or the County's customers is not adversely affected by the telecommuting arrangement.

b) Standard workers compensation practices apply and employees are covered by applicable laws for illness or injury contracted while at work.

10. Telecommuting Proposals and Approvals

a) The employee proposing a telecommuting arrangement must prepare a written proposal. A sample format is available from the Human Resources Department. However, the employee can and should work closely with department management, HR, and technology staff as needed to ensure the proposal fully addresses all the pertinent issues and is viable.

b) At any of the approval steps the proposal may be modified and alternatives developed to accommodate issues and concerns that may arise — on the part of the County or the telecommuter.

c) The final proposal must be approved by the employee, the employee's manager, Human Resources Director, and Information Technology Director. For appointed departments, the plan must be approved by the Department Head and County Administrator. For elected official departments, the plan must be approved by the elected official. The county administrator's approval is required only to the extent there are budgetary or financial implications.

Policy No. **20.0**	**Attention and Punctuality**	Page 1 of 9
Policy Sections: 20.1 Definitions 20.2 Employee Expectations 20.3 Manager Expectations 20.4 Progressive Discipline 20.5 Exclusions/Exceptions 20.6 Excessive Absence Chart 20.7 Another View: Excessive Absence Flow Chart 20.8 Excessive Tardy Chart 20.9 Examples of Excessive Absences and Tardies		Effective: 10/01/2013 Supersedes:

CLARK COUNTY PHILOSOPHY

In order to meet the needs of our community members and provide a high level of service, Clark County depends on the contribution of its employees. Not only is regular and punctual attendance an important element of overall job performance, it's essential to achieving the highest quality of service, productivity, and levels of co-worker morale.

Clark County also recognizes:

- its responsibility to provide a working environment that supports its employees well-being and regular attendance;
- that all employee issues are best resolved in a positive, supportive manner; and
- that consistent attendance management can have highly positive effects on the work place.

The purpose of this policy is to promote the efficient operation of the County, minimize unscheduled and/or unnecessary absences and tardiness, and set forth guidelines that are intended to be administered fairly and uniformly. This policy does not intend that ill or injured employees be expected to report to work if unable to do so.

POLICY OBJECTIVES

- To promote regular and consistent attendance at work.

- To provide guidelines for a consistent and fair process while providing individual flexibility as needed.

- To provide framework for responding to excessive absenteeism and tardiness.

20.1 DEFINITONS

- *Incident* = One (1) unscheduled absence or one (1) unscheduled tardy.
    - Under this policy absences and tardiness are tracked separately.
    - A single period of unscheduled leave, regardless of the duration, counts as one (1) incident. For example, if an employee is sick for three (3) consecutive work days, that period would count as one (1) incident. Note: those "consecutive" work days could be on either side of a weekend.
    - An attempt to return to work, followed immediately by an additional period of unscheduled absence for the same condition, will be considered part of the original incident.
- *Scheduled leave* = the employee obtains prior approval from his/her manager. Scheduled leave does not count as an incident for purposes of this policy.
- *Unscheduled leave* = the employee has not obtained prior approval from her/his manager to be off work or leave early.
- *Prior approval* = in order for leave to be counted as scheduled, the employee must obtain prior approval from her/his manager. The prior approval or notice period will generally be 24 hours unless otherwise established by the department or the applicable collective bargaining agreement.
- *Tardy* = the employee is late to work or returns from a break or lunch late *without prior approval.*
- *Start time* = the employee's official scheduled start time. Each department is expected to clarify for all of its employees whether their "start time" refers to: (1) when they report to work or (2) when they need to report to work in order to be in place and ready by a particular time. For example: the employee's start time may need to be adjusted to 7:45 a.m. in order to be in place when the doors open to the public at 8:00 a.m. Once that clarification is made, the department is expected to consistently administer the policy.

20.2 EMPLOYEE EXPECTATIONS

- Seven (7) incidents of absence over a twelve (12) month rolling calendar period will be considered excessive.[1]

[1] See the *Excessive absence* and *tardy* charts in Section 20.6 - 20.8 and Policy No. 14 of the Clark County Policy Manual for the corrective action steps that may be taken once the "excessive" threshold under this policy has been reached.

- Five (5) incidents of failing to show up for work at your designated start time, or returning late from a break or lunch in a one month period will be considered excessive.

- Once the progressive discipline process has started, each additional policy violation may move the discipline forward and lead to termination.

- If it's necessary to be absent or late because of illness or an emergency, the employee must notify their manager no later than fifteen (15) minutes prior to their scheduled start time, unless stated otherwise, per department policy. Only when the employee is incapable of calling their manager should someone else make the call. *This notification does not excuse the incident*; it simply notifies the manager that adjusting coverage may be necessary.

- The County may require a healthcare provider's release to return to work.

- If it's necessary to leave work early because of an illness or an emergency, and that early departure has not been scheduled in advance, the manager must be informed before the employee leaves their work site. *This notification may not excuse the incident*; it simply notifies the manager that adjusting coverage may be necessary. [Any type of approved leave, flex time, or the agreement allowing an early departure if work is completed are excluded from this policy.]

- Pursuant to County policy, any employee who fails to report to work without notification to his or her manager for a period of three (3) consecutive days or more will be considered to have voluntarily terminated their employment relationship.

20.3 MANAGER EXPECTATIONS

- Back to work meeting = when an employee returns to work after any unscheduled absence, the manager should acknowledge the absence with the employee and cover what they missed rather than discussing any medical issues that caused the absence (unless the employee raises them). *Furthermore, this discussion should not be disciplinary in nature.*

- *Before an employee reaches an excessive number of incidents, the employee should be coached regarding attendance.* Pursuant to this policy, coaching should be a discussion aimed at reminding the employee of the importance of good attendance and punctuality to the department. Coaching is not considered corrective action per Policy No. 14.

- It is important that the department's employees feel the policy is being consistently applied.

- Factors a manager may consider in determining whether attendance or tardiness is an issue include:

  - *excessive incidents* and/or *patterns*;

  - the employee's previous year's attendance;

  - the employee's previous performance record (i.e. employee performs well).

20.4 PROGRESSIVE DISCIPLINE

- The progressive disciplinary steps (i.e. verbal warning, written warning and final warning) set forth in tables Excessive Absence Chart and Excessive Tardy Chart below (20.6 & 20.8) are pursuant to Clark County Policy No. 14 – Corrective Action.

- Union representation and counsel may be provided per union contracts.

20.5 EXCLUSIONS/EXCEPTIONS

- Absences from work that are protected under law, such as the Federal Family and Medical Leave Act (FMLA), the Washington Family Leave Law, the Family Care Act, or Workers' Compensation do not count as incidents under this policy.

- Exceptions may be granted at the Department Director (or designee) level.

- Departments have discretion to evaluate extraordinary circumstance of the tardy, absence, or failure to report an absence, and determine whether or not to count the occurrence as an incident.

- Departments may approve flex time in lieu of leave.

- Departments may consider work functionality regarding flex time and make up time.

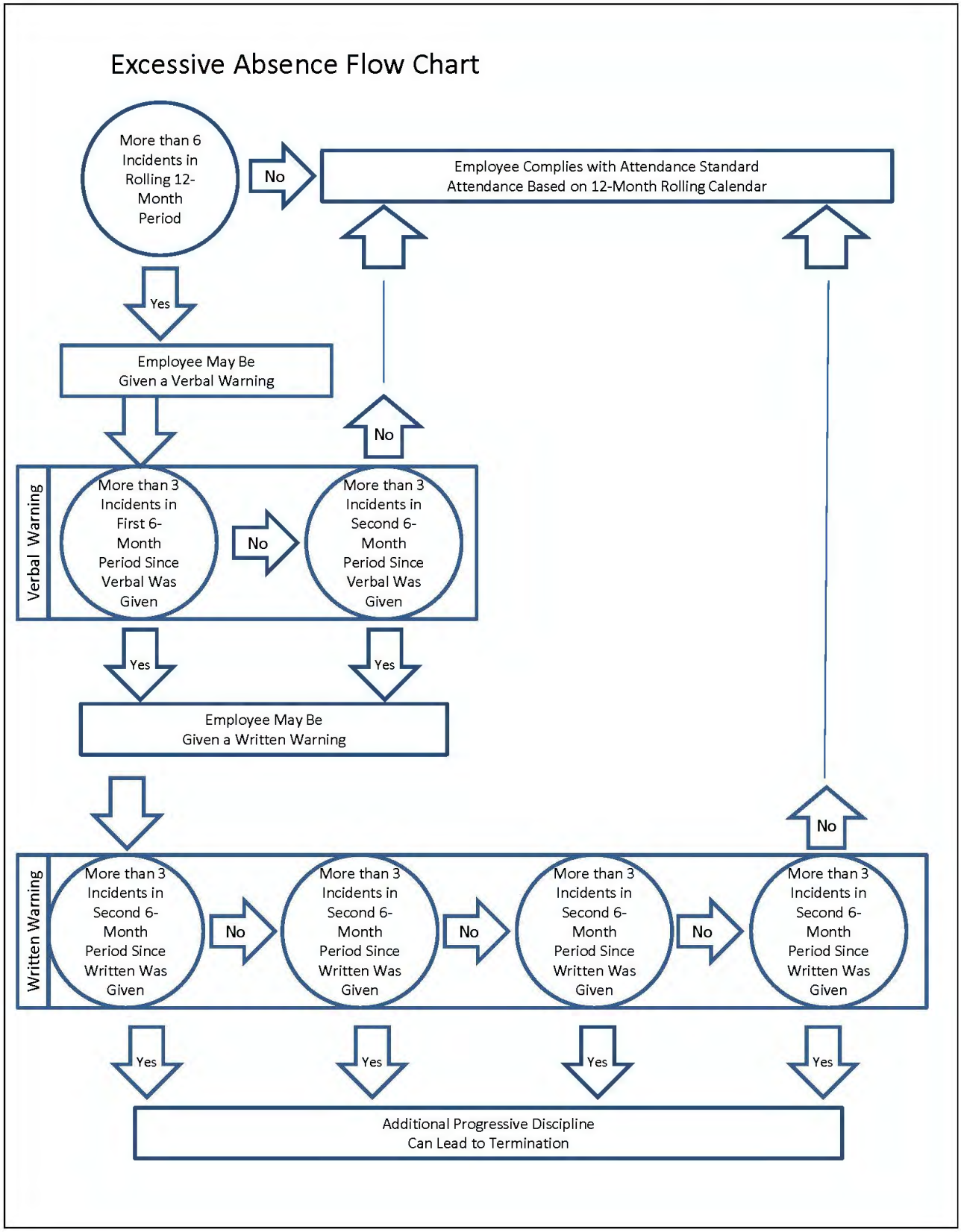
- For inclement weather, please see the emergency closure and response policy.

20.6 EXCESSIVE ABSENCE CHART[2]

If your current status is:	Your evaluation period is:	Number of Incidents in Period Triggering Action	Possible Action	Requirement to return to Good Standing in a rolling 12-month period
Good Standing	Rolling 12-month	< 7 Incidents	Coaching (Not Disciplinary)	None Current Status Good Standing
		7 Incidents	Verbal Warning	12 months from Verbal Warning without additional corrective action (2 consecutive 6-month periods with 3 incidents or less in each period).
Received Verbal Warning	Looking forward for the next 12 months broken into 2 periods of 6 consecutive months each	< 4 Incidents	Coaching (On path to return to Good Standing)	12 months from Verbal Warning without additional corrective action (2 consecutive 6-month periods with 3 incidents or less in each period).
		4 Incidents	Written Warning	24 months from Written Warning without additional corrective action (4 consecutive 6-month periods with 3 incidents or less in each period).
Received Written Warning	Looking forward for the next 12 months broken into 2 periods of 6 consecutive months each	< 4 Incidents	Coaching (On path to return to Good Standing)	24 months from Written Warning without additional corrective action (4 consecutive 6-month periods with 3 incidents or less in each period).
		4 Incidents	Final Warning in lieu of suspension	Must not exceed the threshold set forth in the Final Warning

[2] See the examples in Section 20.9.

20.7 ANOTHER VIEW: EXCESSIVE ABSENCE FLOW CHART



20.8 EXCESSIVE TARDY CHART[3]

If your current status is:	***Your evaluation period is:***	***Number of Incidents in Period Triggering Action***	**Possible Action**	**Requirement to return to Good Standing**
Good Standing	1 Month	< 5 Incidents	Coaching (Not Disciplinary)	None Current Status Good Standing
		5 Incidents	Verbal Warning	12 months from Verbal Warning without additional corrective action (4 incidents or less per month).
Received Verbal Warning	1 Month	< 5 Incidents	Coaching (On path to return to Good Standing)	12 months from Verbal Warning without additional corrective action (4 incidents or less per month).
		5 Incidents	Written Warning	24 months from Written Warning without additional corrective action (4 incidents or less per month).
Received Written Warning	1 Month	< 5 Incidents	Coaching (On path to return to Good Standing)	24 months from Written Warning without additional corrective action (4 incidents or less per month).
		5 Incidents	Final Warning in lieu of suspension	Must not exceed the threshold set forth in the Final Warning

[3] See examples in Section 20.9

20.9 EXAMPLES OF EXCESSIVE ABSENCES AND TARDIES

- Absence tracking for Betty Smith

Date	Reason	Result	Comments
01/05/14	Not well	1st unscheduled	Welcome back meeting: touched base
01/20/14	Not well	2nd unscheduled	Welcome back meeting: asked if everything is OK, she said yes.
02/15/14	Feels like the flu	3rd unscheduled	Welcome back: coached by reminding that we need her around, she's important to the team.
03/23/14	Feels like a cold	4th unscheduled	Welcome back
05/15/14	Her back is out	5th unscheduled	Welcome back: asked if everything is OK. She said yes.
07/03/14	Not well	6th unscheduled	Coached: reminded that she is one incident away from a verbal and she's a key employee in the department.
07/10/14	Not well	7th unscheduled VERBAL WARNING	Reminded of the policy guidelines. We will be looking ahead for two six month periods and tracking. AUGUST – JANUARY AND FEBRUARY - JULY
09/25/14	FLU	1st unscheduled	Welcome back meeting
10/18/14	Cold	2nd unscheduled	Welcome back meeting. "I've been ill a bunch I know."
11/12/14	Not well	3rd unscheduled	Coaching reminder that she is close to the maximum again.
01/09/15	Cold	4th unscheduled under VERBAL = WRITTEN WARNING	Addressed policy guidelines. We will now be looking ahead for a period of two years, broken into four six month periods.
11/12/15	Not well	1st unscheduled	Welcome back meeting. Also mentioned improving attendance in her annual performance review.
12/20/15 – 12/23/15	Flu	2nd unscheduled	Coached. Asked her if there was anything I could do as her manager to help her improve her attendance. She said no.
01/05/16	Cold	3rd unscheduled	Coached. Reminded that she's only one year into the two tracking years and that she's one incident away from a Final Warning. She said she knew that and would try to do better
01/10/16	Not well	4th unscheduled under WRITTEN WARNING = FINAL WARNING	Let her know the final warning put her on rocky ground with attendance. A Final Warning (which is in lieu of a suspension) is a permanent document. She did not seem receptive. I put a limit in the Final Warning of two absences per quarter. She agreed that was reasonable.
05/03/16	Not well	1st unscheduled/2nd quarter	Welcomed back and covered what she had missed.
08/12/16	Cold	1st unscheduled/3rd quarter	Welcomed back.
09/13/16	Not well	2nd unscheduled/3rd quarter	Reminded that she is one absence away from termination and that I'm very concerned that she is not taking the potential for termination seriously.
10/10/16	Flu	3rd unscheduled/3rd quarter OVER THE LIMIT. SCHEDULED LOUDERMILL TO CONSIDER TERMNATION.	

- Tardy tracking for Jack Jones

Date	Kind of Tardy	How Tardy?	Reason	Result	Comments
01/06/14	Reporting to work	10 min	Traffic		
01/07/14	Returning from lunch	20 min.	I-5 bridge open		
01/08/14	Reporting to work	10 min.	Wreck on 14	Coaching	Discussed the policy requirements and stated that I am concerned about this month's numbers.
01/11/14	Reporting to work	30 min.	Alarm didn't go off	Coaching	Reminded that I expect him here on time, what he does is critical to the team
01/11/14	Returning from lunch	4 min.	Lost track of time	VERBAL WARNING	Doesn't seem as concerned as I would like.
04/01/14	Reporting to work	20 min.	Overslept		
04/10/14	Returning from break	5 min.			
04/15/14	Returning from lunch	10 min.	Long line at the post office to mail taxes	Coaching	Truly concerned over the number of tardies. Is there anything I can do to help? He said no.
04/19/14	Reporting to work	10 min.	Had to drop off kids at school b/c wife ill		
04/30/14	Returning from break	5 min.		WRITTEN WARNING	This will stay in your file two years.
No tardy incidents for a year					
05/01/15	Reporting to work	30 min.	Flat tire		
05/01/15	Returning from lunch	10 min.	Had to pick up car	Coaching	Hope this was just an isolated incident since you've been on time for a year.
05/13/15	Reporting to work	5 min.			
05/17/15	Reporting to work	30 min.	Neighbor's cat dead on my sidewalk	Coaching	You need to give yourself enough time in the morning to be at work on time.
05/20/15	Reporting to work	15 min.	Car would not start, had to catch bus	FINAL WARNING	This final warning will remain in your file. This will impact your annual performance review. You can have no more than three a month.

Policy No. **21.0**	**Personnel Files**	Page 1 of 3
Policy Sections: 21.1 File Contents and Locations 21.2 Confidential Access to Personnel Files 21.3 Handling Requests for Employee File Information 21.4 Employment Verification 21.5 Responding to Reference Requests		Effective: 09/22/2009 Supersedes: N/A

PURPOSE

To provide guidelines on personnel file maintenance and access and references.

SCOPE

These guidelines apply to personnel files at the employee's department and Human Resources.

21.1 FILE CONTENTS AND LOCATIONS

All employees must have a Personnel File maintained by Human Resources.

Original documents are to be kept in the Human Resources Personnel File. Department management is responsible for forwarding the original of any item to be included in the Personnel File and retaining a copy for the local file, if needed. Copies of needed information for an employee's file may be obtained from Human Resources.

Official documents are not to be permanently removed from an employee's Human Resources Personnel File without a written request and approval of the Human Resources Director.

The following items should be maintained in the Human Resources Personnel File:

1. ORIGINAL EMPLOYMENT APPLICATION and accompanying documents related to the County's employment processes.

2. EMPLOYEE STATUS CHANGE forms and accompanying documents.

3. PERFORMANCE EVALUATIONS and necessary related materials supporting the evaluations.

4. LETTERS OF JOB-RELATED RECOGNITION, or DISCIPLINE.

5. OTHER MATERIALS relevant to the individual's employment may be included in the file.

21.2 CONFIDENTIAL ACCESS TO PERSONNEL FILES

Human Resources is responsible for maintaining the integrity, security, and confidentiality of the Human Resources Personnel File in accordance with these guidelines.

Supervisors are responsible for ensuring that any local file is kept confidential. If an employee changes work locations, the employee's new supervisor is responsible for obtaining the employee's existing local file in a confidential manner.

Supervisors should be aware that their notes, logs, diaries, or other records related to employees or work issues may be subject to disclosure in legal proceedings.

Access to an employee's personnel file is limited to the following individuals when they provide proper identification (in addition, certain personnel records may be subject to disclosure under various public records disclosure requests):

1. THE EMPLOYEE who is the subject of the file.

2. MANAGEMENT EMPLOYEES who need to review the file for purposes of a personnel action (e.g. promotion, reassignment, discipline).

3. COUNTY REPRESENTATIVES authorized by the appropriate person to respond to legal or other business requirements.

4. A DESIGNEE OF THE EMPLOYEE who has written permission from the employee or has been granted access by a subpoena and upon review by an authorized Human Resources Representative.

A Human Resources employee (for Human Resources Personnel File inspection), or another department/division employee (for Department file inspection) will be required to be present during an employee's inspection of their file to ensure file security.

21.3 HANDLING REQUESTS FOR EMPLOYEE FILE INFORMATION

Human Resources is responsible for screening employee information inquiries from other departments and sources outside the County and releasing information in accordance with these guidelines and applicable local codes, Federal and/or State Laws.

All requests for employee information from County departments and sources outside the County should be referred to Human Resources for response.

Employees requesting a copy of their personnel file will be provided one (1) copy at no cost once every twenty-four (24) months.

21.4 EMPLOYMENT VERIFICATION

Human Resources will release the following "employment verification" information upon request from a requestor with a verified need-to-know request for the information:

1. Date of hire and termination.

2. Verification of Social Security number.

3. Most current job title and pay grade

4. Confirmation only of salary unless a signed release is received by Human Resources or its designee.

21.5 RESPONDING TO REFERENCE REQUESTS

Reference requests from prospective employers or employment agencies requesting more than the "employment verification" information listed in Section 21.4 above should be directed to Human Resources for response. In response to a specific request, the following information, if applicable, may be provided regarding an employee or former employee:

- Any illegal or wrongful act committed by the individual related to the duties of his or her job.

Human Resources will retain a written record of the information provided and the identity of the person or entity to which the information is disclosed for a minimum of two years from the date of the disclosure. The employee or former employee may inspect upon request the written record. Following such inspection, the written record shall become a part of the personnel file.

Policy No. **22.0**	***Reserved for Future Use***	Page 1 of 1
Policy Sections: 22.1		Effective: 09/22/2009 Supersedes:

PURPOSE

SCOPE

Policy No. **23.0**	**Whistleblower**	Page 1 of 7
Policy Sections: 23.1 Definitions 23.2 Reporting Procedure and Timelines		Effective: 09/22/2009 Supersedes: 04/18/2005

PURPOSE AND SCOPE

This policy implements Washington state law (RCW 34.12, 43.09 and Title 42) with respect to the rights and protection of employees who, in good faith, report improper governmental actions in accordance with Clark County's policies and procedure(s). It is the policy of the County to affirm and extend the protection of the act to all Clark County employees who report wrong doing as specified herein.

23.1 DEFINITIONS

"Anonymous Complaints": This policy encourages employees to put their names to allegations because appropriate follow-up inquiry and investigation may not be possible unless the source of the information is identified. Concerns expressed anonymously will be investigated based on the availability of information, but consideration will be given to:

- seriousness of the issue raised;
- credibility of the concern; and
- likelihood of corroborating the allegations from other sources.

"Confidentiality": Parties involved in an investigation will keep the identity of reporting employees confidential to the maximum extent possible under law, unless an employee authorizes the disclosure of his/her identity in writing, or unless the complainant breaks the confidentiality through disclosure of information.

"Compliance Officer": The Human Resources Director shall serve as the Board of County Commissioners' designee for the purposes of compliance with this policy.

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

"Employee" means any individual employed or holding office in any department or agency of Clark County.

"Good Faith" means a reasonable basis in fact for the communication. "Good faith" is lacking when the employee knows or reasonably ought to know that the report is malicious, false, or frivolous.

"Gross waste of funds" means to spend or use funds or to allow funds to be used without valuable result in a manner grossly deviating from the standard of care or competence that a reasonable person would observe in the same situation.

"Improper governmental action" means:

1. Any action by a Clark County officer or employee that is undertaken in the performance of the officer's or employee's official duties, whether or not the action is within the scope of the employee's employment which is:

   a) A gross waste of public funds or resources;

   b) In violation of federal or state law or rule, if the violation is not merely technical or of a minimum nature;

   c) Of substantial and specific danger to the public health or safety;

2. "Improper governmental action" does not include personnel actions, including but not limited to, employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of the local government collective bargaining and civil service laws, alleged labor agreement violations, reprimands, or any action that may be taken under chapter 41.08, 41.12, 41.14, 41.56, 41.59, or 53.18 RCW or RCW 54.04.170 and 54.04.180.

"Retaliatory action" means:

1. Any adverse change in an employee's employment status, or the terms and conditions of employment including denial of adequate staff to perform duties, frequent staff changes, frequent and undesirable office changes, refusal to assign meaningful work, unwarranted and unsubstantiated letters of reprimand or unsatisfactory performance evaluations, demotion, transfer, reassignment, reduction in pay, denial of promotion, suspension, dismissal, or any other disciplinary action; or

2. Hostile actions by another employee toward a local government employee that were encouraged by a supervisor or senior manager or official.

23.2 REPORTING PROCEDURE AND TIMELINES

Responsibility:

a) Managers and supervisors are responsible for ensuring compliance with this policy's procedures. Violations of this policy and these procedures may result in disciplinary action, up to and including termination.

b) Employees may be subject to disciplinary actions, up to and including termination, for knowingly furnishing false information as determined by the employee's

department manager or elected official, or for filing a complaint that is not in good faith.

Step 1: Reports of improper governmental action or retaliation must be filed, in writing, with the employee's supervisor or manager, a manager in another department or to the Human Resources Director. With respect to retaliation allegations, reporting must occur within thirty (30) days of the alleged action. Reports must include the basis for the employee's belief that an improper action or retaliation has occurred. Exceptions to this procedure include:

a) When the employee reasonably believes that the improper governmental action may involve the immediate supervisor or where the corrective action is beyond the authority of the supervisor, the employee may report the improper action or retaliation allegations with the next appropriate level of management, a manager in another department or the Human Resource Director.

   In a situation where the employee believes that the improper action may cause damage to persons or property, or that the situation is serious enough to warrant it, immediate action may be taken by notifying the employee's department head or the Human Resource Director.

b) All supervisors and managers are required to report any allegations covered by this policy (verbal or written) immediately to their senior manager and the Human Resources Director.

Step 2: The Clark County manager receiving the report of improper governmental action or retaliation shall immediately notify the department head and Human Resources Director regarding the allegations. The manager shall consult with Human Resources regarding the type and scope of investigation appropriate (e.g., interviews with co-workers, members of the public, supervisors). All individuals involved in an investigation shall be assured of no retaliation and advised of their rights/protections under this policy and the law.

The Step 2 investigation will normally be completed within thirty (30) days of receipt of the allegations, unless additional time is required. The employee will be advised if additional time is required.

Step 3: The Human Resources Director shall review the findings, establish whether improper governmental action or retaliatory action occurred, and determine the appropriate course of action. The reporting employee should be informed of the final result, except with respect to any disciplinary actions which are considered confidential under the law or County policy.

Step 4: If the employee is not satisfied with the conclusions or resulting actions of an investigation, or if employee believes the action is likely to recur, the following options are available:

a) Improper governmental action: The employee, after notifying the Human Resource Director, may report the action directly to the governmental agency responsible for the investigation of the specific improper action being reported.

b) Retaliatory action: If the employee is not satisfied with the response from the Human Resource Director, the employee may request review by the County Administrator.

LOCAL, STATE & FEDERAL INVESTIGATORY AGENCIES

"Local, State & Federal Investigatory Agencies": A list of agencies responsible for enforcing local, state and federal laws and investigating other issues involving improper governmental action is available at the following websites. Employees having questions about these agencies or the procedures for reporting improper governmental action are encouraged to contact the Human Resources Director.

CLARK COUNTY

Prosecuting Attorney
1200 Franklin
P.O. Box 5000
Vancouver, WA 98668-5000
(360) 699-2261

STATE OF WASHINGTON

Attorney General
Fair Practices Division
900 Fourth Avenue, Suite 2000
Seattle, WA 98164-1012
(206) 753-5280

Auditor
PO Box 40021
Olympia, WA 98504-0021
(866) 902-3900

Department of Ecology
PO Box 47600
Olympia, WA 98504-4760
(360) 407-6000

Human Rights Commission
711 South Capitol Way #402
Olympia, WA 98504-2490
(800) 233-3247

Department of Health
Consumer Assistance
PO Box 47890
Olympia, WA 98504-7890
(800) 525-0127

Department of Labor & Industries
312 SE Stonemill Drive, Suite 120
Vancouver, WA 98684-3508
(360) 896-2300

Liquor Control Board
3000 Pacific Avenue, SE
Olympia, WA 98504-3094
(360) 664-1780

Department of Natural Resources
PO Box 47001
Olympia, WA 98504-7001
(360) 902-1004

Department of Social and Health Services
1115 Washington Street, SE
Olympia, WA

Fraud Complaints
(800) 562-6906

Child/Adult Abuse
(866) 363-4276

UNITED STATES

Department of Agriculture
Office of Inspector General
PO Box 23399
Washington, DC 20026-3399

HOTLINE (800) 424-9121

United States Attorney
700 Stewart Street, Suite 5220
Seattle, WA 98101-1271
(206) 553-7970

Department of Commerce
Office of Inspector General
915 Second Avenue
Seattle, WA 98174-1009
(206) 553-0801

Government Accounting Office
Fraud Hot Line (800) 424-5454

Consumer Product Safety Commission
Hot Line (800) 638-2772

Customs and Border Protection
1000 Second Avenue
Seattle, WA 98104-1049
(206) 553-6944

Department of Education
Office of Inspector General
915 Second Avenue
Seattle, WA 98174-1099

Audit (206) 553-0657
Investigations (206) 553-1482

UNITED STATES, cont.

Environmental Protection Agency (EPA)
Criminal Investigations
1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3188
(206) 553-8306

Equal Employment Opportunity Commission
909 First Avenue, Suite 400
Seattle, WA 98104-1061
(206) 220-6883

Federal Emergency Management Agency (FEMA)
130 228th Street, SW
Bothell, WA 98021-8627
(206) 487-4600

Federal Trade Commission
915 Second Avenue, Suite 2086
Seattle, WA 98174-1066
(206) 553-4656

General Services Administration
Office of Inspector General
400 15th Street, SW
Auburn, WA 98001-6505
(253) 931-7000

Audit Manager (253) 931-7650
Investigations (253) 931-7654

Department of Health & Human Services
Food & Drug Administration
22201 23rd Drive, SE
Bothell, WA 98021-4421

Trade Complaints (206) 483-4949
Audits (206) 553-0452
Investigations (206) 553-0229

Department of Housing and Urban Development
901 First Avenue, Suite 200
Seattle, WA 98104-1000
(877) 741-3281

HUD HOTLINE (800) 347-3735
Audits (206) 553-0270
Investigations (206) 553-0272

Department of Interior
U.S. Fish & Wildlife Services
Law Enforcement
911 NE 11th Avenue
Portland, OR 97232-4171
(503) 231-6125

Department of Justice
Drug Enforcement Administration
220 West Mercer, Suite 300
Seattle, WA 98119-3958
(206) 553-5443

Department of Labor
Occupational Safety & Health (OSHA)
1111 Third Avenue, Suite 715
Seattle, WA 98101-3212
(206) 553-5930

Department of Labor
Office of Women's Bureau
1111 Third Avenue, Suite 925
Seattle, WA 98101-3212
(800) 827-5335

Nuclear Regulatory Commission
Office of Inspector General
Fraud and Waste (800) 233-3497

Securities and Exchange Commission
Office of Inspector General
100 F Street, NW
Washington, DC 20549-2736
(202) 551-6061

Department of Transportation
Office of Inspector General
915 Second Avenue
Seattle, WA 98174-1009
(206) 220-7754

Department of Transportation
National Transportation Safety Board
19518 International Blvd.
Seattle, WA 98188-5493
(206) 764-3782

UNITED STATES, cont.

Department of Treasury
Bureau of Alcohol, Tobacco, Firearms & Explosives
Law Enforcement Division
915 Second Avenue, Room 806
Seattle, WA 98174-1093
(206) 389-5800

Department of Veterans Affairs
Office of Inspector General
915 Second Avenue
Seattle, WA 98174-1060
(206) 220-6654 Ext. 31

Fraud/Waste/Abuse Hot Line
800-488-8244

This listing revised July 20, 2006

DISCLAIMER: This listing of State and Federal Offices was revised from the current information available. No representation is made as to the accuracy or completeness of the information.

Policy No. **24.0**	**Employee Suggestion Program**	Page 1 of 7
Policy Sections: 24.1 Definitions 24.2 Functions of the Committee 24.3 Duties of Suggestion Committee Staff 24.4 Responsibilities of Departments 24.5 Procedures for Processing Multidepartment Suggestions 24.6 Eligibility for Participation and Monetary Awards 24.7 Suggestion Format 24.8 Suggest Acceptability 24.9 Payment of Cash Awards 24.10 Payment Award Scale 24.11 Recognition of Merit 24.12 Appeal/Perfection of Right to Appeal		**Effective:** **02/14/2012** Supersedes:

PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the County employee suggestion program developed and piloted by the Incentive Committee as a part of the Countywide Reconfiguration Process. This policy does not obligate the County to award any incentives and any award shall be at the discretion of the suggestion committee or the County Administrator.

24.1 DEFINITIONS

As used in this policy, these definitions refer only to the employee suggestion program(s) unless the context requires otherwise.

A. "Committee" means the suggestion committee.

B. "Program" means the employee suggestion program developed by the committee under this policy.

C. "County employee suggestion program" means an employee suggestion program piloted by the committee.

D. "Employee" means:

a) For purposes of participation in the program, any present employees in county departments except for:

(i) Elected officials;
(ii) Department heads; and
(iii)Suggestion committee members;

b) For purposes of eligibility to receive monetary awards through the program excludes any employee who is not a regular operating, revenue or project employee of the County.

E. "Suggestion" is a unique, useful or workable, constructive proposal offering a specific change or form of improvement which contributes to county efficiency, service, safety, economy, or employee well-being.

F. "Department" includes every subdivision of county government which is eligible to participate under this policy.

G. "Multidepartment suggestion" meets the criteria for a suggestion and requires evaluation by two or more departments.

H. "Award" means monetary or nonmonetary recognition.

I. Department "head" includes the director, whether appointed or elected, of each county department.

J. "Program manager" is the executive manager of the pilot committee and serves as staff to the pilot committee.

24.2 FUNCTIONS OF THE EMPLOYEE SUGGESTION PROGRAM COMMITTEE

The size and membership of the suggestion committee shall be determined by the County Administrator. The responsibilities of the committee shall include:

1. Providing information about the program to department heads.

2. Establishing policies under which the program shall be promoted and administered, including criteria for suggestion acceptability for evaluation and the granting of awards.

3. Adopting rules and regulations necessary for the administration of the pilot program.

4. Making the final determination whether an award should be made and the nature and extent of any award or recognition given.

5. Formal forwarding of appeals to the County Administrator for resolution.

6. Meeting upon the call of the chairman or a majority of the committee.

24.3 DUTIES OF SUGGESTION COMMITTEE STAFF

1. The program manager will be appointed by the County Administrator and shall be responsible and accountable to the committee for the administration of the program, and shall:

   (a) Attend all meetings of the committee and ensure an official record of its actions.

   (b) Propose policies, rules, and regulations appropriate for the administration of the program.

   (c) Report to departments about implemented suggestions, indicating those requiring a post audit.

   (d) Establish and maintain records showing the use and effectiveness of the system, including the participation rate and results of involved departments.

   (e) Support departments regarding program promotion and participation through such things as training, technical assistance, etc

   (f) Perform other duties as required by the suggestion committee.

24.4 RESPONSIBILITIES OF DEPARTMENTS

1. Each department head or his/her designee shall appoint an individual(s) to act as liaison between the department and the suggestion committee.

2. Encourage all levels of management to support the program.

3. Promote the program throughout the department.

4. Assign an individual(s) to evaluate a suggestion recommending adoption, partial or modified adoption, or rejection of the suggestion. Facilitate evaluation of all suggestions referred by the suggestion committee office within thirty calendar days unless special circumstances exist that prohibit completion within the specified time frame. In this instance, the department is required to notify the suggester(s) and the suggestion committee of the status of the suggestion and provide the suggester(s) and the suggestion committee with a new timeline.

5. Maintain documentation of all department evaluations and implementation plans.

6. Notify the suggestion committee of the department recommendation. Submit copies of the evaluation via hard copy, fax or on-line to the suggester and committee.

24.5 PROCEDURES FOR PROCESSING MULTIDEPARTMENT SUGGESTIONS

Multiple-department suggestions require evaluation by two or more departments. Suggestion committee staff will determine if the suggestion meets the criteria enumerated in this policy. Suggestion committee staff will coordinate the multidepartment evaluation processing.

24.6 ELIGIBILITY FOR PARTICIPATION AND MONETARY AWARDS

1. Unless otherwise prohibited in this policy, any regular operating, revenue or project County employee, as defined by the Human Resources Department, may participate in the program.

2. Employees are ineligible to receive monetary awards through the program for the following categories:

   a) Suggestions that fall within the suggester's job responsibility. The following circumstances are considered to fall within this category:

      (i) Employees whose normal duties involve research and planning, unless unrelated to their routine work assignment;

      (ii) The employee has the authority to implement the change;

      (iii) The suggestion falls within the suggester's normal assigned job responsibilities, or;

      (iv) The employee has been given the change as a work assignment or the suggested change has been tasked to a team that includes the suggester.

   b) Suggestions submitted that duplicate any idea in current consideration by any department or agency within the County.

   c) Suggestions wherein the suggester either directly or indirectly has a proprietary interest in the suggestion.

24.7 SUGGESTION FORMAT

1. Suggestions shall be submitted via hard copy, MS Word document or email:

   a) In a legible manner providing the necessary information to the suggestion committee office.

   b) To the suggestion committee at (Office of Budget)

2. Submitted suggestions shall contain:

   a) Sufficient identifying information of the suggester.

b) A specific and concise narrative describing the solution and how it can be accomplished;

c) A brief and concise narrative describing the present methods, practices or problem;

d) A cost-benefit-analysis of the anticipated savings that will result from implementing the suggestion and the method used to determine the calculated savings. If savings are not anticipated then a statement of the improved services or benefits which will accrue from adoption of the suggestion must be included.

3. Suggesters shall research the suggested proposal to determine whether the proposal is practical.

4. Suggestions must also include the suggester's signature or e-mail address, title of position, department and division, and mailing address.

24.8 SUGGESTION ACCEPTABILITY

Suggestions considered acceptable are those which improve the efficiency and/or the effectiveness of County government.

1. This may include, but is not limited to:

   a) Savings in time or money;

   b) Elimination of waste or duplication;

   c) Improved service or product;

   d) Energy conservation;

   e) Improved working conditions.

2. Suggestions shall be considered in the order of the date by which they are officially received by the suggestion committee.

3. Suggestions may be unacceptable when a remedy exists through other established administrative procedures, such as:

   a) Personalized complaint affecting suggester only;

   b) Proposing items in County stock be issued and used for their intended purpose;

   c) Changing salary, position, classification, employee benefits, county holidays, leave benefits, retirement compensation, or any other compensation to an employee;

d) Enforcement of laws, policies, procedures, regulations, rules, etc.;

e) Outside purview of county government

24.9 PAYMENT OF CASH AWARDS

1. Cash awards shall be based on the payment award scale developed and maintained by the suggestion committee as approved by the Board of County Commissioners.

2. Awards for suggestions which will result in actual cost savings shall be recommended by the evaluating department and the committee shall make the final award determination in light of the department recommendation and the payment award scale after consideration of the savings to be effected.

3. Suggestions which will result in cost-avoidance, intangible improvements such as benefits in safety, health, welfare, morale, etc., or when savings cannot be calculated shall receive internal recognition as determined by the committee.

4. The committee may direct incremental payment of any award.

5. The acceptance of cash awards shall constitute an agreement that the use by Clark County of the suggestion for which the award is made shall not form the basis for a further claim of any nature upon the County by the employee or the employee's heirs or assignees. Upon adoption the suggested idea becomes the property of Clark County.

6. When a suggestion is submitted by more than one employee, any resulting award will be shared by the co-suggesters listed on the suggestion form.

7. Cash awards may not be used for the purpose of computing a retirement allowance under any public retirement system of the state.

24.10 PAYMENT AWARD SCALE

The following payment award scale shall be developed by the suggestion committee and shall be used by the countywide employee suggestion and department unique programs when determining awards.

a) Cash awards for suggestions generating actual cost savings to the county shall be ten percent of the actual net savings. Savings shall be calculated for one full year and should be for the first year of implementation.

b) No award may be granted in excess of ten thousand dollars per suggestion.

c) All suggestions that result in cost-avoidance, for which benefits to the county are intangible or for which savings cannot be calculated, shall receive recognition. The committee shall recommend to the County Administrator some form of additional recognition for the suggestion.

d) Awards shall be consistent and given in a timely manner

24.11 RECOGNITION OF MERIT

The committee may issue nonmonetary recognition of merit in such form and manner as it determines.

24.12 APPEAL/PERFECTION OF RIGHT TO APPEAL

1. A suggester, or the suggester's representative, may, by written appeal, request that either a denial of award or the amount of an award be reconsidered. To be valid, the appeal must be received by the committee within thirty calendar days of committee action. For an appeal to be accepted, new evidence or new information must be supplied. Such appeal must state with specificity the grounds for the appeal and a statement of the relief sought.

2. Suggestion committee staff shall make a recommendation to the County Administrator as to whether an appeal request should be accepted or rejected based on the new information or new evidence that is submitted by the suggester. A department shall reconsider accepted appealed suggestions based upon new information or new evidence provided in the written appeal and report its findings to the suggestion committee. The committee shall reconsider the suggestion in light of new information and/or evidence and evaluations.

The County Administrator reserves the right to rule on cases which involve extenuating circumstances.

Policy No. **25.0**	**Animals in the Workplace**	Page 1 of 3
		Effective: 12/01/2024

PURPOSE AND SCOPE

This policy provides direction on the types of animals county employees may bring into a Clark County workplace.

This policy applies to all county employees, except where collective bargaining agreements contain different provisions.

POLICY

Animals classified as pets are prohibited from the workplace. Employees are only allowed to bring an animal into the workplace if it is classified as a service animal and is approved as part of a reasonable accommodation. Employees and their use of service animals shall be subject to the Rules and Guidelines for Service Animals in the Workplace section of this policy.

Reasonable Accommodation and the Use of Service Animals

A qualified individual with a disability has the right to request a reasonable accommodation when applying for employment and during employment. Employees shall work with Human Resources to request the use of a service animal in the workplace as a reasonable accommodation.

- Once the use of a service animal has been approved as a reasonable accommodation, the employee shall complete and sign a form acknowledging their understanding of, and agreement with, the terms of this policy.

- Throughout the duration of the accommodation, there will be regular check-ins with the employee, their department management, and Human Resources.

- The accommodation process is ongoing; therefore, changes to the employee's essential functions or workplace may necessitate a re-evaluation of the use of a service animal in the workplace.

- If concerns arise regarding the service animal, the employee's management, in consultation with Human Resources, will work to address those concerns.

Rules and Guidelines for Service Animals in the Workplace

An employee's service animal shall be subject to the rules and guidelines below:

1. Service animals must be kept on a harness or leash or in a carrier, except when such tethering or crating would interfere with the service animal's ability to perform its work.

2. The employee must be always in full control of the animal.

3. Service animals will not be allowed to freely roam the office/building.

4. Service animals must not exhibit aggressive behavior.

5. Service animals must not jump on or disturb other individuals in the building.

6. Service animals may not bark (unless as an alert to a medical episode) or cause disturbances in the office/building.

7. Service animals must not disrupt or distract other employees in the workplace.

8. Service animals must be housebroken and must relieve themselves outdoors. Employees must clean up all animal waste and properly dispose of such waste. If there is an accident in a building, the employee must contact Facilities to evaluate if additional cleaning is needed.

9. The employee must ensure the service animal is in good health and free from communicable diseases.

10. Service animals must be clean and free of fleas, ticks, and other pests.

11. Service animals must be licensed, current on all applicable vaccinations, and wear a current rabies vaccination tag.

Failure to follow these rules may result in the employee being asked to remove the service animal from the building. Depending on the situation, the removal may be temporary or permanent and may prompt a re-evaluation of the service animal as a reasonable accommodation.

DEFINITIONS

- "Employee" means all regular, temporary, probationary, elected, and appointed employees of Clark County.

- "Pet" is an animal kept for comfort or companionship that has not received specialized training to perform a specific task(s) for an individual with a disability in order to be considered a service animal.

- "Reasonable Accommodation" is a change to a job or work environment that allows a qualified person with a disability to perform their job tasks to the same extent as people

without disabilities.

- "Service Animal" is a dog that is trained to do work or perform tasks for a person with a disability.

POLICY ____: STANDARDS OF CONDUCT

Employee conduct should promote a professional work environment at all times. This policy applies to all employees representing the County.

1. Clark County

Clark County is committed to:

- Enhancing the quality of life by providing services with integrity, openness and accountability.
- Supporting an environment free of bullying, harassment, discouragement and fear.
- Supporting an inclusive environment that embraces established values and acceptance of all people.

2. Employees

Employees representing Clark County are expected to:

- Perform duties in a way that promotes and sustains a collaborative, professional and respectful work environment.
- Maintain acceptable standards of professionalism while representing the county.

REGULATION ____: STANDARDS OF CONDUCT

1. Expectations of all employees representing the county:

    a. Treat each other with dignity and respect;
    b. Exercise judgement in handling interpersonal disputes;
    c. Exercise respect, courtesy, and concern for the dignity and cultural background of others;
    d. Refrain from use of abusive language;
    e. Model respectful problem-solving;
    f. Reduce actions or behaviors which might provoke fear, anger, frustration and alienation;
    g. Use clear, concise, and courteous oral and written communication to arrive at goodwill solutions;
    h. Extend common courtesy to others;
    i. Practice civility in all conversations and behaviors;
    j. Be respectful of others even when in a disagreement;
    k. Address inappropriate behavior when it is observed;
    l. Seek to understand others' point of view and cultural perceptions (ethnicity, environmental, etc.).

2. Unprofessional conduct includes, but is not limited to, the following:

    a. Using vulgar, obscene or profane gestures or words towards another individual;
    b. Taunting, jeering, or inciting others to taunt or jeer at an individual;
    c. Imposing personal demands or demands at times in settings where they conflict with assigned duties and cannot be reasonably met;
    d. Using personal epithets or abusive or disparaging names;
    e. Verbally or physically intimidating another person by gesturing in a manner that puts another in fear for his/her personal safety;
    f. Invading the personal space of an individual after being directed to move away;
    g. Physically preventing an individual's exit from a room or location unless to ensure the safety of staff or community members;
    h. Workplace bullying including actions that demean, intimidate or humiliate another person.
    i. A pattern of behavior that may involve excessive criticism, isolation from coworkers, manipulation, belittling or insulting others.
    j. Other similar disruptive conduct.

3. Unprofessional conduct does not include the following:

a. Expression of controversial or differing viewpoints that may be offensive to some persons, so long as:

    i. The ideas are presented in a respectful manner;
    ii. The ideas are presented at a time and place that is appropriate;
    iii. Such expressions do not materially disrupt the workplace

4. Addressing unprofessional conduct

    a. Calmly and politely caution or warn any individual who is engaged in unprofessional conduct. If the conduct does not cease, politely end the conversation.
    b. Attempt to resolve differences first in a private conversation.
    c. Request a resolution in accordance with the Complaint Resolution Policy.

5. Corrective action for unprofessional conduct

    a. Employees who engage in unprofessional conduct will be subject to corrective action or discipline in accordance with the Corrective Action Policy or applicable Collective Bargaining Agreement.
    b. Retaliation for reporting allegations will result in discipline.

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Date:	December 6, 2019
RE:	Washington Paid Family Medical Leave Addendum to County HR Policy 11.0 Benefits

Washington Paid Family Medical Leave

January 1, 2020 the Washington Paid Family Medical Leave (WPFML) goes into effect. Employees may apply through Washington State to obtain benefits and all approvals will be made at the state level. Employees who are receiving benefits from WPFML will be in unpaid status with the County while receiving those benefits. Employees will not be required to use all of their accrued leave before going into an unpaid status while receiving WPFML benefits. Washington State will govern all approvals for this type of leave. The County may, at its discretion, designate an employee's WPFML absence as Federal Family and Medical Leave concurrentlywith the WPFML absence.