

# **PORT OF WALLA WALLA**

## **Personnel Policies**

**RESOLUTION No. 06-09-11**

**AMENDMENT NO. 1  
PORT COMMISSION ADOPTED March 14, 2013**

**AMENDMENT NO. 2  
PORT COMMISSION ADOPTED June 14, 2018**

## RESOLUTION 06-09-11

### A RESOLUTION REGARDING THE ADOPTION OF REVISED PERSONNEL POLICIES AND BENEFITS FOR PORT OF WALLA WALLA EMPLOYEES AND REPEALING ALL PRIOR RESOLUTIONS DEALING WITH THE SAME SUBJECT MATTER

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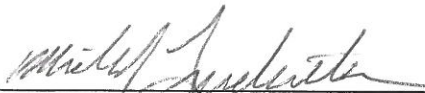
**WHEREAS**, the Port of Walla Walla Commission believes it is in the best interest of the Port and its employees to have written personnel policies to help the Port meet its mission statement, to prevent misunderstandings and problems, and to ensure that all employees know what is expected of them, and

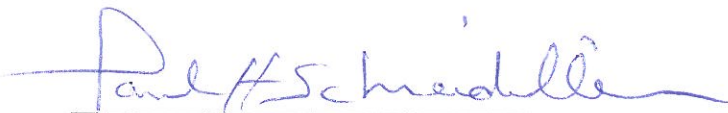
**WHEREAS**, this Manual has been prepared as a guide and reference for employees, nothing in this Manual creates an express or implied contract or promise concerning Port policies or practices, including policies or practices it will implement in the future. The Port Commission retains the right to establish, change, and abolish these policies, practices, rules, and regulations at will and as it sees fit.


**NOW, THEREFORE, BE IT RESOLVED** by the Port Commission that the new Personnel Policies dated June 9, 2011 are hereby adopted, and the personnel policies previously adopted July 10<sup>th</sup>, 1990 and revised December 12<sup>th</sup>, 1996 are hereby repealed. In addition, the Port's previously adopted Whistle Blower Policy dated December 8, 1992, the Port's Cellular Phone Policy previously adopted by Resolution 6-13-96, and the Port's previously adopted Vehicle Use Policy per Resolution 07-27-06 are hereby repealed as the newly adopted personnel policies contains updated polices on said subject matters.

**ADOPTED** by the Port Commission of the Port of Walla Walla this 9<sup>th</sup> day of June, 2011, and duly authenticated in open session by the signatures of the Commissioners below.

**PORT OF WALLA WALLA COMMISSIONERS**

  
\_\_\_\_\_  
MICHAEL FREDRICKSON, PRESIDENT

  
\_\_\_\_\_  
PAUL H. SCHNEIDMILLER, VICE PRESIDENT

  
\_\_\_\_\_  
RONALD W. DUNNING, SECRETARY

**PORT OF WALLA WALLA  
RESOLUTION NO. 03-14-13**

**AMENDING THE PORT OF WALLA WALLA PERSONNEL POLICY**

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**WHEREAS**, the Port Commission adopted a new comprehensive Port Personnel Policy on June 9, 2011, and

**WHEREAS**, the Port Commission desires to make amendments to the Personnel Policy, and

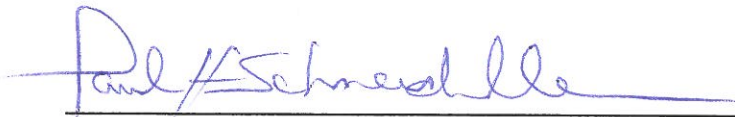
**WHEREAS**, the Port Commission has reviewed and discussed proposed changes with Port staff at the January 24, 2013 and February 28, 2013 Commission Meetings, and

**WHEREAS**, the final edits were presented to the Port Commission on March 14, 2013.

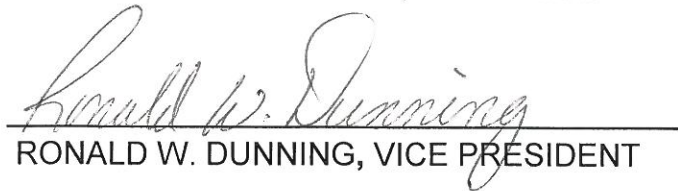
**NOW, THEREFORE, BE IT RESOLVED** that the Port of Walla Walla Commission hereby approves said amendments to the Personnel Policy with a retroactive effective date of January 1, 2013.

**ADOPTED** by the Commissioners of the Port of Walla Walla this 14th day of March, 2013.

**PORT OF WALLA WALLA COMMISSIONERS**



PAUL H. SCHNEIDMILLER, PRESIDENT



RONALD W. DUNNING, VICE PRESIDENT



MICHAEL FREDRICKSON, SECRETARY

# PORT OF WALLA WALLA PERSONNEL POLICIES AMENDMENT #2

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This amendment will replace Section 1: Sick Leave from Policy 702: Absences of the Port of Walla Walla Personnel Policies approved by Resolution No. 06-09-11 with the following Policy 702: Absences, Section 1: Sick Leave:

## **POLICY 702 ABSENCES**

### **Comment:**

#### **(1) Sick Leave**

- (a) Regular, full time employees, accrue paid sick leave at the rate of 8 hours per calendar month of continuous employment. Regular part time employees whose full time equivalency is 50% or more are entitled to sick leave accrual on a pro-rata basis. Temporary employees and part-time employees who are regularly scheduled to work less than 20 hours per week accrue 1 hour of sick leave for every 40 hours worked. Regular full-time employees do not accrue sick leave benefits during an absence without pay; part-time employees and temporary employees do not accrue paid sick leave any time such employees are not working (whether paid or unpaid).
- (b) The maximum number of hours of sick leave that an employee can accumulate is one thousand four hundred and forty (1440) hours (referred to as "maximum sick leave balance"). The maximum sick leave balance includes the forty hours of accrued sick leave an employee may carry over each year pursuant to Washington law if accrued and unused (referred to as "mandated carry over hours"), and is not in addition to the mandated carry over hours.
- (c) Sick leave may be used for any of the following purposes:
  - (i) Personal illness or incapacity of the employee;
  - (ii) Forced quarantine of the employee by a public health official;
  - (iii) To care for the employee's dependent children under age 18 who are ill;
  - (iv) To attend the birth of the employee's child;
  - (v) Use of a prescription drug that impairs job performance or safety;
  - (vi) Medical or dental appointments of the employee or dependent children under the age of 18, when such appointments cannot reasonably be scheduled during off-duty time;

- (vii) For any other purpose described in the WA Family Care policy set forth below or as otherwise allowed by law (see e.g., WAC 296-128-620).

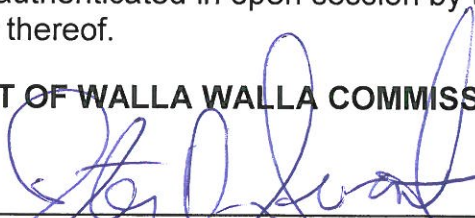
Sick leave may be coordinated with certain other leaves. Employees may be required to provide medical or other documentation, within ten calendar days of commencement of the use of paid sick leave, to verify the appropriate use of sick leave when an employee is absent for three or more consecutive days, or in other situations as deemed appropriate by the Port of Walla Walla (e.g., pattern absences on Fridays and/or Mondays.) Excessive tardiness or absences (other than approved disability-related leave or leave protected by the Washington Family Care Rules) may lead to disciplinary action up to and including termination. When an employee believes that the request that the employee verify the appropriate use of sick leave poses an unreasonable burden or expense to the employee, the employee may provide an oral or written explanation to the Port, consistent with the procedures of WAC 296-128-660.

- (d) An employee who terminates employment from the Port with a minimum of five years of service shall be provided a sick leave cash out payment at 25% of the employee accrued and unused sick leave hours. Payment will be made at the employee's regular hourly rate at the time of termination.

**Savings Clause.** If any section, subsection, paragraph, sentence or phrase of the Personnel Policy is found by a court to be invalid or unconstitutional, such finding shall not affect the remainder of this Personnel Policy.

The Port Commissioners of the Port of Walla Walla this 14th day of June 2018, hereby approves Amendment No. 2 to the Port Personnel Policies, which were originally adopted on June 9, 2011 and amended by Amendment No. 1 on March 14, 2013, and duly authenticated in open session by the signatures of the Commissioners voting in favor thereof.

**PORT OF WALLA WALLA COMMISSIONERS**

  
\_\_\_\_\_  
PETER D. SWANT, PRESIDENT

  
\_\_\_\_\_  
RONALD W. DUNNING, VICE PRESIDENT

  
\_\_\_\_\_  
MICHAEL FREDRICKSON, SECRETARY

# **TABLE OF CONTENTS**

## **Personnel Responsibilities**

**POLICY 100 PERSONNEL POLICIES**

**POLICY 101 FUNCTIONS OF THIS MANUAL**

**POLICY 102 CODE OF THIS MANUAL**

**POLICY 103 ETHICS**

## **Employment**

**POLICY 201 EQUAL EMPLOYMENT OPPORTUNITY**

**POLICY 202 PRODUCTIVE WORK ENVIRONMENT (COMPLAINTS OF UNLAWFUL  
DISCRIMINATION, HARASSMENT, OR RETALIATION)**

**POLICY 203 WORKPLACE VIOLENCE**

**POLICY 204 HIRING**

**POLICY 205 MEDICAL EXAMINATIONS**

**POLICY 206 PROBATIONARY PERIOD**

**POLICY 207 INTERNAL JOB OPENINGS**

**POLICY 208 PROMOTION**

**POLICY 209 HOURS OF WORK**

**POLICY 210 OUTSIDE EMPLOYMENT**

**POLICY 211 EMPLOYEE CLASSIFICATIONS**

**POLICY 212 LAYOFF AND RECALL**

**POLICY 213 TERMINATION OF EMPLOYMENT**

**POLICY 214 RETIREMENT**

## **Pay Practices**

**POLICY 301 SALARY ADMINISTRATION**

**POLICY 302 PERFORMANCE APPRAISALS**

**POLICY 303 SEVERANCE PAY**

**POLICY 304 PAY PROCEDURES**

**POLICY 305 INTERIM ASSIGNMENTS**

## **Reimbursement of Employee Expenses**

**POLICY 401 TRAVEL**

**POLICY 402 AUTOMOBILE USAGE**

**POLICY 403 MEAL REIMBURSEMENT**

**POLICY 404 MEMBERSHIP IN CLUBS AND CIVIC ORGANIZATIONS**

**POLICY 405 PARTICIPATION IN TRADE AND PROFESSIONAL ASSOCIATIONS**

## **Employee Benefits**

**POLICY 501 HEALTH AND WELFARE BENEFIT DISCLOSURE**

**POLICY 502 VACATIONS**

**POLICY 503 HOLIDAYS**

**POLICY 504 CONTINUING EDUCATION**

**POLICY 505 EMPLOYEE COUNSELING**

**POLICY 506 EMPLOYEE RECOGNITION AND SERVICE AWARDS**

**POLICY 507 EXERCISE AND WELLNESS PROGRAMS**

## **Port of Walla Walla Premises and Work Areas**

**POLICY 601 EMPLOYEE SAFETY AND THE SAFETY COMMITTEE**

**POLICY 602 PERSONAL PROPERTY**

**POLICY 603 SOLICITATION**

**POLICY 604 PARKING**

**POLICY 605 SECURITY**

**POLICY 606 SMOKING**

## **Absences from Work**

**POLICY 701 ATTENDANCE AND PUNCTUALITY**

**POLICY 702 ABSENCES**

**POLICY 703 REST BREAKS**

**POLICY 704 MEAL BREAKS**

## **Personal Conduct**

**POLICY 801 BEHAVIOR OF EMPLOYEES**

**POLICY 802 PERSONAL APPEARANCE OF EMPLOYEES**

**POLICY 803 PERSONAL FINANCES OF EMPLOYEES**

**POLICY 804 USE OF COMMUNICATION SYSTEMS**

**POLICY 805 CONFLICTS OF INTEREST**

**POLICY 806 MEDIA INQUIRIES**

**POLICY 807 POLITICAL ACTIVITIES**

**POLICY 808    DISCIPLINARY PROCEDURE**

**POLICY 809    DRUGS, NARCOTICS, AND ALCOHOL**

## **Miscellaneous**

**POLICY 901    PERSONNEL RECORDS**

**POLICY 902    DISPUTE RESOLUTION PROCEDURE**

**POLICY 903    WHISTLEBLOWER PROTECTION ACT**

**POLICY 904    AMENDMENTS**

**RESOLUTION NO. 06-09-11**

**A RESOLUTION REGARDING THE ADOPTION OF REVISED PERSONNEL POLICIES AND BENEFITS FOR PORT OF WALLA WALLA EMPLOYEES AND REPEALING ALL PRIOR RESOLUTIONS DEALING WITH THE SAME SUBJECT MATTER**

(1)

**WHEREAS**, the Port of Walla Walla Commission believes that it is in the best interest of the Port and its employees to have written personnel policies to help the Port meet its mission statement, to prevent misunderstandings and problems, and to ensure that all employees know what is expected of them, and

**WHEREAS**, this Manual has been prepared as a guide and reference for employees. Nothing in this Manual creates an express or implied contract or promise concerning Port policies or practices, including policies or practices it will implement in the future. The Port Commission retains the right to establish, change, and abolish these policies, practices, rules, and regulations at will and as it sees fit.

**NOW, THEREFORE, BE IT RESOLVED** by the Port Commission that the new Personnel Policies dated June 9, 2011 are hereby adopted, and the personnel policies previously adopted July 10<sup>th</sup>, 1990 and revised December 12<sup>th</sup>, 1996 are hereby repealed. In addition, the Port's previously adopted Whistle Blower Policy dated December 8, 1992, the Port's Cellular Phone Policy previously adopted by Resolution 6-13-96, and the Port's previously adopted Vehicle Use Policy per Resolution 07-27-06 are hereby repealed as the newly adopted personnel policies contains updated polices on said subject matters.

**ADOPTED by the Port Commission of the Port of Walla Walla this 9<sup>th</sup> day of June, 2011, and duly authenticated in open session by the signatures of the Commissioners below.**

PORT OF WALLA WALLA COMMISSIONERS

\_\_\_\_\_/s/\_\_\_\_\_  
Michael Fredrickson, President

\_\_\_\_\_/s/\_\_\_\_\_  
Paul H. Schneidmiller, Vice President

\_\_\_\_\_/s/\_\_\_\_\_  
Ronald W. Dunning, Secretary

# **POLICY 100 PERSONNEL POLICIES**

## **RECEIPT OF PERSONNEL POLICIES**

All employees should read the following, and then sign, date and return the form to the Port Auditor/Treasurer. The form will be placed in the employee's personnel file.

Enclosed are the Port of Walla Walla personnel policies. It is your responsibility to read these policies, be familiar with their terms and ask questions about anything you do not understand. These policies will acquaint you with your employee benefits, our personnel practices and rules, and organizational philosophy. The most current personnel policies will be available on the Port's Website.

It is important to understand that these policies do not promise specific treatment in specific circumstances, create an employment contract or a guarantee of employment of any specific duration between the Port and its employees. These policies are general guidelines and do not constitute promises of specific treatment in specific circumstances. Although we hope that your employment relationship with us will be long term, we recognize that at times things do not always work out as hoped, and either of us may decide to terminate the employment relationship at any time for any lawful reason. No elected official, supervisor, manager, or representative of the Port other than the Port Commission has the authority to make any written or verbal statements or representations that are inconsistent with these policies. Please note that in cases where these policies conflict with a Port resolution, state or federal law, or an individual written employment agreement, the terms of the law or agreement shall prevail.

As the Port grows and changes, personnel policies may change. The Port, therefore, reserves the right to revise, supplement, clarify or rescind any policy or portion of a policy when deemed appropriate by the Port Commission. While the Port will try to provide advance notice of any policy changes, advance notice will not always be possible or practicable.

If you have any questions about these policies or any other policies of the Port, please feel free to ask your supervisor, the Port Auditor/Treasurer or the Executive Director.

I have received the Personnel Policies and have read and understand the statement above. I acknowledge that it is my responsibility to read and be familiar with these policies. I further acknowledge that I have the right to request the Personnel Policies be provided to me in another language if English is not my first language.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Employee Printed Name

\_\_\_\_\_  
Date

(Return one signed copy of this form to the Port Auditor/Treasurer)

## **POLICY 101    FUNCTIONS OF THIS MANUAL**

### **Policy:**

This Manual should be used as an outline of the basic personnel policies, practices, and procedures for the organization.

### **Comment:**

- (1) This Manual contains general statements of Port of Walla Walla policies and should not be read as including the details of each policy. However, in many cases details are provided and appropriate cross-references are made. This Manual should not be interpreted as forming an express or implied contract or promise that the policies discussed in it will be applied in all cases. The Port of Walla Walla may add to the policies in the manual, revoke, or modify them from time to time. It will try to keep the Manual current, but there may be times when policy will change before this material can be revised.
- (2) These personnel policies shall apply to all Port employees. They shall not apply to elected officials or independent contractors.
- (3) Except as otherwise specified in a written employment agreement, employees are terminable at-will. This means that either party may terminate the employment relationship with or without notice and with or without cause for any legal reason.
- (4) The Port Auditor/Treasurer is responsible for distribution of the Manuals to employees who, in turn, are responsible for inserting approved changes.
- (5) The Executive Director and Management Team will continue to review and recommend changes to the Port Commission concerning personnel policies. Supervisors are encouraged to recommend changes or new policies. The Port Auditor/Treasurer is responsible for disseminating new policy information.
- (6) Supervisors should refer to the Manual whenever questions of policy interpretation or implementation arise. Issues needing clarification should be referred to the Port Auditor/Treasurer and/or Executive Director.
- (7) As used in the Manual:
  - (a) Use of the masculine or feminine gender should be interpreted to include persons of both gender;
  - (b) "Supervisor" means an individual with the authority to assign, direct, and review the work of one or more subordinates; and
  - (c) "Immediate family" means the employee's spouse, domestic partner, brother, sister, mother, father, stepmother, stepfather, child, stepchild, father-in-law, mother-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, grandparent, grandparent-in-law, and any other resident member of the employee's household unless otherwise specified.

- (d) “Domestic Partner” means a person whom an employee identifies as his or her domestic partner by providing proof of registration as domestic partners with the Washington Secretary of State. Domestic partners will be provided the same consideration as an employee’s “spouse” for the purpose of these policies.

# **POLICY 102 CODE OF EMPLOYER-EMPLOYEE RELATIONS**

## **Policy:**

The Port of Walla Walla implements fair and effective personnel policies and requires all employees support the Port's best interests.

## **Comment:**

- (1) The Port of Walla Walla is committed to a mutually rewarding and direct relationship with its employees. Thus, the Port of Walla Walla :
  - (a) Provides equal employment opportunity and treatment regardless of race, religion, color, sex, gender identification, age, national origin, disability, pregnancy, military/veteran status, and any class protected under federal, state, or local law (See Productive Work Environment Policy 202.);
  - (b) Provides compensation and benefits commensurate with the work performed (See Pay Practices, Section 300);
  - (c) Establishes reasonable hours of work based on the Port of Walla Walla's needs (See Hours of Work, Policy 210);
  - (d) Monitors and complies with applicable federal, state, and local laws and regulations concerning employee safety (See Employee Safety and the safety committee, Policy 601);
  - (e) Offers training opportunities for those whose talents or needs justify the training;
  - (f) Is receptive to constructive suggestions about job duties, working conditions, or personnel policies; and
  - (g) Establishes appropriate means for employees to discuss matters of concern with their immediate supervisor. (See Dispute Resolution Procedure, Policy 902.)
- (2) The Port of Walla Walla, as part of its commitment to providing the public with excellent products and services and to creating a productive work environment, expects all employees to:
  - (a) Deal with the public and vendors in a professional manner;
  - (b) Represent the Port of Walla Walla in a positive and ethical manner;
  - (c) Perform assigned tasks in an efficient manner;
  - (d) Be punctual (See Attendance and Punctuality, Policy 701);
  - (e) Demonstrate a considerate, friendly, and constructive attitude toward fellow employees; and
  - (f) Follow the policies adopted by the Port of Walla Walla.

- (3) The Port of Walla Walla retains the discretion to exercise all managerial functions, including but not limited to:
- (a) Dismiss, demote, assign, supervise, and discipline employees;
  - (b) Determine and change starting times, quitting times, and shifts;
  - (c) Transfer employees within departments or into other departments and other classifications;
  - (d) Determine and change the size and qualifications of the workforce;
  - (e) Determine and change methods by which its operations are to be carried out including contracting out services;
  - (f) Determine and change the nature, location, goods produced, services rendered, quantity, and continued operation of the port; and
  - (g) Assign duties to employees in accordance with the Port of Walla Walla's needs and requirements and to carry out all ordinary administrative and management functions.

## **POLICY 103 ETHICS**

### **Policy:**

The Port of Walla Walla conducts its business fairly, impartially, in an ethical and proper manner, and in compliance with all laws and regulations.

### **Comment:**

- (1) The Port of Walla Walla is committed to conducting its business with integrity underlying all relationships, including those with citizens, customers, suppliers, and communities, and among employees. The highest standards of ethical business conduct are required of Port of Walla Walla employees in performance of their responsibilities. Employees will not engage in conduct or activity that may raise questions as to the Port's honesty, impartiality, or reputation, or otherwise cause embarrassment to the Port. Employees will avoid any action, whether or not specifically prohibited in the personnel policies, which might result in or reasonably be expected to create an appearance of:
  - (a) Using public office or public position for private gain;
  - (b) Giving preferential treatment to any person or entity;
  - (c) Losing impartiality; or
  - (d) Adversely affecting the confidence of the public in the integrity of the Port of Walla Walla
- (2) Every employee has the responsibility to ask questions, seek guidance, report suspected violations, and express concerns regarding compliance with this policy. Retaliation against employees who use Port reporting mechanisms to raise concerns in good faith will not be tolerated.

## **POLICY 201    EQUAL EMPLOYMENT OPPORTUNITY**

### **Policy:**

The Port of Walla Walla is an equal opportunity employer. The Port of Walla Walla does not discriminate in employment decisions or policies in violation of law on the basis of race, color, national origin, creed, religion, sex, age, marital status, physical or mental disability, genetic information, gender identification, or status as an honorably discharged veteran, or any other class protected by federal, state, or local law. This policy applies to all terms and conditions of employment, including hiring, placement, promotion, termination, reduction in force, recall, transfer, leaves of absence, compensation, and training.

### **Comment:**

#### (1) Employees with Disabilities

- (a) The Port of Walla Walla complies fully with its duty to provide a reasonable accommodation to allow an employee with physical or mental disabilities to perform the essential functions of the employee's job. Employees who have a disability that limits their ability to perform their job should contact the Port Auditor/Treasurer to inform the Port of their disability and request for accommodation.
- (b) In order to provide a reasonable accommodation, the Port of Walla Walla may seek to communicate with the employee's medical provider to gain a better understanding of any limitations they possess, and given those limitations, the means by which an accommodation would allow the employee to perform the essential functions of a position. Employees may be asked to submit to a medical examination by an independent medical provider to confirm their medical condition and resulting limitations. After returning from a disability-related leave, the Port of Walla Walla may request that an employee undergo a fitness for duty examination to ensure that they are capable of performing the essential functions of the job.
- (c) If an employee qualifies, the Port of Walla Walla will work with the employee and their medical providers to provide the employee with a reasonable accommodation so that the employee can continue to perform the job. This may include making changes to the employee's work schedule, changing some of the non-essential job duties, granting a medical leave or transferring the employee to another position that the employee is able to perform.

#### (2) Employees seeking accommodation for religious beliefs or practices

- (a) The Port of Walla Walla complies fully with its duty to provide a reasonable accommodation of any employee's sincerely-held religious beliefs, unless the Port of Walla Walla believes such an accommodation would create an undue hardship or is contrary to the Port's commitment to equal opportunity. For example, if an employee requires a certain work schedule or a particular day off for religious observance, or to dress or attire oneself in a way that varies from any dress code adopted by the Port, the employee must contact the Executive Director to request accommodation.

# **POLICY 202 PRODUCTIVE WORK ENVIRONMENT (COMPLAINTS OF UNLAWFUL DISCRIMINATION, HARASSMENT, OR RETALIATION)**

## **Policy:**

The Port of Walla Walla promotes a productive work environment and does not tolerate unlawful discrimination, harassment, or retaliation.

## **Comment:**

- (1) The Port of Walla Walla is committed to providing a workplace that is free from unlawful discrimination. Unlawful discrimination occurs when an employee is disciplined, terminated, demoted, or suffers some other adverse employment action due to their race, sex, religion, or any other status protected by law.
- (2) The Port of Walla Walla is committed to providing a work environment which is free from unlawful harassment. The Port expressly prohibits any form of unlawful harassment by or against its employees based on race, color, sex, gender identification, religion, age, marital status, national origin, the presence of sensory, mental or physical disability, veteran status, or status in any other legally protect group.
- (3) Sexual harassment is conduct that is directed at an employee because of his or her sex, is unwelcome, and is offensive. Each supervisor and manager has a responsibility to keep the workplace free of any form of harassment, and in particular, sexual harassment. No supervisor or manager is to threaten or insinuate, either explicitly or implicitly, that an employee's refusal or willingness to submit to sexual advances will affect the employee's terms or conditions of employment.
- (4) Other sexually harassing or offensive conduct in the workplace, whether committed by supervisors, managers, non-supervisory employees, or non-employees, is also prohibited. Prohibited conduct includes, but is not limited to:
  - (a) Unwanted physical contact or conduct of any kind, including sexual flirtations, touching, advances, or propositions;
  - (b) Verbal harassment of a sexual nature, such as lewd comments, sexual jokes or references, and offensive personal references;
  - (c) Demeaning, insulting, intimidating, or sexually suggestive comments about an individual;
  - (d) The display in the workplace of demeaning, insulting, intimidating, or sexually suggestive objects, pictures, or photographs;
  - (e) Demeaning, insulting, intimidating, or sexually suggestive written, recorded, or electronically transmitted messages.

- (5) Any of the above conduct, or other offensive conduct, directed at individuals because of their sex, race, color, religion, national origin, pregnancy, age, marital status, gender identification, disability, genetic information, military status or any other characteristic protected by law is also prohibited.
- (5) The Port of Walla Walla is committed to providing a work place that is free from unlawful retaliation. The Port of Walla Walla prohibits any form of retaliation against any employee for good faith actions in filing a complaint under the Port's discrimination and harassment policies, and for participating in the investigation of any complaint of discrimination or harassment. Improper retaliation may include, but is not limited to, discipline, termination, transfers, assignment of unfavorable duties, or treating the employee who made the complaint in a hostile manner when such action or behavior is motivated in substantial part by the employee's participation in protected activity. Employees who bring complaints may be subject to discipline if the investigation reveals that the complaint was made in bad faith.
- (6) Any employee who believes that a supervisor's, manager's, other employee's, or non-employee's actions or words constitute unlawful discrimination, harassment, or retaliation has a responsibility to report the situation immediately, or no later than as soon as possible. The report should be in writing and made to the Executive Director. The report should include where possible a description of the conduct or behavior at issue, when it occurred and possible witnesses. If the complaint involves the Executive Director, the complaint should be made to a member of the Port Commission. If said Port Commissioner is unable to hear the complaint, the Port Commissioner will ask another Port Commissioner to hear the complaint.
- (7) Reports of discrimination, harassment, or retaliation will be handled and investigated under the Port of Walla Walla's dispute resolution policy (See Dispute Resolution Procedure, Policy 902), unless special procedures are considered appropriate. All reports will be investigated promptly and in as impartial and confidential a manner as possible. Employees are required to cooperate in any investigation. A timely resolution of each report should be reached and communicated to the parties involved.
- (8) Any employee, supervisor, or manager who is found to have violated the anti-discrimination, harassment, or retaliation policy will be subject to appropriate disciplinary action, up to and including termination.

## **POLICY 203    WORKPLACE VIOLENCE**

### **Policy:**

The Port of Walla Walla is committed to providing a safe workplace for its employees, guests, contractors, vendors, and the public. Therefore, in an effort to help prevent or reduce the possibility of violence here in our workplace, the Port of Walla Walla has implemented this policy on workplace violence for our employees.

### **Comment:**

- (1) Workplace Violence Prohibition. The Port of Walla Walla strictly prohibits threatened or actual workplace violence. This includes, but is not limited to, any of the following conduct associated in or around the workplace, or otherwise related to employment:
  - (a) Threatening injury or damage against a person or property
  - (b) Fighting or threatening to fight with another person
  - (c) Threatening to use a weapon on Port of Walla Walla premises or while representing the Port (unless such threat is a lawful use of force by an employee required to carry a firearm or weapon as a condition of employment)
  - (d) Abusing or injuring another person
  - (e) Abusing or damaging property
  - (f) Using obscene or abusive language or gestures in a threatening manner
  - (g) Raising voices in a threatening manner

Because of the potential for misunderstanding, joking about any of the above misconduct is also prohibited.

- (2) **“Port of Walla Walla Premises” Definition:** The term “premises” means all areas within the ownership and/or control of the Port of Walla Walla, including, but not limited to, buildings, offices, work areas, lounges, parking lots, desks, cabinets, lockers, storage areas, and any other Port of Walla Walla owned property on which employees may work. ***The Port of Walla Walla reserves the right to search all facility premises when the facility management determines that such a search is a reasonable and necessary precaution for work place safety.***
- (3) **Reporting Violent Conduct.** Any workplace violence incidents or incidents indicating a potential for violence are to be reported by an employee to the Executive Director immediately, or no later than as soon as possible. The report should be in writing and made to the Executive Director. Incident reports are to be completed, as appropriate. If the incident involves the Executive Director it shall be reported to a member of the Port Commission. If said Port Commissioner is unable to hear the complaint, the Port Commissioner will ask another Port Commissioner to hear the complaint. If the Port of Walla Walla determines that an employee has violated this policy, the employee will be

subject to immediate discipline up to and including discharge. The Executive Director shall handle concerns with members of the public or other parties as it determines under its policies and procedures.

- (4) **Imminent Danger/Violence Incident Procedure.** Any employee who believes that a situation with an aggressive employee, resident, guest, contractor, vendor, or other party (e.g., any person who uses obscene or abusive language or gestures, makes threats or acts in a violent or threatening manner) may immediately become violent putting the employee or others in imminent danger, the employee should promptly leave the work area and immediately call 911 to request officer contact. No disciplinary action shall be taken against any employee who leaves a work area when the employee has a reasonable belief that an emerging situation with an aggressive person is likely to turn violent at that time. The employee should coordinate the timing and circumstances of possible return by the employee to the area with police and their immediate manager.
- (5) **Security Precautions.** All Port of Walla Walla security policies and rules must be adhered to at all times. To prevent inappropriate outsider access, facility solicitation and access rules must be strictly followed. It is especially important that building security rules and procedures are specifically enforced at all times (e.g., doors locked after hours). Failure to comply with these requirements may lead to disciplinary action, up to and including discharge.
  - (a) Being familiar with all safety and health procedures relevant to the operations under their supervision;
  - (b) Inspecting their work areas periodically;
  - (c) Identifying conditions that are recognized as being unsafe; and
  - (d) Reporting accidents and injuries to the immediate manager and Executive Director immediately and ensuring that any injured employee is referred to appropriate medical care. (See Medical Procedures, Policy 205.)

## **POLICY 204    HIRING**

### **Policy:**

The Port of Walla Walla is an equal opportunity employer and hires individuals solely based on their qualifications and ability to do the job to be filled.

### **Comment:**

(1) The Port of Walla Walla will consider a member of an employee's immediate family for employment if the applicant possesses all the qualifications for employment. An immediate family member may not be hired, however, if the employment would:

- (a) Create either a direct or indirect supervisor/subordinate relationship with a family member; or
- (b) Create an actual conflict of interest or the appearance of a conflict of interest.

These criteria will also be considered when assigning, transferring, or promoting an employee. For purposes of this policy, "immediate family" includes: the employee's spouse, domestic partner, brother, sister, mother, father, stepmother, stepfather, children, stepchildren, father-in-law, mother-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, and any other member of the employee's household.

(2) Employees who marry or become members of the same household may continue employment as long as there is not:

- (a) A direct or indirect supervisor/subordinate relationship between the employees; or
- (b) An actual conflict of interest or the appearance of a conflict of interest.

Should one of the above situations occur, the Port of Walla Walla would attempt to find a suitable position within the Port of Walla Walla to which one of the affected employees may transfer. If accommodations of this nature are not feasible, the employees will first be permitted to determine which of them will resign. If no agreement between the employees can be reached, the Port of Walla Walla will decide which of the employees will be terminated.

(3) Former employees who left the Port of Walla Walla in good standing may be considered for re-employment. Former employees who resigned without advance notice or who were dismissed for disciplinary reasons may not be considered for re-employment. (See TERMINATION OF EMPLOYMENT, Policy 213.)

(4) A former employee who is re-employed will be considered a new employee from the date of re-employment unless the break in service is less than 3 months, in which case the employee will retain accumulated seniority. Length of service for the purposes of benefits is governed by the terms of each benefit plan. (See HEALTH AND WELFARE BENEFIT DISCLOSURE, Policy 501.)

- (5) Employees who retire may be eligible, in certain circumstances, to be considered for rehire. (See RETIREMENT, Policy 214.)

## **POLICY 205 MEDICAL EXAMINATIONS**

### **Policy:**

The Port of Walla Walla may require applicants to whom a conditional offer of employment has been extended, and current employees, to undergo medical tests, procedures, or examinations whenever management determines that these are necessary for the safe or efficient operation of the organization and are job-related and consistent with business necessity.

### **Comment:**

- (1) Successful applicants for employment may be required as a condition of employment to submit to a medical examination to establish their fitness to perform the jobs for which they have applied without endangering the health and safety of themselves or others. If management determines that an examination is appropriate to a particular position, all applicants for the job to whom a conditional offer of employment has been made shall be examined.
- (2) Employees may be required to have a medical examination on other occasions when the examination is job-related and consistent with business necessity. For example, a medical examination may be required when an employee is exposed to toxic or unhealthful conditions, requests an accommodation for a particular disability, returns from a leave due to a medical condition, or has a questionable ability to perform essential job functions due to a medical condition.
- (3) Employees are encouraged, but not required unless it is determined to be a condition of employment, to have physical examinations periodically during their employment. Employees are encouraged, but not required, to participate in wellness programs.
- (4) Medical examinations required by the Port of Walla Walla will be paid for by the Port and will be performed by a physician or licensed medical facility designated or approved by it. Medical examinations paid for by the Port of Walla Walla are the property of the Port of Walla Walla, and the examination records will be treated as confidential and kept in separate medical files. However, records of specific examinations, if required by law or regulation, will be made available to the employee, persons designated and authorized by the employee, public agencies, relevant insurance companies, or the employee's doctor.
- (5) Employees who need to use prescription or nonprescription legal drugs while at work must report this requirement to their supervisor if the use might impair their ability to perform their job safely and effectively. Depending on the circumstances, employees may be reassigned, prohibited from performing certain tasks, or prohibited from working if they are determined to be unable to perform their jobs safely and properly while taking prescription or nonprescription legal drugs. (See DRUGS, NARCOTICS, & ALCOHOL Policy 809)
- (6) The Port reserves the right to require acceptable confirmation of the nature and extent of any illness or injury that requires an employee to be absent from scheduled work. The Port also may require a second and, if appropriate, third medical opinion regarding an employee's absence because of illness or injury. The Port will pay for any additional opinions it requires.

- (7) Employees returning from a disability leave or an absence caused by health problems may be required to provide a doctor's certification of their ability to perform their regular work satisfactorily without endangering themselves or their fellow employees.
- (8) Employees who become ill on the job or suffer any work-connected injury, no matter how minor, must report immediately to their supervisors. The supervisor will arrange referral for examination, treatment, and recording of the incident as necessary. Time an employee spends waiting for and receiving this medical attention will be considered hours worked for pay purposes.
- (9) The Port also may require job applicants and current employees to take a test to determine the presence of drugs, narcotics, or alcohol, unless prohibited by law. For policies and procedures on this type of testing, see (See DRUGS, NARCOTICS, & ALCOHOL Policy 809).

## **POLICY 206 PROBATIONARY PERIOD**

### **Policy:**

The Port of Walla Walla carefully monitors and evaluates all new employees and all present employees transferred or promoted to a new job during an initial probationary period. After satisfactory completion of the probationary period, those employees will be evaluated as provided for in the PERFORMANCE APPRAISALS policy. (See PERFORMANCE APPRAISALS Policy 302.)

### **Comment:**

- (1) The probationary period should last twelve months. Supervisors should observe carefully the performance of each employee in a new job position. Where appropriate, weaknesses in performance, behavior, or development should be brought to the employee's attention for correction.
- (2) Supervisors should prepare a written evaluation of the employee's job performance before the end of the probationary period on the new job. (See Performance Appraisals, Policy 302.) The evaluation should include a recommendation as to whether the employee should continue in the position. Copies of the evaluation should be forwarded to the department head and the Port Auditor/Treasurer for inclusion in the employee's personnel file. (See Personnel Records, Policy 901.)
- (3) Employees generally will be allowed to continue in their new positions if they are given both a satisfactory evaluation by the end of their probationary period and their supervisor's endorsement to continue in the job. Employees who do not receive a satisfactory evaluation and endorsement may be given additional time in 30-day increments to demonstrate their ability to do the job, if the supervisor feels additional time is warranted in order to achieve acceptable job performance. Supervisors may recommend the termination of a newly hired employee at any time. Probationary employees are at-will employees. However, successful completion of the probationary period does not alter the employee's at-will status. A recommendation for termination should be submitted in writing to the Executive Director for review and should include an evaluation and a list of actions taken to assist the employee. (See also Termination of Employment, Policy 213.)
- (4) At the discretion of management, transferred or promoted employees who are unable to perform satisfactorily in their new jobs may be returned to their original jobs, if a vacancy exists, or may be terminated. (See Internal Job Openings, Policy 207; and Promotion, Policy 208.)

## **POLICY 207 INTERNAL JOB OPENINGS**

### **Policy:**

The Port of Walla Walla may at its discretion initiate or approve employee job transfers from one job to another or from one location to another.

### **Comment:**

- (1) The Port of Walla Walla may require employees to make either a temporary or long-term job transfer in order to accommodate the Port's business needs. The Port of Walla Walla will try to limit the number and duration of temporary transfers that it requests of individual employees in a twelve-month period.
- (2) Employees may request a voluntary job transfer. To be eligible for a voluntary transfer, employees normally must meet the requirements of the new position, have held their current position for at least 12 months, have a satisfactory performance record, and have no disciplinary actions during the same period.

## **POLICY 208 PROMOTION**

### **Policy:**

The Port of Walla Walla may offer employees promotions to higher-level positions when appropriate. Management prefers to promote from within and may first consider current employees with the necessary qualifications and skills to fill vacancies above the entry level, unless outside recruitment is considered to be in the Port of Walla Walla's best interest.

### **Comment:**

- (1) All employees are encouraged to seek advancement opportunities and to obtain promotion and career guidance from their supervisor.
- (2) Employee eligibility for promotion will be determined by the requirements of the new job. In addition, to be considered, employees must have held their current position for at least twelve months, have a satisfactory performance record, and have no disciplinary actions during the same period. Management retains the discretion to make exceptions to the policy.
- (3) Job openings and promotions for which management solicits candidates from within the Port of Walla Walla normally will be posted on the employee bulletin board and announced on the Port's website. However, as it considers appropriate, management may fill job openings or make promotions without posting notices. When job openings or promotion opportunities are posted:
  - (a) Interested employees must complete an application form and cover letter and forward it to their Supervisor by the cut-off date specified in the posting;
  - (b) Supervisors may initiate the procedure within the same time period and propose employees for the position; and
  - (c) The Port of Walla Walla Management team may, at its discretion, solicit outside candidates during or after the posting period.
- (4) Employee candidates for promotion will normally be screened and selected based on attendance and work records, performance appraisals, and job-related qualifications including, in some instances, aptitude or achievement tests. In addition, employees seeking promotion may be required to have a medical examination if the examination is job-related and consistent with business necessity. (See Medical Procedures, Policy 205.)
- (5) Promoted employees will be subject to the provisions of the Probationary Period policy in their new positions. (See PROBATIONARY PERIOD, Policy 206.)

## **POLICY 209 HOURS OF WORK**

### **Policy:**

The Port of Walla Walla establishes the time and duration of working hours as required by workload and workflow, customer service needs, the efficient management of employees, and any applicable law.

### **Comment:**

- (1) The normal workweek is Sunday through Saturday, beginning and ending at midnight on Saturday, and consisting of forty hours. The normal workday will consist of eight hours of work with an unpaid meal period. Different work schedules, such as in the case of security and maintenance employees, may be established by the Port to meet job assignments and provide necessary Port services. Rest or coffee breaks are considered as time worked.
- (2) Each employee's scheduled work hours will be determined by his or her supervisor. The supervisor, or the supervisor's designee, will inform employees of their daily schedule of hours of work, including meal periods and rest or coffee breaks, and of any changes that are considered necessary or desirable by the Port of Walla Walla. (See REST BREAKS, Policy 703; and MEAL BREAKS, Policy 704.)
- (3) Supervisors may schedule overtime or extra shifts. Supervisors will assign overtime to nonexempt employees (those employees who are subject to the minimum wage and overtime provisions of the Fair Labor Standards Act) as needed. Employees are not permitted to work overtime without the prior approval of their supervisor. Overtime shall apply to all paid hours in excess of forty (40) hours per week.
- (4) Employee attendance at meetings, and training programs will be considered hours of work, and therefore will be compensated time, if management requires and authorizes attendance.
- (5) Supervisors, at their discretion, may allow nonexempt employees to make-up lost time during a given workweek. However, make-up will not be allowed if the lost time is the result of conditions the employee could control, if there is no work the employee is qualified to do, or if adequate supervision is not available.
- (6) Nonexempt Timesheets

All nonexempt employees are required to complete an individual time record showing the daily hours worked. Time records cover half of one month (1-15<sup>th</sup> and 16-end of month) and must be completed by dates determined by the Port Auditor/Treasurer. The following points should be considered in filling out time records:

- (a) Employees should record their total hours worked for each workday;
- (b) Employees are not permitted to sign in or begin work before their normal starting time or to sign out or stop work after their normal quitting time without the prior approval of their supervisor;
- (c) Employees are required to take scheduled lunch or meal breaks;

- (d) Employee time records should be checked and signed by the supervisor involved. Special attention should be given to unworked time for which an employee is entitled to be paid (paid absences, paid holidays, or paid vacation time) and authorized overtime;
- (e) Unapproved absences should not be considered as hours worked for pay purposes. (See ATTENDANCE AND PUNCTUALITY, Policy 701; and ABSENCES, Policy 702.) Supervisors should inform employees if they will not be paid for certain hours of absence; and;
- (f) Timesheet estimation is permitted if approved by the Auditor/Treasurer; however, falsifying any time record is prohibited and may be grounds for disciplinary action, up to and including termination. (See BEHAVIOR OF EMPLOYEES, Policy 801; and DISCIPLINARY PROCEDURES, Policy 807.)

(7) Compensatory Time Off

Nonexempt employees can earn overtime for hours worked beyond the normal workweek. Nonexempt employees (those not exempt from the provisions of the Fair Labor Standards Act) will be paid overtime compensation, either in cash or compensatory time off, at the rate of one and one-half times their regular hourly rate for work in excess of forty hours during their normal workweek. If an employee elects to accrue compensatory time off in lieu of overtime pay, one and one half-hours of compensatory time-off is earned for one hour of work beyond forty hours of work in the workweek.

- (a) Maximum accruals of compensatory time shall be limited to one hundred-sixty (160) hours. After maximum accrual, overtime compensation will be paid to nonexempt employees.
- (b) Employees may use compensatory time after making a request to their supervisor, unless doing so would unduly disrupt Port operations. Compensatory time should be used for short-term absences from work during times mutually agreed to by the employee and the supervisor.
- (c) Upon termination, employees receive compensation for their accrued compensatory time balance.

(8) Exempt Timesheets

Personnel employed in executive management capacities generally are exempt from the provisions of the Fair Labor Standards Act.

- (a) Exempt employees are not required to complete hourly time records but must account for daily attendance and attendance exceptions.
- (b) Exempt employees do not receive overtime compensation.

(9) For policies and procedures regarding pay practices, see PAY PRACTICES, Policy 300.

## **POLICY 210    OUTSIDE EMPLOYMENT**

### **Policy:**

The Port of Walla Walla allows its employees to engage in outside work or hold other jobs, subject to certain restrictions as outlined below.

### **Comment:**

- (1) Employees are required to disclose outside work or other jobs to their supervisors and obtain pre-approval to perform outside work or hold another job.
- (2) The Port of Walla Walla requires that employees' activities and conduct away from the job must not compete, conflict with, or compromise its interests, or adversely affect job performance and the ability to fulfill all responsibilities to the Port of Walla Walla. (See CONFLICTS OF INTEREST, Policy 805.) This requirement, for example, prohibits employees from performing any services for customers on non-working time that are normally performed by Port of Walla Walla personnel. This prohibition also extends to the unauthorized use of any Port of Walla Walla resources, including its communication systems, and the unauthorized use or application of any confidential information. In addition, employees are not to solicit or conduct any outside business during paid working time.
- (3) Employees are cautioned to consider carefully the demands that additional work activity will create before accepting outside employment. Outside employment will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel, or refusal to work overtime or different hours. If outside work activity causes or contributes to job-related problems, it must be discontinued. If necessary, normal disciplinary procedures will be followed to deal with the specific problems. (See DISCIPLINARY PROCEDURE, Policy 807.)
- (4) In evaluating whether to grant approval for outside work, supervisors in consultation with the Executive Director will consider whether the proposed employment:
  - (a) May reduce the employee's efficiency in working for the Port of Walla Walla;
  - (b) Involves working for an organization that does a significant amount of business with the Port of Walla Walla, such as major contractors, suppliers, and customers; or
  - (c) May adversely affect the Port of Walla Walla's image.

In the event the Executive Director seeks outside employment, Port Commission approval is required.

- (5) If employees outside employment job duties are similar or related to their Port of Walla Walla service, or if they cause the employee to deal with people or entities whom the employee deals with for the Port of Walla Walla duties, the employee must be prepared to explain why no potential conflict exists between the outside employment and the official duties of the Port of Walla Walla.

- (6) Employees who have accepted outside employment may not use paid sick leave to work on the outside job. Fraudulent use of sick leave will result in disciplinary action up to and including termination. (See DISCIPLINARY PROCEDURE, Policy 808.)

## **POLICY 211 EMPLOYEE CLASSIFICATIONS**

### **Policy:**

The Port of Walla Walla classifies employees as full-time, part-time, or temporary and as exempt or nonexempt for the purposes of compensation administration. In addition, the Port of Walla Walla may supplement the regular workforce, as needed, with other forms of flexible staffing.

### **Comment:**

- (1) The Executive Director is responsible for classifying employees. Employees generally may be categorized as follows:
  - (a) A **full-time employee** is an individual who works a normal forty-hour workweek on a regularly scheduled basis and is hired for an indefinite period. (See HOURS OF WORK, Policy 209.) A full-time employee may be classified as either exempt or nonexempt.
  - (b) A **part-time employee** is an individual who is regularly scheduled to work less than 40 hours per week, but more than 20 hours per week and is hired for an indefinite period. A part-time employee may be classified as either exempt or nonexempt.
  - (c) A **temporary employee** generally is an individual who is hired either part-time or full-time for a specified, limited period. A temporary employee may be classified as either exempt or nonexempt.
  - (d) A **nonexempt employee** generally is subject to the minimum wage and overtime provisions of the Fair Labor Standards Act ("FLSA") and is typically paid either on an hourly or salary basis.
  - (e) An **exempt employee** is exempt from the provisions of the FLSA and is not entitled to overtime payments. Exempt employees are paid on a salary basis and include administrative, executive, and professional employees. (See HOURS OF WORK, Policy 209.)

Other flexible staffing classifications or arrangements may be added as needed.

- (2) For information regarding eligibility for paid absences, vacations, and holidays see ABSENCES, Policy 702; VACATIONS, Policy 502; and HOLIDAYS, Policy 503. An employee whose status changes from full-time to part-time may use any days of paid absence or vacation earned as a full-time employee. An employee whose status changes from temporary or part-time to full-time will be considered as hired on the date of the change of status for purposes of eligibility for paid absences and vacation. Information concerning eligibility for other Port of Walla Walla benefits, such as the pension plan, is available from the Port Auditor/Treasurer.

## **POLICY 212 LAYOFF AND RECALL**

### **Policy:**

If the Port of Walla Walla must reduce employment because of adverse economic or other conditions, layoffs and recall from layoffs generally will be conducted in a manner that is consistent with Port of Walla Walla requirements and in accordance with the procedures described below.

### **Comment:**

- (1) In the event that a layoff is expected, the Port of Walla Walla will attempt to communicate information about an impending layoff as soon as reasonably possible. However, management reserves the right to alter the layoff procedure and withhold information about the layoff as permitted by law in order to protect the Port of Walla Walla's interests.
- (2) Layoffs that are expected to be temporary generally will be handled according to the provisions of this policy. Selections for layoffs that are known to be permanent will be made according to this policy and then handled according to policies outlined in TERMINATION OF EMPLOYMENT, Policy 213; and SEVERANCE PAY, Policy 303.
- (3) Evaluation of the foregoing criteria shall be within the sole discretion of the Port. Employees will be selected for layoff, based on the following criteria:
  - (a) Promotion potential and transferability of skills to other positions within the unit;
  - (b) Demonstrated current and past performance;
  - (c) The needs of the Port of Walla Walla;
  - (d) Length of service with the Port of Walla Walla; and
  - (e) Other work related factors determined relevant by the Port of Walla Walla.
- (4) An employee's length of service is measured from the original date of employment with the Port of Walla Walla, as long as there has not been a break in service greater than 30 days. During a layoff, employees with breaks in service greater than 30 days, but less than one year per break, are credited only for their time actually worked, i.e., the break time does not get counted unless required by law. Employees with a break in service greater than one year receive credit for service only from their most recent date of hire with the Port of Walla Walla.
- (5) Employees selected for layoff will be given as much notice as is required by law or as much as is reasonable under the circumstances.
- (6) Employees who are laid off will be maintained on a recall list for six months or until management determines the layoff is permanent, whichever occurs first. Removal from the recall list terminates all job rights the employee may have. While on the recall list, employees should report to the Port Auditor/Treasurer if they become unavailable for

recall. Employees who do not keep a current home address on record with the Port Auditor/Treasurer will lose their recall rights.

- (7) Employees will be recalled according to needs of the Port of Walla Walla, their classification, and their ability to perform the job. Notice of recall will be sent by registered mail, return receipt requested, to the current home address on record with the Port Auditor/Treasurer. Unless an employee responds to the recall notice within five business days following receipt of the notice, or its attempted delivery, the employee's name will be removed from the recall list and the employee will no longer have any job rights with the Port of Walla Walla.
- (8) Credit for seniority will continue to accumulate during any layoff of 30 days or less. Employees laid off for more than 30 days and subsequently recalled within six months from the date of layoff will be credited with the years of service accumulated at the time of layoff.
- (9) If the layoff is expected to exceed 30 days, vacation pay equal to the number of unused vacation days accrued will be paid at the time of layoff. Employees who are laid off will not accrue vacation or sick leave during the layoff.

## **POLICY 213    TERMINATION OF EMPLOYMENT**

### **Policy:**

The Port of Walla Walla may terminate employment because of an employee's resignation, discharge, or retirement, the expiration of an employment contract, or a permanent reduction in the workforce. In the absence of a specific written agreement providing otherwise, employees are free to resign at any time and for any reason. The Port of Walla Walla reserves the right to terminate employment at any time, with or without notice and with or without cause for any lawful reason.

### **Comment:**

- (1) Employees are requested to give advance written notice of their intent to resign including the anticipated date of termination. Failure to give advance written notice may result in ineligibility for re-employment. (See HIRING, Policy 204; and VACATIONS, Policy 502.) The following guidelines are suggested:
  - (a) Supervisors and managerial employees should give at least three weeks' notice; and
  - (b) All other employees should give at least two weeks' notice.
- (2) Employees who are absent from work for three consecutive days without being excused or giving proper notice will be considered as having voluntarily quit. (See ATTENDANCE AND PUNCTUALITY, Policy 701.)
- (3) The Port Auditor/Treasurer is responsible for notifying terminating employees, who are covered by the Port of Walla Walla's group health plan, of their right to continue coverage under that plan.
- (4) Supervisors should send notices of resignation and recommendations for termination to the Executive Director for review. This information should be accompanied by any needed supporting documents, such as performance appraisals or disciplinary reports. (See PERFORMANCE APPRAISALS, Policy 302; and DISCIPLINARY PROCEDURE, Policy 808.)
- (5) Requests for employment references should be made in writing to the Executive Director and should include an authorization by the employee for the release of the requested information. Generally, the Port will not release reference information without the employee's authorization, or will limit the information to verification of the employee's position, job location, and dates of employment with the Port of Walla Walla. Employees may request that their supervisor provide a letter of recommendation. The supervisors must first obtain the approval of the Executive Director to provide a letter of recommendation. A copy of the letter of recommendation is to be placed in the employee's personnel file. (See PERSONNEL RECORDS, Policy 901.)

## **POLICY 214 RETIREMENT**

### **Policy:**

The Port of Walla Walla determines employees who are eligible for normal retirement per the guidelines described in the Washington State Department of Retirement Systems Handbook that is applicable to the employee's job classification. Regular full-time and eligible part-time employees are covered under the Public Employees Retirement System (PERS). The State of Washington determines eligibility, benefit levels, and contribution rates.

### **Comment:**

- (1) Employees who choose to take normal retirement are requested to give their supervisor and the Port Auditor/Treasurer as much advance notice of their intent as possible, or at least 90 days. Employees who have given notice of either normal or early retirement may be called upon to assist in the training of their replacements.
- (2) Employees who qualify for retirement under this policy may be eligible to receive limited health and various other benefits in accordance with the provisions of the Port of Walla Walla's employee benefit plans. (See HEALTH AND WELFARE BENEFIT DISCLOSURE, Policy 501.) Retiring employees are eligible to receive pay for accrued but unused vacation. (See Vacations, Policy 502.) All employee benefit plans and programs are subject to amendment or termination, even after retirement, at the Port of Walla Walla's and the Washington State Retirement System's discretion.
- (3) The Washington State Department of Retirement Systems administers the retirement benefits. The Port Auditor/Treasurer will post any notices required by law on the Port of Walla Walla's bulletin boards.

Department of Retirement Systems  
P.O. Box 48380  
Olympia, Washington 98505-8380  
Website: <http://www.wa.gov/DRS/drs.htm>

E-mail: [recep@drs.wa.gov](mailto:recep@drs.wa.gov)

DRS Reception Center Phone: 1-800-547-6657

TDD Line (for the hearing impaired): 1-866-377-8895

When contacting the Washington State Department of Retirement Systems the following identifying information is necessary: Your name, retirement system plan, and your Social Security number.

- (4) Retiring employees may be eligible to reapply for employment, and those who are interested in future temporary or part-time employment with the Port of Walla Walla should make that interest known at their exit interview. (See HIRING, Policy 204; and TERMINATION OF EMPLOYMENT, Policy 213.) Hiring an applicant who is receiving PERS retirement benefits must comply with State of Washington regulations. These include a prohibition of any written agreement for re-employment and an absence of at least one (1) month prior to starting a new job with the Port of Walla Walla.

## **POLICY 301 SALARY ADMINISTRATION**

### **Policy:**

The Port of Walla Walla pays compensation that is nondiscriminatory and competitive. However, all compensation policy decisions must take into consideration the Port of Walla Walla's overall financial condition and competitive position.

### **Comment:**

- (1) New employees will be hired at the starting rate assigned by the Executive Director. The salary will be based on experience, skill level, or other competitive considerations.
- (2) The Executive Director is responsible for coordinating with the Port Commission the continuing review of compensation and for making sure that each job is evaluated and assigned an appropriate salary/wage. This review should determine whether compensation accurately and fairly reflects each position's responsibilities and performance.

## **POLICY 302 PERFORMANCE APPRAISALS**

### **Policy:**

The Port of Walla Walla generally evaluates the job performance of each employee periodically.

### **Comment:**

- (1) Supervisors should complete performance appraisals upon the following occasions:
  - (a) By the end of the first twelve months of employment (See PROBATIONARY PERIOD, Policy 206);
  - (b) Then on an annual basis (based on anniversary date or in December of each year).

Between scheduled appraisals, supervisors should discuss with employees on an informal basis any performance issues that require attention and should keep records of any significant incidents. Supervisors may be authorized to retain information to aid in the development on an employees' performance appraisal.
- (2) In evaluating employees, supervisors should consider factors such as the experience and training of the employee, the job description, and the employee's attainment of previously set objectives and goals. Other factors that may be considered include knowledge of the job, quantity and quality of work, promptness in completing assignments, cooperation, initiative, reliability, attendance, judgment, conduct, acceptance of responsibility, and other job-related factors considered relevant by the supervisor.
- (3) Supervisors should prepare a written appraisal of each employee's job performance. The appraisal should include the supervisor's comments and recommendations, an action plan for both the employee and supervisor, and performance goals for the next evaluation period.
- (4) Department heads should review each supervisor's written evaluation to help assure that the evaluation function has been properly completed in as uniform, fair, and objective a manner as possible.
- (5) The supervisor and employee should meet and discuss the evaluation, assess the employee's strengths and weaknesses in a constructive manner, and set objectives and goals for the period ahead. The employee should be given the opportunity to examine the evaluation and make written comments about any aspect of it. The employee and supervisor should then sign and date the evaluation and forward it to the Port Auditor/Treasurer for review and inclusion in the employee's personnel file. (See PERSONNEL RECORDS, Policy 901.) Employees may have a copy of their completed performance appraisal for their records.
- (6) Information derived from the performance appraisal may be considered when making decisions affecting training, pay, promotion, transfer, or continued employment.
- (7) The Executive Director in consultation with supervisors and the Port Commission will periodically review and adopt evaluation forms to be used for nonexempt and exempt employees.

## **POLICY 303 SEVERANCE PAY**

### **Policy:**

The Port of Walla Walla allows that severance pay may be granted to terminated employees under certain limited circumstances. The Port of Walla Walla, however, retains the right to amend or terminate its severance policy at any time.

### **Comment:**

- (1) Severance pay is intended to provide extra economic help to certain terminated employees while they adjust to their job loss. Severance pay is not available for temporary employees.
- (2) The Executive Director is responsible for administering Port of Walla Walla policy on severance pay and will handle any employee claims or complaints.
- (3) Employees may be considered eligible for severance pay if they have worked full-time for at least one year and are terminated because of:
  - (a) A permanent reduction in force (unless the employee refuses a transfer recommended by the Port of Walla Walla);
  - (b) The elimination of the job or position.
- (4) Employees normally will not be considered eligible for severance pay if their employment is terminated because of:
  - (a) An employee-initiated voluntary resignation;
  - (b) Conduct or performance issues;
  - (c) A layoff that is expected to be short-term (less than 30 days);
  - (d) A breach of an employment agreement;
  - (e) Normal retirement, permanent disability, or death.
- (5) Eligible employees may be required to sign a release agreement in order to receive severance pay.
- (6) When severance pay is granted, eligible employees normally will receive 2 weeks regular straight-time pay for 1–4 years of continuous service; 3 weeks regular straight-time pay for 5-9 years of continuous service; and 4 weeks regular straight time pay for 10+ years of continuous service. Severance pay is calculated from the most recent date of hire. Unless otherwise provided, payment will be made in a lump sum upon final termination provided that a signed release agreement has been received if required.

## **POLICY 304 PAY PROCEDURES**

### **Policy:**

The Port of Walla Walla pays employees by check or direct deposit in a manner so that the amount, method, and timing of wage payments comply with any applicable laws or regulations.

### **Comment:**

- (1) Employees normally will be paid on the fifteenth (15<sup>th</sup>) day and the last day of the month. If the regular payday occurs on a Saturday, Sunday, or a holiday, employees will be paid on the last working day before the regular payday.
- (2) Employees on each payday will receive, in addition to their pay, a statement showing gross pay, deductions, health and welfare benefits (if applicable), and net pay. Local, state, federal, Social Security taxes, and retirement contributions shall be deducted automatically. No other deductions will be made unless required or allowed by law, contract, or employee obligation. Employees may elect to have additional deductions taken from their pay only if they authorize the deductions in writing.
- (3) Employees who discover a mistake in their paycheck, lose their paycheck, or have it stolen should notify their supervisor immediately. In the case of a mistake by the Port, the error will be remedied as promptly as reasonably possible. In the case of loss or theft, the Port Auditor/Treasurer will attempt to stop payment on the check and reissue a new one to the employee. However, the employee is solely responsible for the monetary loss, and the Port of Walla Walla will not be responsible for the loss or theft of a check if it cannot stop payment on the check.
- (4) Nonexempt employees (those not exempt from the provisions of the Fair Labor Standards Act) will be paid overtime compensation, either in cash or compensatory time off, at the rate of one and one-half times their regular hourly rate for work in excess of forty hours during their normal workweek. After maximum accrual of compensatory time, overtime compensation will be paid to nonexempt employees.
- (5) Employees who wish to authorize another person to pick up their paycheck must complete a "Payroll Warrant Pick Up Authorization Form." A copy of the completed form must be provided to the Port Auditor/Treasurer. Paychecks will not be distributed without an authorization in place.
- (6) For policies and procedures regarding on-call and reporting pay, see Hours of Work, Policy 209. For policies and procedures governing pay upon termination, see TERMINATION OF EMPLOYMENT, Policy 213.
- (7) Employees should discuss any questions or concerns regarding their rate of pay and other compensation issues with their immediate supervisor. If the employee and immediate supervisor are not able to resolve the question, the employee should contact the Port Auditor/Treasurer.

## **POLICY 305 INTERIM ASSIGNMENTS**

### **Policy:**

The Port of Walla Walla may authorize interim assignments during the absence of supervisory employees in specific situations.

### **Comment:**

- (1) Interim assignments provide valuable on-the-job training and allow continuation of a critical workload during an extended absence. Employees may be assigned the responsibilities as an “interim” or “acting” supervisor during times of vacation, sick leave, or other absences that require more than 15 consecutive business days away from work. Interim assignments require pre-approval from the Executive Director. Interim supervisors may be eligible to receive a wage premium of 5% over their current hourly rate during the assignment period. Interim assignments are limited to 90 business days. Extensions require approval by the Port Commission. The interim supervisor must be able to assume the majority of the duties of the higher classification and have the education and/or certificate requirements stated in the job description.

## **POLICY 401 TRAVEL**

### **Policy:**

Business travel shall be conducted in accordance with the Port of Walla Walla travel policy. (Resolution 02-08-07 or as amended in the future) The Port Auditor/Treasurer maintains the Travel Policy. The Port of Walla Walla retains the right to amend or terminate the travel policy at any time.

### **Comment:**

- (1) Employees holding jobs that require extensive travel are expected to travel as a condition of employment. For all other jobs, travel is considered only an incidental function of the position, but may be required.
- (2) Employee expenses for approved travel will be paid or reimbursed when properly documented by the employee and approved by the supervisor and the Port Auditor/Treasurer. Examples of expenses normally paid or reimbursed include transportation, meals, lodging, and limited incidental expenses. Employees who know or anticipate that they will have a request for travel expense reimbursement should ask for approval from the Port Auditor/Treasurer before incurring the expense. Any travel expenses considered unreasonable under the circumstances will not be paid or reimbursed and are the employee's personal responsibility. Employees will not be reimbursed for the travel (including lodging and meal) expenses of their spouses, domestic partner, or other non-employees who may accompany the employee.
- (3) Time spent by nonexempt employees (those covered by the minimum wage and overtime requirements of the Fair Labor Standards Act) in traveling away from home on Port of Walla Walla business during their normally scheduled working hours (including what would be normal working hours on a day not usually scheduled to work) are considered hours worked for pay purposes. (See HOURS OF WORK, Policy 209.)
- (4) Employees traveling on Port of Walla Walla business are representatives of the Port of Walla Walla and are expected to maintain a high level of professionalism and to follow all of the Port of Walla Walla's policies and rules. (See BEHAVIOR OF EMPLOYEES, Policy 801.)

## **POLICY 402    AUTOMOBILE USAGE**

### **Policy:**

The Port of Walla Walla provides vehicles for business use, to allow employees to drive on Port of Walla Walla business, and to reimburse employees for business use of personal vehicles according to the guidelines below. For further clarification, refer to the Travel Policy. The Port of Walla Walla retains the right to amend or terminate the travel policy at any time. (The term "vehicle" as used in these guidelines includes, but is not limited to, cars, trucks, backhoes, front-end loaders, graders, and any motorized watercraft.)

### **Comment:**

- (1) Employees may not drive any vehicles for Port of Walla Walla business without prior approval of their supervisor. Periodically, before approving a driver, each supervisor should check the employee's driving record, with the employee's consent; and verify the existence of a valid driver's license and personal auto liability coverage. Employees approved to drive on Port of Walla Walla business are required to inform their supervisor of any changes that may affect either their legal or physical ability to drive or their continued insurability.
- (2) Employees holding jobs requiring regular driving for business as a condition of employment must be able to meet the driver approval standards of this policy at all times. Employees holding jobs where driving is a condition of employment must inform their supervisors of any changes that may affect their ability to meet the standards of this policy. For example, employees who lose their licenses must immediately report this to their supervisors.

For all other jobs, driving is considered only an incidental function of the position.

- (3) Employees who need Transportation in the course of their normal work may be assigned a Port of Walla Walla vehicle for their use. Employees may use their own vehicles for business purposes with prior approval of their supervisor.
- (4) Employees who drive a vehicle on Port of Walla Walla business must, in addition to meeting the approval requirements above, exercise due diligence to drive safely, follow all traffic laws (including the prohibitions on using cell phones and other similar devices), avoid distractions while driving, and maintain the security of the vehicle and its contents. Employees are also responsible for any driving infractions or fines as a result of their driving a Port vehicle and must immediately report them to their supervisors. Employees who drive a Port vehicle also should ensure that the vehicle is kept clean and free of litter.
- (5) Employees who use their personal vehicle for approved business purposes will receive a mileage allowance equal to the Internal Revenue Service optional mileage allowance for such usage. This allowance is to compensate for the cost of gasoline, oil, depreciation, and insurance. Employees who operate personal vehicles for Port of Walla Walla business should obtain auto liability coverage for bodily injury and property damage with a special endorsement for Business Use, when necessary as determined by their personal insurance agent.

- (6) Employees must promptly report any accident, theft, or malicious damage involving a Port of Walla Walla vehicle to their supervisor and the Port Auditor/Treasurer, regardless of the extent of damage or lack of injuries. Such reports must be made as soon as possible but no later than forty-eight hours after the incident. Employees are expected to cooperate fully with authorities in the event of an accident. However, employees should make no voluntary statement other than to the Port supervisors or insurance providers, or in reply to questions by the investigating officers.
- (7) Nonexempt employees who are on call on a 24-hour basis may be allowed to take a Port of Walla Walla vehicle home so they can respond as soon as possible. The vehicle shall be used only as part of emergency response and not for personal use.
- (8) Employees are not permitted, under any circumstances, to operate a Port of Walla Walla vehicle, or a personal vehicle for Port of Walla Walla business, when any physical or mental impairment may cause the employee to be unable to drive safely. Additionally, employees shall not operate any Port of Walla Walla vehicle at any time, or operate any personal vehicle while on Port of Walla Walla business, while using or consuming alcohol, illegal drugs, or prescription medications that may affect their ability to drive. These prohibitions include circumstances in which the employee is temporarily unable to operate a vehicle safely or legally because of impairment, illness, medication, or intoxication.
- (9) In most circumstances, time spent by nonexempt employees (those covered by the minimum wage and overtime provisions of the Fair Labor Standards Act) in driving a Port or personal vehicle on Port business during the normally scheduled work hours is considered hours worked for pay purposes. However, under most circumstances, commuting time before the start and after the end of the workday is not treated as work time for pay purposes.
- (10) Employees that are expected to be accessible 24 hours per day / 7 days per week, when in town (currently defined as the Executive Director, Economic Development Director, Airport Manager, Maintenance and Operations Supervisor and Security Coordinator) to respond to emergency and security situations, are hereby authorized to drive Port owned vehicles during non-business hours. Said employees shall abide by the following provisions:
  - (a) Keep cell phones and other Port provided communication equipment on when traveling in a Port vehicle. Employees are expected to adhere to all traffic laws while driving a Port vehicle.
  - (b) Employees may not use Port owned vehicles during non-business hours other than to: drive by Port owned properties, buildings and water systems for general property management oversight purposes; respond to specific emergency and security situations; while working at the Port office; or to attend to other Port business including travel to approved trainings and meetings.
  - (c) Personal use shall be limited to travel to and from the employee's residence and the Port office and *incidental* personal use that may arise during working hours or during non-working hours while responding to emergency and security situations or other planned Port business as described in (b) and must be recorded for inclusion on the employee's W-2 as described in (13).

- (d) The Executive Director, from time to time, may designate other Port employees to use Port vehicles during non-business hours for specific Port related projects.
- (11) The personal use of Port vehicles in accordance with IRS regulations is subject to being reported as auto fringe benefit compensation. Employees shall keep track of personal use of vehicles and report to the Port Auditor/Treasurer each year the miles used for personal use. All other miles shall be considered business use and said use by employees shall be consistent with the above policies. The Port Auditor/Treasurer shall calculate the value of the personal use and report said fringe benefit compensation on employees year end W-2 form.

## **POLICY 403 MEAL REIMBURSEMENT**

### **Policy:**

The Port of Walla Walla provides, pays, or reimburses employees for business-related meals according to the guidelines below. For further clarification, the Port Travel Policy (Resolution 02-08-07) should be referred to. The Port of Walla Walla retains the right to amend or terminate the travel policy at any time.

### **Comment:**

- (1) Employees required to travel on Port of Walla Walla business may charge to the Port of Walla Walla, or be reimbursed for, the cost of all meals during their travel pursuant to the Travel Policy.
- (2) Meal expenses should follow the guidelines set by the Travel Policy.
- (3) Nonexempt employees that travel on a scheduled basis to Port owned properties within Walla Walla County are not eligible for meal reimbursements. However, when such travel is required to immediately respond to a Port property, meal reimbursements shall be authorized.

# **POLICY 404 MEMBERSHIP IN CLUBS AND CIVIC ORGANIZATIONS**

## **Policy:**

The Port of Walla Walla encourages employees to participate in the activities of community clubs and civic organizations.

## **Comment:**

- (1) Employees are encouraged to seek membership in community clubs and civic organizations where membership will promote the Port of Walla Walla's business interests and enhance its image in the community. However, employees who participate in clubs or community organizations may not allow their activities to interfere with job performance or harm or conflict with the Port of Walla Walla's interests. (See CONFLICTS OF INTEREST, Policy 805.)
- (2) The Executive Director in consultation with the Port Commission may identify certain community organizations in which the Port wants to be represented and then designate the employees that it will sponsor for membership in them. Employees who are designated for membership act as Port of Walla Walla representatives in the organization and are expected to promote its interests.
- (3) Employee participation in club and civic organization activities is not considered as hours worked for pay purposes unless it is at the Port of Walla Walla's request or under its direction and control.
- (4) The Executive Director in consultation with the Port Commission will normally consider the following factors when selecting organizations for representation and designating employees to sponsor for membership:
  - (a) The nature and purpose of the club or organization;
  - (b) The potential benefit to the Port of Walla Walla, including the enhancement of the employee's leadership and organizational skills;
  - (c) The cost to the Port of Walla Walla;
  - (d) The extent to which the Port of Walla Walla is already represented in the club or organization; and
  - (e) The employee's job responsibilities, length of service, and overall qualifications for membership.

The Executive Director in consultation with the Port Commission will review periodically its representation in community organizations and its sponsorship of employees for membership and will make changes as appropriate.

- (5) Employees whose membership is sponsored by the Port of Walla Walla are encouraged to use the clubs or civic organizations for business purposes.

- (6) Employees who are sponsored for membership in community clubs and civic organizations are eligible for reimbursement for dues only.
- (7) Employees who are not designated and sponsored for membership in community organizations are responsible for their own expenses.

# **POLICY 405 PARTICIPATION IN TRADE AND PROFESSIONAL ASSOCIATIONS**

## **Policy:**

The Port of Walla Walla encourages employees to participate in certain trade and professional associations where there is a clear benefit to the Port of Walla Walla.

## **Comment:**

- (1) Employees are encouraged to participate in trade and professional associations that promote Port of Walla Walla goals, individual skills development, and professional recognition. However, employee participation in those associations must not conflict with the Port of Walla Walla's interests and must fit within budgetary constraints. (See CONFLICTS OF INTEREST, Policy 805.)
- (2) The Port of Walla Walla may identify certain trade and professional associations in which representation is desirable and then designate the employees that it will sponsor for membership. Employees who are designated for membership act as Port of Walla Walla representatives in the association and are expected to promote its interests and to participate accordingly.
- (3) Employee participation in trade and professional association activities will not be considered as hours worked for pay purposes for employees classified as nonexempt under the Fair Labor Standards Act, unless participation is at the Port of Walla Walla's request or under its direction and control. (See Hours of Work, Policy 209.)
- (4) Supervisors are responsible for coordinating representation in trade and professional associations and must receive prior approval from the Executive Director. The following factors normally will be considered in selecting associations for representation and in designating employees to be sponsored for membership:
  - (a) The nature and purpose of the association;
  - (b) The potential benefit to the Port of Walla Walla, including enhancement of the Port of Walla Walla's reputation and the development of the employee's leadership and organizational skills;
  - (c) The cost to the Port of Walla Walla;
  - (d) The extent to which the Port of Walla Walla is already represented in the association; and
  - (e) The employee's job responsibilities, length of service, and overall qualifications for membership.

- (5) Supervisors are responsible for planning, budgeting, and approving the expenses of their employees' participation in association activities within their budgetary authority. The Port of Walla Walla will pay or reimburse the approved and reasonable expenses of employees sponsored for membership in trade and professional associations. Employees not sponsored for association membership may be eligible for reimbursement for the expenses of special association events, if the Executive Director approves participation in the activity in advance.
- (6) Employees must have their supervisor's advance approval before soliciting or accepting any official position in a trade or professional association that will occur during regularly scheduled working hours.
- (7) Employees are encouraged to contribute articles, present papers, and give talks to trade and professional associations. However, employees must obtain prior approval for any communication that might represent or appear to represent the Port of Walla Walla's position or involve any information that is confidential. Employees must remain mindful of their obligation to not disclose any confidential information relating to the Port. (See MEDIA INQUIRIES, Policy 806.)

# POLICY 501 HEALTH AND WELFARE BENEFIT DISCLOSURE

## Policy:

The Port of Walla Walla provides its employees with various health and welfare benefits. Information and summaries intended to explain these benefit plans will be furnished to all plan participants and beneficiaries on a timely and continuing basis. The Port reserves the right to modify, amend, or terminate its health and welfare benefits as they apply to all current, former, and retired employees. Additionally, the Administrator of each benefit plan has the discretionary authority to determine eligibility for benefits and to interpret the plan's terms.

## Comment:

- (1) The Port of Walla Walla offers certain benefits to eligible employees, including health, life, and disability insurance and pension and retirement plans. Eligibility will depend upon the specific requirements of each benefit plan. The Port of Walla Walla also provides a number of other benefits such as leaves of absence, and paid vacation, holidays, and sick days. (For information on these additional benefits, see Sections 502, 503 and 702).
- (2) The Port Auditor/Treasurer serves as the coordinator of the Port's welfare and pension plans. The coordinator is responsible for communications and disclosures concerning Port of Walla Walla's benefits and for compliance with all applicable laws and regulations. In addition, the Port Auditor/Treasurer is available to answer questions concerning the benefit plans or can provide employee direct contact with the plan's administrator.
- (3) Some of the Port's insurance and pension plans require the employee to designate a beneficiary for the employee's death benefits. The designation must be made in writing in a form acceptable to the insurance company or pension plan. It is the employee's responsibility to maintain the proper beneficiary designations and alert the Port Auditor/Treasurer to any changes in status affecting eligibility or designations.
- (4) Employees, spouses, domestic partners, and dependents covered by the Port of Walla Walla health and welfare plan will be notified, when appropriate, of the opportunity to continue their health care coverage, at their own expense, in certain specified situations including layoff, termination, reduction in hours of employment, and separation or divorce. Employees are responsible for contacting the Port Auditor/Treasurer prior to a dependent's 26<sup>th</sup> birthday to determine if health insurance coverage can remain in effect
- (5) **Health Insurance Benefits.** Regular employees who are classified as 80% or more FTE are eligible for health and welfare benefits. Regular part time employees who are classified as 50% - 79% FTE are eligible for ½ of the employee-only medical insurance premiums provided by the Port. Regular part time employees are responsible for the remaining ½ of the employee-only medical insurance premiums. Payment of such premiums shall be deducted from the employees' regular paycheck. Regular part time employees have the option of enrolling eligible dependents on the Port's medical insurance plan during open enrollment or for a qualifying event; however, the employee is responsible for all premium expenses.

- (6) The Port has established a Health Reimbursement Arrangement / Voluntary Employees' Beneficiary Association (VEBA) plan (Resolution 10-28-10A). A VEBA is a tax exempt health and welfare trust which provides a tax-free defined contribution account for employees to pay for medical, dental, vision, and tax qualified long-term care premiums and non-covered healthcare expenses. Eligibility is limited to employees waiving medical coverage and providing proof of coverage under another employer-sponsored medical insurance plan. The amount of contribution for eligible employees is determined yearly by the Port Commission.
- (7) Per RCW.53.08.170, Port Commissioners may be provided Port benefits with coverages not to exceed that provided to full-time employees.

# POLICY 502 VACATIONS

## Policy:

The Port of Walla Walla grants annual vacations with pay to regular full-time and regular part-time employees in accordance with the guidelines established below.

## Comment:

- (1) Vacations are accrued or earned based on the employee's length of service and on the time actually worked.
- (2) Full-time employees will accrue paid vacation according to the following schedule:

<u>Service Period</u>	<u>Vacation Accrual</u>	<u>Maximum Accrual</u>
First Calendar Year through 5	10 working days per year	320 hours
Calendar Years 6 through 10	15 working days per year	320 hours
Calendar Years 11 thereafter	20 working days per year	320 hours

Vacation cannot be taken until hours are accrued. Employees whose vacation balance exceeds the maximum accrual will no longer accrue vacation benefits until the vacation balance falls below the maximum accrual. Employees are responsible to monitor their accrual balance.

- (3) Regular part-time employees whose full time equivalency is 50% or more are entitled to vacation on a pro-rata basis. Regular part-time employees shall earn vacation leave proportionate to the number of hours that they work in a pay period divided by the number of hours a full time employee works in the same pay period. Part-time employees working less than 20 hours per week and temporary employees do not receive paid vacation. (See Employee Classifications, Policy 211.)
- (4) Employees who feel that there is a discrepancy in the calculation of their vacation pay or eligibility may request a review of that calculation by the Port Auditor/Treasurer. (See Dispute Resolution Procedure, Policy 902.)
- (5) Vacation pay for full-time and part-time employees will consist of the employee's regular rate of pay for the vacation period.
- (6) Generally, employees should submit vacation plans to their supervisor at least three weeks in advance of the requested vacation date. Management reserves the right to approve when vacations are taken. Supervisors are responsible for ensuring adequate staffing levels and should attempt, when feasible, to resolve vacation scheduling conflicts based on length of service. However, employees who want to change their plans after the vacation schedule has been approved lose their seniority consideration.

- (7) Employees with a minimum of five years of service will be allowed to sell back accrued vacation, in one week increments only, provided they have reached, or will reach in the current month, the maximum accrual days. Vacation sell back shall not exceed two weeks per year. This sell back is not intended to replace employee vacation time off. Employees are encouraged to use their vacation time for vacation in order to obtain the rest and relaxation that vacations are intended for.
- (8) The Port Commission may, in its sole discretion, review and adjust the vacation or annual leave accrual of the Executive Director. The Executive Director may, upon the approval of the Port Commission, review and adjust the vacation or annual leave accrual of exempt employees.

# POLICY 503 HOLIDAYS

## Policy:

The Port of Walla Walla designates and observes certain days each year as holidays. Eligible employees will be given a day off with pay for each holiday observed.

## Comment:

(1) The Port of Walla Walla observes the following holidays (8 hours each) per calendar year:

New Year's Day	January 1 <sup>st</sup>
Martin Luther King Day	3 <sup>rd</sup> Monday in January
President's Day	3 <sup>rd</sup> Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4 <sup>th</sup>
Labor Day	1 <sup>st</sup> Monday in September
Veteran's Day	November 11 <sup>th</sup>
Thanksgiving Day	4 <sup>th</sup> Thursday in November
Day after Thanksgiving	Day after Thanksgiving
Christmas Day	December 25 <sup>th</sup>

- (2) Full-time employees are eligible to receive their regular rate of pay for each observed holiday. Part-time employees who are scheduled to work at least 20 hours per week (1,040 per year) are entitled to holiday pay. The amount of holiday pay is determined on the same basis as for full-time employees, but is based on the employee's full time equivalency (FTE) budget allocation. For example, an employee allocated at 65% FTE will receive 5.2 hours of holiday pay on each Port approved holiday. Temporary employees and employees on unpaid leaves of absence or on layoff at the time of the holiday are not eligible to receive holiday pay.
- (3) To receive holiday pay, an eligible employee must be at work or taking an approved absence on the workdays immediately preceding and immediately following the day on which the holiday is observed. An approved absence is a day of paid vacation or paid short-term absence. (See VACATIONS, Policy 502; and ABSENCES, POLICY 702.) If an employee is absent on one or both of these days because of an illness or injury, the Port of Walla Walla may require verification of the reason for the absence before approving holiday pay. (See MEDICAL PROCEDURES, Policy 205.)

- (4) A holiday that occurs on a Saturday will be observed on the preceding Friday. A holiday that occurs on a Sunday will be observed the following Monday. Shift workers observe holidays on the actual day it occurs.
- (5) If a holiday occurs during an employee's vacation period, the employee will be required to record the day as holiday pay on their timesheet.
- (6) The Port of Walla Walla recognizes that some employees may wish to observe, as periods of worship or commemoration, certain days that are not included in the Port of Walla Walla's regular holiday schedule. Employees may use accrued vacation for these occasions.
- (7) The Port of Walla Walla may schedule work on observed holidays as it considers necessary. Any employee normally eligible for holiday benefits who must work on a day designated as a holiday under the provisions of this personnel policy will be paid at two (2) times the employee's hourly rate for the hours worked. In addition, the employee shall receive holiday pay as described above.
- (8) Exempt employees working on an observed Port holiday may designate another day as a holiday, conditioned on said holiday being used within 90 days from the date accrued. Employees may not cash out unused Port holidays.

## **POLICY 504 CONTINUING EDUCATION**

### **Policy:**

The Port of Walla Walla attempts to provide employees with flexible work schedules when taking approved educational courses. The Executive Director's prior approval shall be required.

### **Comment:**

- (1) Flexible work schedules will be considered if the Port of Walla Walla determines the courses of study are directly related to the employee's present job or that will enhance the employee's potential for advancement to a position within the Port of Walla Walla and to which the individual in the view of management has a reasonable expectation of advancing.

To encourage and facilitate training opportunities for all employees, staff development and training requirements will be periodically assessed and, subject to budgetary limitations, professional, technical and vocational training opportunities may be afforded to employees at the Port's expense.

The Port may reimburse employees for job-related professional licenses provided the license is not also used to provide personal non-Port income to the employee

## **POLICY 505 EMPLOYEE COUNSELING**

### **Policy:**

The Port of Walla Walla assists employees with referral services that will help in solving personal problems, both on and off the job, financial planning, and career planning.

### **Comment:**

- (1) The Port of Walla Walla recognizes that personal difficulties can adversely affect job performance. Accordingly employees experiencing personal problems are encouraged to seek assistance through professional counseling. Insurance coverage may be provided within the Port's health care plan. Employees should check with the Port Auditor/Treasurer regarding coverage.
- (2) Supervisors should be alert to signs of the existence of personal problems among their employees. Indications of personal problems include excessive absenteeism, changes in both behavior and employee attitudes, and substandard job performance.
- (3) Supervisors, where appropriate, should try to communicate with employees who seem to be experiencing problems. Depending on the circumstances, the supervisor should proceed as follows:
  - (a) If an employee's problem seems to require professional counseling, or does not lend itself to an easy solution, the supervisor should refer the employee to the Port's Employee Assistance Program.
  - (b) If the employee's problem is an unresolved complaint or grievance, the supervisor should advise the employee of the appropriate steps to be taken in compliance with the Grievance Procedure. (See DISPUTE RESOLUTION PROCEDURE, Policy 902.)
- (4) Employees needing extended treatment may request a leave of absence in accordance with the Port of Walla Walla's leave policy. (See ABSENCES, Policy 702.)
- (5) The Port Auditor/Treasurer may also, to the degree that its resources permit, provide information for employees seeking guidance on education and career planning, relocation, outplacement, and retirement planning. (See TERMINATION OF EMPLOYMENT, Policy 213; RETIREMENT, Policy 214; and EDUCATIONAL ASSISTANCE, Policy 504.)
- (6) Employees are required to meet satisfactory standards of job performance. Performance appraisals are to be based on factors related to job performance, regardless of whether an employee seeks counseling. (See PERFORMANCE APPRAISALS, Policy 302.) In certain circumstances, however, the Port of Walla Walla may require an employee to participate in counseling as a condition of continued employment. (See DRUGS, NARCOTICS, AND ALCOHOL, Policy 809.)
- (7) Communications between employees, supervisors, the Executive Director, and professional counselors or agencies as a result of this policy are to be confidential, except to the degree necessary to protect the safety of the employee or others or to protect the security of Port of Walla Walla property.

# **POLICY 506 EMPLOYEE RECOGNITION AND SERVICE AWARDS**

## **Policy:**

The purpose of this policy is to provide for the recognition of employees, elected officials and volunteers.

## **Comment:**

- (1) This policy shall apply to all Port employees, elected officials and volunteers. The Port may provide awards and hold special events to recognize and acknowledge publicly the contribution of employees, elected officials and volunteers to the success of the Port of Walla Walla.

Recognition events may include any of the following elements:

- (a) Public acknowledgement of excellence and/or achievement by Port employees, elected officials, and volunteers.
  - (b) Presentation of individual awards such as certificates, plaques and other recognition mementoes.
  - (c) Recognition of group success and achievement.
  - (d) Meal and light refreshments whose purpose is to honor employee service awards in recognition of exemplary service, notable achievements, i.e., course completion, length of service, outstanding safety performance, cost saving suggestions, exemplary service above and beyond the normal job requirements, and other achievements in support of Port's mission.
- (2) Such awards may be made by the Executive director in consultation with the Port commission. The cost of individual awards shall not exceed \$100.00 each.

## **POLICY 507 EXERCISE AND WELLNESS PROGRAMS**

### **Policy:**

The Port of Walla Walla encourages employees to participate in exercise and wellness programs.

### **Comment:**

- (1) The Port Auditor/Treasurer is responsible for administering exercise and wellness programs.
- (2) Participation in Port of Walla Walla exercise and wellness program is open to regular full-time or regular part-time employees. Temporary employees are not eligible to participate. This program is voluntary and should take place outside normal working hours.
- (3) Employees are eligible for a \$50.00 per month fitness club reimbursement. To be eligible for reimbursement, the employee must use a fitness facility at least ten times per month. On employee month-end timecards, employee will be asked to check a box if enrolled in a fitness club and if used ten times during the preceding 30 days. If checked yes, employee will receive a \$50 per month benefit. Said benefit shall be considered additional compensation and is subject to inclusion in employee's W-2 annual report.
- (4) The Port of Walla Walla reserves the right to modify, amend, or terminate its wellness program at any time.

# **POLICY 601 EMPLOYEE SAFETY and the SAFETY COMMITTEE**

## **Policy:**

The Port of Walla Walla complies with all applicable federal, state, and local health and safety regulations and provides a work environment as free as practicable from recognized hazards. Employees are expected to comply with all safety and health requirements whether established by the Port of Walla Walla or by federal, state, or local law. The Safety Committee maintains an Accident Prevention Manual.

## **Comment:**

- (1) The Port of Walla Walla has appointed a Safety Committee to oversee the Port of Walla Walla's safety policies and procedures. The position of the Airport Manager shall be the chair of the safety committee, unless the Executive Director appoints another member of the Management Team.
- (2) All employees are responsible for ensuring that they understand and comply with all Port of Walla Walla safety rules, regulations, and procedures. All employees are responsible for:
  - (a) Being familiar with all safety and health procedures relevant to the operations under their supervision;
  - (b) Inspecting their work areas periodically;
  - (c) Identifying conditions that are recognized as being unsafe; and
  - (d) Reporting accidents and injuries to the immediate manager, department head and Port Auditor/Treasurer immediately and ensuring that any injured employee is referred to appropriate medical care. (See MEDICAL PROCEDURES, Policy 205.)

Supervisors should complete a Safety Orientation Checklist upon hiring a new employee and before the new employee begins work. This is to ensure that the employee understands and complies with the safety rules, regulations, and procedures within their department. The completed and signed form should be included in the employee's personnel folder.

- (3) Employees should report to their supervisor or the Safety Committee all observed safety and health violations, potentially unsafe conditions, and any accidents resulting in injuries to employees or the public. Employees are encouraged to submit suggestions to the Safety Committee concerning safety and health matters.
- (4) Violations of Port of Walla Walla safety rules, regulations, or procedures will result in disciplinary action, up to and including termination. (See BEHAVIOR OF EMPLOYEES, Policy 801; and DISCIPLINARY PROCEDURE, Policy 807.)
- (5) **CPR, First Aid, & Blood Borne Pathogen Training**

All Port employees shall be offered CPR and First Aid Training at the Port's expense.

Depending on the employee's job assignment, the training may be mandatory. Said determination will be made from time to time by the Executive Director. Upon adoption of this personnel policy, training shall be mandatory for the following positions: All full-time maintenance employees, the Maintenance and Operations Supervisor and the Security Coordinator.

Employees whose job descriptions warrant them to take Blood Borne Pathogen training should, if possible, be scheduled to attend training as soon as possible. The Blood Borne Pathogen Site Specific Plan identifies job titles in which exposure to pathogens may exist and require training. Supervisors are responsible to ensure that their employees Blood Borne Pathogen certification remains current.

Employees who may be exposed to Hepatitis A or Hepatitis B as disclosed in their job description have the option to receive Hepatitis A and Hepatitis B vaccinations paid for by the Port of Walla Walla. Employees will be advised during orientation of the risks associated with their job classification and given the opportunity to accept or decline the vaccinations where appropriate.

## **POLICY 602 PERSONAL PROPERTY**

### **Policy:**

The Port of Walla Walla asks employees to refrain from bringing unnecessary or inappropriate personal property to work.

### **Comment:**

- (1) The Port of Walla Walla recognizes that employees may bring certain personal items to work such as family photographs, houseplants, or other small decorative items for their work spaces. However, personal property that is not related to the employee's job performance may disrupt work or pose a safety risk to other employees.
- (2) Employees are expected to exercise reasonable care to safeguard unauthorized personal items brought to work. The Port of Walla Walla is not responsible for the loss, damage, or theft of personal belongings, and employees are advised not to carry unnecessary amounts of cash or other valuables with them when they come to work.
- (3) The Port of Walla Walla may assign each employee a locker or storage area for safekeeping small personal effects during working hours. In addition, the Port of Walla Walla will provide and retain keys for file cabinets, desks, and other workstations. Employees may not place their own locks on any storage facility.
- (4) To maintain security and protect against theft, the Port of Walla Walla reserves the right to inspect when presented with reasonable suspicion all personal property brought onto the Port of Walla Walla's premises, including vehicles, packages, briefcases, backpacks, purses, bags, and wallets. In addition, the Port of Walla Walla may inspect the contents of its property, including lockers, storage areas, file cabinets, desks, and work stations at any time and remove all Port of Walla Walla property and other items that violate Port of Walla Walla rules and policies. (See SECURITY, Policy 605.)
- (5) Articles of personal property found on the premises should be returned to the owner, if known, or turned in to the Security Coordinator. Inquiries regarding lost property should be directed to the Security Coordinator.

## **POLICY 603 SOLICITATION**

### **Policy:**

The Port of Walla Walla prohibits solicitation and distribution on its premises by non-employees and prohibits employees from solicitation and distribution using its facilities or during work hours.

### **Comment:**

- (1) The Port of Walla Walla prohibits employees from using its facilities or work hours to engage in solicitation or distribution of materials because those activities can interfere with its normal operations, reduce employee efficiency, annoy customers, and pose a threat to security.
- (2) The Port Auditor/Treasurer is responsible for administering this policy and enforcing its provisions. Employees will be subject to disciplinary action up to and including termination for violating this policy. (See BEHAVIOR OF EMPLOYEES, Policy 801; and DISCIPLINARY PROCEDURE, Policy 808.)
- (3) Individuals not employed by the Port of Walla Walla are prohibited from soliciting funds or signatures, conducting membership drives, distributing literature or gifts, offering to sell merchandise or services (except with the Executive Directors preapproval,) or engaging in any other solicitation, distribution, or similar activity on Port of Walla Walla premises.
- (4) The Port of Walla Walla maintains various communication systems to communicate Port of Walla Walla information to employees and to disseminate or post notices required by law. These communication systems (including bulletin boards, electronic mail, voice mail, facsimile machines, and personal computers) are for business use only and may not be used for personal reasons, including employee solicitation or distribution of literature. The unauthorized use of the communication systems or the distribution or posting of notices, photographs, or other materials on any Port of Walla Walla property is prohibited. (See USE OF COMMUNICATION SYSTEMS, Policy 804.)
- (5) This policy does not apply to the community meeting room when leased by the Port to a third party. Use of the room shall be governed by the terms of the lease agreement.

## **POLICY 604 PARKING**

### **Policy:**

The Port of Walla Walla provides parking facilities, when practical, for the benefit and convenience of its employees, customers, and visitors.

### **Comment:**

- (1) The Port of Walla Walla will provide parking for as many employees as reasonably practical. Special spaces will be designated for certain employees, customers, and visitors.
- (2) The Port owned parking lots are considered part of the Port of Walla Walla premises; therefore, all Port of Walla Walla policies and rules apply to employees and their vehicles while on the lots. (See BEHAVIOR OF EMPLOYEES, Policy 801.)
- (3) Employees who use Port of Walla Walla parking lots do so at their own risk. The Port of Walla Walla assumes no responsibility for any damage to, or theft of, any vehicle or personal property left in the vehicle while on the parking lots (See PERSONAL PROPERTY, Policy 602 and SECURITY, Policy 605.)

## **POLICY 605 SECURITY**

### **Policy:**

The Port of Walla Walla makes reasonable efforts to provide for the security of its property, its employees, and visitors to its premises.

### **Comment:**

- (1) Employees (unless required to carry a firearm or weapon as a condition of employment or in circumstances where written authorization is provided by the executive director (see Appendix A)), are prohibited from possessing firearms or other weapons on Port of Walla Walla property at events sponsored by the Port of Walla Walla, or while representing the Port. This policy, however, shall not prohibit employees from maintaining a personal licensed firearm in their personal vehicle while parked on Port property, provided that the vehicle is locked and the firearm is secured in an area of the vehicle that is not publically visible. *(Note: While Washington State allows individuals the right to carry a concealed weapon, employers are able to prohibit weapons in the workplace, including in personal vehicles parked on the premises, at worksites, in employer-provided vehicles, or at employer sponsored events. (Cherry v. Metro Seattle, 116 Wn. 2d 794, 808 P.2d 746 (1991). This cited reference indicates that since 1991 municipalities have had the right to prohibit employees from carrying weapons.))*
- (2) All personal property brought onto Port of Walla Walla premises, such as vehicles, packages, briefcases, backpacks, purses, bags, and wallets, are subject to inspection with reasonable suspicion. In addition, the Port of Walla Walla may inspect the contents of Port property, including lockers, storage areas, file cabinets, desks, and work stations at any time and may remove all Port of Walla Walla property and other items that are in violation of Port of Walla Walla rules and policies. (See PERSONAL PROPERTY, Policy 602.)
- (3) Employees working in sensitive or high security jobs must meet any applicable special security clearance requirement specified for those jobs (for example employees that must access security sensitive aviation areas). These requirements may include more extensive background checks, fingerprinting, bonding, or other special security measures. Failure or inability to meet or comply with any special security requirements is grounds for termination of employment or rejection of an applicant.
- (4) Employees may remain at their workplace outside their normal working hours only when authorized to do so by their supervisor.
- (5) Employees are expected to exercise reasonable care for their own protection and for that of their personal property while on the Port of Walla Walla premises and while away from the premises on business. The Port of Walla Walla assumes no responsibility for loss, damage, or theft of personal property. (See PERSONAL PROPERTY, Policy 602.)
- (6) Employees are expected to know and comply with Port of Walla Walla security procedures and should report any violations or potential problems to their supervisor. Violations of Port of Walla Walla security rules or procedures will result in disciplinary action, up to and including termination. (See BEHAVIOR OF EMPLOYEES, Policy 801; and DISCIPLINARY PROCEDURE, Policy 807.)

- (7) Employees that are issued identification badges must have their badges available for display while working for and representing the Port of Walla Walla

## **POLICY 606 SMOKING**

### **Policy:**

The Port of Walla Walla complies with all applicable federal, state, and local regulations regarding smoking in the workplace and provides a work environment that promotes productivity and the well-being of its employees.

### **Comment:**

- (1) The use of tobacco in the workplace is now in violation of the law in the State of Washington. Accordingly, the use of smoking and smokeless tobacco products are prohibited in all of the Port's facilities.
- (2) Smoking is prohibited inside all Port of Walla Walla facilities, including Port-owned buildings, vehicles, and offices or other facilities rented or leased by the Port, including individual employee offices. The smoking policy applies to employees during working time and to customers and visitors while on Port of Walla Walla premises.
- (3) Smoking is only allowed in designated outside areas that are at least 25 feet from building entrances and exits, windows that open, and ventilation intakes. Employees are expected to exercise common courtesy and to respect the needs and sensitivities of coworkers with regard to the smoking policy. Smokers have a special obligation to not abuse break and work rules and to keep smoking areas litter-free.. Complaints about smoking issues should be resolved at the lowest level possible but may be processed through the Port of Walla Walla grievance procedure. (See Dispute Resolution Procedure, Policy 902.) Employees who violate the policy will be subject to disciplinary action. (See Disciplinary Procedure, Policy 807.)
- (4) Employees may contact the Port Auditor/Treasurer for information regarding the effects of smoking and the availability of smoking cessation programs.

## **POLICY 701 ATTENDANCE AND PUNCTUALITY**

### **Policy:**

The Port of Walla Walla requires employees to report for work punctually and to work all scheduled hours and overtime required by business necessity. Excessive tardiness and poor attendance disrupt workflow and customer service and will not be tolerated.

### **Comment:**

- (1) Supervisors should notify employees of their starting, ending, and break times. Employees are expected to be engaged in carrying out their duties during all scheduled work time and should be ready to begin working at their scheduled starting time. (See Hours of Work, Policy 209.) Supervisors should record all absences and, for nonexempt employees (those subject to the minimum wage and overtime requirements of the Fair Labor Standards Act), any tardiness or early departure exceeding ten minutes.
- (2) Employees should notify their supervisor in as far advance as possible whenever they are unable to report for work, know they will be late, or must leave early. The notice should include a reason for the absence and an indication of when the employee can be expected to report for work. If the supervisor is unavailable, notification should be made to the next level of management.
- (3) Employees will be compensated during authorized absences in accordance with the policies contained in Absences, Policy 702 and Types of Absences, Policy 503. Nonexempt employees will not receive compensation for time missed because of tardiness or early departure if the time missed exceeds 10 minutes after starting time or before quitting time. Failure to notify the Port of Walla Walla properly of any absence may result in loss of compensation during the absence and may be grounds for disciplinary action.
- (4) Nonexempt employees who are delayed in reporting for work more than 30 minutes and who have not notified their supervisor of their expected tardiness may lose their right to work the balance of the work day. In addition, employees who report for work without proper equipment or in improper attire may not be permitted to work. (See Employee Safety and the safety committee, Policy 601; and Personal Appearance of Employees, Policy 802.) Employees, who report for work in a condition considered not fit for work, whether due to illness, alcohol or drug use, or any other reason, will not be allowed to work. (See MEDICAL PROCEDURES, Policy 205; and DRUGS, NARCOTICS, AND ALCOHOL, Policy 809.)
- (5) Employees generally are expected to report for work during inclement weather conditions unless the Executive Director declares an emergency closing. During times of inclement weather or natural disaster, it is essential that the Port continue to provide vital public services. Therefore, it is expected that employees make every reasonable effort to report to work, so long as doing so does not endanger their personal safety. An employee who is unable to get to work or leaves work early because of unusual weather conditions may charge the time missed to vacation, personal holiday, compensatory time off, exchange time off, or leave without pay.

- (6) Nonexempt employees will not be required or permitted to work any period of time before or after scheduled starting or quitting times for the purpose of making up time lost because of tardiness, unauthorized absence, authorized absence, or any other reason if the result will be that the employee works more than forty hours during the workweek.
- (7) Employees must report to their supervisor after being late or absent, give an explanation of the circumstances surrounding their tardiness or absence, and, when applicable, certify that they are fit to return to work. (See MEDICAL PROCEDURES, Policy 205.) The supervisor should record the information in the employee's file and forward a copy to the Port Auditor/Treasurer. When appropriate, the supervisor should counsel the employee on the importance of good attendance and warn that excessive tardiness or absences will lead to discipline, up to and including termination. (See ABSENCES, Policy 702; and DISCIPLINARY PROCEDURE, Policy 807.)
- (8) Employees who are frequently away from the premises for business reasons should inform their supervisors of their whereabouts during working hours.
- (9) Unauthorized or excessive absences or tardiness will result in disciplinary action, up to and including termination. (See DISCIPLINARY PROCEDURE, Policy 807.) An absence is considered to be unauthorized if the employee has not followed proper notification procedures or the absence has not been properly approved. Generally, absences in excess of those allowed in ABSENCES, Policy 702, and tardiness or early departure (i.e., beyond ten minutes of starting or quitting time) more than three times in a three-month period are grounds for discipline.
- (10) Employees who are absent from work for three consecutive days without giving proper notice to the Port of Walla Walla will be considered as having abandoned the job. At that time, the Port of Walla Walla will formally note the termination and advise the employee of the action by certified mail to the employee's last known address. (See TERMINATION OF EMPLOYMENT, Policy 213.)

## **POLICY 702 ABSENCES**

### **Policy:**

The Port of Walla Walla permits employees to be absent from work on an authorized basis for a variety of reasons, including sickness or injury. To help employees maintain their income during certain authorized absences, the Port provides compensation according to the guidelines below.

### **Comment:**

#### (1) Sick Leave

- (a) Regular, full time employees, accrue paid sick leave at the rate of 8 hours per calendar month of continuous employment. Regular part time employees whose full time equivalency is 50% or more are entitled to sick leave accrual on a pro-rata basis. Temporary employees and part-time employees who are regularly scheduled to work less than 20 hours per week accrue 1 hour of sick leave for every 40 hours worked. Regular full-time employees do not accrue sick leave benefits during an absence without pay; part-time employees and temporary employees do not accrue paid sick leave any time such employees are not working (whether paid or unpaid).
- (b) The maximum number of hours of sick leave that an employee can accumulate is one thousand four hundred and forty (1440) hours (referred to as “maximum sick leave balance”). The maximum sick leave balance includes the forty hours of accrued sick leave an employee may carry over each year pursuant to Washington law if accrued and unused (referred to as “mandated carry over hours”), and is not in addition to the mandated carry over hours.
- (c) Sick leave may be used for any of the following purposes:
  - (i) Personal illness or incapacity of the employee;
  - (ii) Forced quarantine of the employee by a public health official;
  - (iii) To care for the employee’s dependent children under age 18 who are ill;
  - (iv) To attend the birth of the employee’s child;
  - (v) Use of a prescription drug that impairs job performance or safety;
  - (vi) Medical or dental appointments of the employee or dependent children under the age of 18, when such appointments cannot reasonably be scheduled during off-duty time;
  - (vii) For any other purpose described in the WA Family Care policy set forth below or as otherwise allowed by law (see e.g., WAC 296-128-620).

Sick leave may be coordinated with certain other leaves. Employees may be required to provide medical or other documentation, within ten calendar days of commencement of the use of paid sick leave, to verify the appropriate use of sick

leave when an employee is absent for three or more consecutive days, or in other situations as deemed appropriate by the Port of Walla Walla (e.g., pattern absences on Fridays and/or Mondays.) Excessive tardiness or absences (other than approved disability-related leave or leave protected by the Washington Family Care Rules) may lead to disciplinary action up to and including termination. When an employee believes that the request that the employee verify the appropriate use of sick leave poses an unreasonable burden or expense to the employee, the employee may provide an oral or written explanation to the Port, consistent with the procedures of WAC 296-128-660.

- (d) An employee who terminates employment from the Port with a minimum of five years of service shall be provided a sick leave cash out payment at 25% of the employee accrued and unused sick leave hours. Payment will be made at the employee's regular hourly rate at the time of termination.

## (2) Medical Leave

Subject to operation and other considerations, the Executive Director may grant an unpaid medical leave as a reasonable accommodation to enable an employee to return to work and perform the essential functions of their position with or without additional reasonable accommodations. Any available accrued leave must be exhausted before the unpaid leave will be approved.

### **Leave for Pregnancy Disability and to Care for a Newborn**

Under *Washington State Law*, pregnant employees are entitled to unpaid leave for the period of time that the female employee is physically disabled due to the pregnancy and/or childbirth. The period of temporary disability normally lasts six to eight weeks if the pregnancy and childbirth are without complications. With complications, such as required bed rest before childbirth, the period of temporary disability can last longer.

Employees may use 80 hours of paid sick leave during the birth and immediately following the birth of the employee's child for parental leave to bond with the child.

## (3) Jury or Witness Duty

Employees who are required by law to render jury service will be granted time off during period of jury duty. Nonexempt employees will be paid their regular base rate for authorized absences to serve as a juror or subpoenaed witness, up to a limit of two workweeks per calendar year. Expense reimbursements, such as mileage, do not need to be paid to the Port. Employees should notify their supervisors as soon as possible after receipt of a juror summons so that operational adjustments can be made as needed during the employee's absence. A copy of the juror summons must be provided to the supervisor. If an employee is summoned for jury service during a critical work period, the Port of Walla Walla may ask the employee to request a waiver from duty; in such cases: the Port of Walla Walla will provide documentation to the relevant court supporting the waiver request. Employees should contact their supervisor for instruction if there is a break greater than four hours during jury duty where the employee is not required to report to the court; depending on the circumstances, an employee may be required to return to work during such a period.

An employee subpoenaed to testify in court will be granted time off for the period served as a witness. In general, leave for witness duty is unpaid unless the employee has been called as a witness by the Port of Walla Walla.

#### (4) Military Leave

Every employee who is a member of the Washington National Guard or of the U.S. Army, Navy, Air Force, Coast Guard or Marine Corps, or of any organized reserve of the United States, will be granted military leave in accordance with state and federal law.

Employees who take military leave will have whatever rights to reinstatement, seniority, vacation, layoffs, and compensation as are provided by applicable law.

- (a) Washington State Law provides 21 days of paid military leave per year. A public employee is entitled to a paid military leave of absence for a period not to exceed 21 working days during each year beginning October 1<sup>st</sup> and ending the following September 30<sup>th</sup>. According to guidance from the Attorney General's office, a day is calculated according to the number of days the employee would have worked, but for the military leave. Military leave beyond the 21 days of paid time off will be unpaid. The employee may elect to use accrued vacation, compensatory time, exchange time, or other available paid time off during the period of military leave.

Employees should notify their supervisor as soon as they receive notice of the need to report for military duty, and provide the supervisor with a copy of the military orders.

#### (5) Leave for Spouses of Military Personnel (Non-FMLA)

During a period of military conflict declared by the President or Congress, an employee who is the spouse of a member of the Armed Forces, National Guard or Reserves is entitled to up to 15 days of unpaid leave while their spouse is on leave from deployment, or before and up to deployment. (This reason for leave may also be covered under FMLA leave for a qualifying exigency, although an employee need not meet the more stringent FMLA eligibility requirements in order to take this spousal military leave.) The purpose of this leave is to support the families of military personnel serving in military conflicts by permitting them to spend time together before a family member is deployed or while the family member is on leave from a deployment. An employee must work an average of 20 hours per week to be eligible for this family military leave.

An employee who seeks to take family military leave must provide the Port of Walla Walla with notice of their intent to take the leave within five business days of receiving official notice that the employee's spouse will be on leave or of an impending call to active duty. The employee may substitute available accrued vacation, compensatory time, or exchange time leave for any part of this family military leave.

#### (6) Family Care/Use of Accrued Leave to Care for Sick Family Member

Consistent with the **Washington Family Care Act**, employee may use their choice of any accrued leave that they have available for their own use in order to care for their child, spouse, domestic partner, parent, parent-in-law, or grandparent as described below.

An employee may use available paid time off to care for their child where the child has a health condition requiring treatment or supervision, or where the child needs preventative care (such as medical, dental, optical, or immunization services.)

An employee may use available paid time off when a spouse, domestic partner, parent, parent-in-law, or grandparent has a “serious or emergency health condition” which are conditions:

- Requiring an overnight stay in a hospital or other medical-care facility
- Resulting in any period of incapacity or treatment or recovery following inpatient care
- Involving continuing treatment under the care of a health services provider that includes any period of incapacity to work or attend to regular daily activities; or
- Involving an emergency (i.e. demanding immediate action)

Where the need for family care leave is unexpected, the Port of Walla Walla understands that advance approval of the use of leave (as is required for certain kinds of accrued leave) may not be possible. Employees are required, however, to notify their supervisor of the need to take time off to care for a family member as soon as the need for leave becomes known. The Port of Walla Walla reserves the right to require verification or documentation confirming that a family member has or has had a “serious or emergency” health condition when available leave is used to care for that family member.

#### (7) Bereavement Leave

In the event of the death of an employee’s immediate family member, time off with pay for employee’s regular scheduled workday will be granted to regular full time employees. The phrase “immediate family” for the purposes of the bereavement policy includes the employee’s spouse, domestic partner, brother, sister, father, mother, stepfather, stepmother, grandparent, children, stepchildren, grandchildren, father-in-law, mother-in-law, grandparent-in-law, sister-in-law, brother-in-law, daughter-in-law, and son-in-law.

Three consecutive workdays off with pay will be approved to attend the funeral or memorial service. (Maximum 24 hours).

Two additional consecutive work days off with pay will be approved for travel from the employee’s home to the funeral or memorial service if the travel exceeds two hundred (200) miles each way. (Maximum 16 hours).

Regular part-time employees who are scheduled to work twenty or more hours per week are eligible to receive Bereavement Leave. The amount of leave allowed will be pro-rated for regular part time employees.

(8) Domestic Violence/Sexual Assault Leave

This leave is available to employees who are victims of domestic violence, sexual assault, or stalking. It is also available to employees with a family member (child, spouse, domestic partner, parent, parent-in-law, grandparent, or person with whom the employee has a dating relationship) who is a victim of domestic violence, sexual assault, or stalking. The leave may be taken in blocks, intermittently, or on a reduced leave schedule. The amount of leave that an employee may take is limited to a “reasonable” amount. Domestic violence/sexual assault leave is unpaid, although an employee may elect to use the employee’s accrued paid leave (e.g. vacation, compensatory time, exchange time, or sick leave if it qualifies) in connection with such leave.

**Domestic Violence/Sexual Assault Leave may be taken for the following purposes:**

- To seek law enforcement or legal assistance or to prepare for or participate in any legal proceeding related to domestic violence, sexual assault or stalking;
- To seek health care treatment for physical or mental injuries from domestic violence, sexual assault, or stalking, or attend to such health care treatment for a family member;
- To obtain (or assist a family member in obtaining) mental health counseling related to domestic violence, sexual assault, or stalking; or
- To participate in safely planning, to temporarily or permanently relocate, or to take other actions to increase the safety of the employee or family member relating to domestic violence, sexual assault, or stalking.

When possible, employees must give advance notice of the intention to take leave under this policy. If advance notice is not possible, employees (or their designees) must give notice of the need for this leave no later than the end of the first day the employee takes the leave. The Port of Walla Walla may require verification to support the need for the leave. Depending on the situation, verification can take the form of police reports, court documents, or the employee’s own written statement of the need for the leave. Except where disclosure is authorized or required by law, the Port of Walla Walla will maintain confidentiality of all information provided by the employee in conjunction with the Domestic Violence/Sexual Assault Leave.

(9) Organ and Bone Marrow Donation Leave

- (a) Employees may take paid leave, not to exceed five days in a two-year period, as needed for the sole purpose of participating in life-giving procedures as defined below. Such leave shall not be charged against sick leave or vacation leave, and use of leave without pay shall not be required.
- (b) Departments may take into account program implementation and staffing replacement requirements in the scheduling of such leave time. Employees are required to provide reasonable advance notice of a desire to take paid leave time.

- (c) Employees must provide written proof from an accredited medical institution, physician or other medical professional that the employee participated in a life-giving procedure.
- (d) "Life-giving procedure" shall mean a medically supervised procedure involving the testing, sampling, or donation of organs or bone marrow for the purposes of donation, without compensation, to a person or organization for medically necessary treatments.
- (e) This does not create any entitlement or other right that may be converted to cash, other compensation, or any other benefit. It is intended only to encourage altruistic life-giving procedures, and to allow paid leave to participate in such procedures.

#### (10) Leave Share Program

- (a) Eligible employees may donate accrued sick or vacation leave for use by another employee who is suffering from an extraordinary medical emergency. Employees are eligible to receive shared leave when the severity of the emergency would cause the employee to take leave without pay or to terminate employment without shared leave. Employees who donate leave waive all rights to the donated leave.
- (b) Employees may request a leave donation when they have or expect to use all of their accrued leave (including vacation, sick, personal days, compensatory time, and exchange time) and would otherwise be on a leave without pay and have been found to be ineligible to receive industrial insurance benefits. The employee receiving a sick leave donation is required to provide medical justification and documentation both of the necessity for the leave and the length of time the employee reasonably can be expected to be absent due to the condition. While an employee is receiving shared leave, the employee continues to be classified as a Port employee and shall receive the same treatment in respect to salary, wages, and employee benefits as the employee would normally received if using the employee's own accrued leave except that the shared hours received are not eligible for retirement benefits.
- (c) The maximum number of days an employee can receive of donated leave is 90 days per calendar year. The Executive Director shall retain discretion to determine the eligibility to receive donated leave.
- (d) The maximum amount of sick leave that can be donated per request, per calendar year is 40 hours. The donating employees' sick leave balance may not fall below 480 hours. Donations and use of leave are on an hour-for-hour basis, without conversion for differentials between rates of pay received by the donors and the recipients.

#### (11) Coordination of Wages with Worker's Compensation

Employees receiving salary continuation through Workers Compensation who are still receiving their regular wages from the Port of Walla Walla by usage of their accrued sick leave, must return their Workers Compensation payment to the Port Auditor/Treasurer. The Port Auditor/Treasurer will then use the check amount to reinstate the employee's sick leave

balance at the employee's current rate of pay. Vacation, comp time, exchange time, or shift trades should not be used during a work related injury or illness.

(12) Administrative Leave

On a case by case basis, the Executive Director may place an employee on administrative leave with or without pay for an indefinite period of time. Administrative leave may be used when it is in the Port of Walla Walla's best interest, such as during the pendency of an investigation.

(13) Benefits During Leave

Employees who are on a paid leave of absence shall continue to receive benefits they were entitled to prior to the start of their leave, including the accrual of vacation, sick leave, holidays, retirement, and health insurance benefits. Unless stated otherwise in these policies, benefits that accrue according to length of service, such as paid vacation, holiday, and sick days, do not accrue during periods of unpaid leave or during periods in which the employee receives workers' compensation. In certain cases, self payment of insurance premiums may apply. (See HEALTH AND WELFARE BENEFIT DISCLOSURE, Policy 501.)

(14) Outside Employment

Employees who are on an approved leave of absence may not perform work for any other employer during that leave, except when the leave is for military service or explicitly approved by the Executive Director.

(15) Employees cannot receive "advances" against their accrued sick leave or vacation banks. Employee will only receive paid time off if they have accrued balances in the leave banks prior to the leave being taken. In addition, authorized days off for short-term absences will not be considered as working time for calculating weekly overtime compensation. (See HOURS OF WORK, Policy 209.)

## **POLICY 703 REST BREAKS**

### **Policy:**

The Port of Walla Walla provides rest breaks during the course of each workday.

### **Comment:**

- (1) Nonexempt employees (those covered by the minimum wage and overtime requirements of the Fair Labor Standards Act) should receive, unless job conditions do not permit, a rest break of fifteen minutes at approximately the middle of every four hours of work not interrupted by a meal period. (See MEAL BREAKS, Policy 704.) Where the nature of the work permits intermittent rest periods equivalent to fifteen minutes every four hours, scheduled rest periods are not required. Break periods cannot be accrued or waived. Employees who do not believe they are receiving adequate rest periods during their work day should advise their supervisor.
- (2) Supervisors are responsible for scheduling the time for nonexempt employees' rest breaks and should consider the workload and the nature of the job performed. Whenever necessary, the frequency and time of rest periods may be changed.
- (3) Time spent on rest breaks will be compensated as working time. (See HOURS OF WORK, Policy 209.) However, employees are expected to be punctual in starting and ending their breaks and may be disciplined for tardiness. (See ATTENDANCE AND PUNCTUALITY, Policy 701.)
- (4) Employees are expected to take their rest breaks. Employees who choose to remain at their work stations during rest breaks are expected to take their rest break shortly thereafter, and are not entitled to arrive later than the scheduled starting time or leave before the normal quitting time.
- (5) Employees on rest breaks may not interfere with other employees who are continuing to work. (See SOLICITATION, Policy 603)

## **POLICY 704 MEAL BREAKS**

### **Policy:**

The Port of Walla Walla provides meal breaks during the course of each workday.

### **Comment:**

- (1) Full-time employees are allowed a meal break near the middle of the workday. In departments operating on single shifts, the break will be sixty minutes.
- (2) Part-time employees scheduled to work more than five consecutive hours during any workday will receive a meal break of the same duration as full-time employees in their department.
- (3) Supervisors are responsible for balancing workloads and scheduling meal breaks and should take into consideration the workload and the nature of the job performed. Whenever necessary, the duration and time of meal periods may be changed.
- (4) Employees required to work more than ten hours in any workday will be allowed a second meal break no later than six hours after returning from their first meal break.
- (5) Nonexempt employees (those covered by the minimum wage and overtime requirements of the Fair Labor Standards Act) will not be compensated for their meal breaks unless they are required to work during their breaks. (See HOURS OF WORK, Policy 209)
- (6) Employees on meal breaks are not permitted to interfere with other employees who are continuing to work. (See SOLICITATION, Policy 603)

# **POLICY 801 BEHAVIOR OF EMPLOYEES**

## **Policy:**

The Port of Walla Walla finds that certain rules and regulations regarding employee behavior are necessary for efficient business operations and for the benefit and safety of all employees. Conduct that interferes with operations, discredits the Port of Walla Walla (with the exception of a proper exercise of First Amendment or whistleblower rights), or is offensive to customers or coworkers will not be tolerated.

## **Comment:**

- (1) Employees are expected at all times to conduct themselves in a positive manner in order to promote the best interests of the Port of Walla Walla. Appropriate employee conduct includes but is not limited to:
  - (a) Treating all customers, visitors, and coworkers in a courteous manner;
  - (b) Refraining from behavior or conduct that is offensive or undesirable, or which is contrary to the Port of Walla Walla's best interests (See PRODUCTIVE WORK ENVIRONMENT, Policy 202);
  - (c) Reporting to management suspicious, unethical or illegal conduct by coworkers, customers, or suppliers (See SECURITY, Policy 605);
  - (d) Reporting to the Executive Director any threatening or potentially violent behavior of coworkers;
  - (e) Cooperating with Port of Walla Walla investigations (See PRODUCTIVE WORK ENVIRONMENT, Policy 202; and SECURITY, Policy 606);
  - (f) Complying with all Port of Walla Walla safety and security regulations (See EMPLOYEE SAFETY AND THE SAFETY COMMITTEE, Policy 601; and SECURITY, Policy 606);
  - (g) Wearing clothing appropriate for the work being performed (See EMPLOYEE SAFETY AND THE SAFETY COMMITTEE, Policy 601; and PERSONAL APPEARANCE OF EMPLOYEES, Policy 802);
  - (h) Performing assigned tasks efficiently and in accord with established quality standards;
  - (i) Reporting to work punctually as scheduled and being at the proper work station, ready for work, at the assigned starting time (See ATTENDANCE AND PUNCTUALITY, Policy 701);
  - (j) Giving proper advance notice whenever unable to work or report on time (See ATTENDANCE AND PUNCTUALITY, Policy 701);
  - (k) Smoking only at times and in places not prohibited by Port of Walla Walla rules or local ordinances (See SMOKING, Policy 606); and

- (l) Maintaining cleanliness and order in the workplace and work areas.
- (2) The following are examples of conduct that is prohibited. Individuals engaged in prohibited conduct will be subject to discipline, up to and including termination (See DISCIPLINARY PROCEDURE, Policy 807):
- (a) Possessing firearms or other weapons on Port of Walla Walla property (unless employee is required to carry a firearm or other weapon as a condition of employment);
  - (b) Fighting or assaulting a coworker or customer;
  - (c) Threatening or intimidating coworkers, customers, or guests;
  - (d) Engaging in any form of discrimination, sexual or other harassment, or retaliation (See PRODUCTIVE WORK ENVIRONMENT, Policy 202);
  - (e) Reporting to work under the influence of alcohol, illegal drugs, controlled substances, or narcotics or using, selling, dispensing, or possessing alcohol, illegal drugs, or narcotics on Port of Walla Walla premises (See DRUGS, NARCOTICS, AND ALCOHOL, Policy 809);
  - (f) Disclosing confidential Port of Walla Walla information (See MEDIA INQUIRIES, Policy 806);
  - (g) Falsifying or altering any Port of Walla Walla record or report, such as an employment application, medical reports, production records, time records, expense accounts, absentee reports, or shipping and receiving records;
  - (h) Stealing, destroying, defacing, or misusing Port of Walla Walla property or another employee's or customer's property;
  - (i) Misusing Port of Walla Walla communications systems, including electronic mail, computers, Internet access, and telephones (See USE OF COMMUNICATION SYSTEMS, Policy 804);
  - (j) Refusing to follow management's instructions concerning a job-related matter or being insubordinate;
  - (k) Failing to wear assigned safety equipment or failing to abide by safety rules and policies (See EMPLOYEE SAFETY AND THE SAFETY COMMITTEE, Policy 601);
  - (l) Soliciting or distributing materials in violation of Port of Walla Walla policies (See SOLICITATION, Policy 603);
  - (m) Smoking where prohibited by local ordinance or Port of Walla Walla rules (See SMOKING, Policy 606);
  - (n) Using profanity or abusive language (See USE OF COMMUNICATION SYSTEMS, Policy 804);

- (o) Sleeping on the job without authorization;
  - (p) Gambling on Port of Walla Walla property;
  - (q) Playing pranks or engaging in horseplay; (r) Wearing improper attire or having an inappropriate personal appearance (See PERSONAL APPEARANCE, Policy 802); and
  - (r) Engaging in off-duty misconduct that interferes with an employee's ability to do his/her job or reflects negatively on the Port (for example, a traffic citation that results in the loss of the employee's driver's license which is needed to perform job duties or a publicized off-duty misconduct that would cause embarrassment to the Port).
- (3) The examples of impermissible behavior described in Comment (2), above, are not intended to be an all-inclusive list. At management's discretion, any violation of the Port of Walla Walla policies or any conduct considered inappropriate or unsatisfactory may subject the employee to disciplinary action. Questions about this policy should be directed to a supervisor, Port Auditor/Treasurer, and/or the Executive Director.

## **POLICY 802 PERSONAL APPEARANCE OF EMPLOYEES**

### **Policy:**

The Port of Walla Walla requires each employee's dress, grooming, and personal hygiene to be appropriate to the work situation. Employees are expected at all times to present a professional image.

### **Comment:**

- (1) Employees are expected at all times to present a professional image to customers and the public. Professional personal appearance, like proper maintenance of work areas, is an ongoing requirement of employment with the Port of Walla Walla. Radical departures from personal grooming and hygiene standards are not permitted.
- (2) Office workers and any employees who have regular contact with the public must comply with the following personal appearance standards and are expected to dress in a manner that is considered professional attire in similar business establishments. Employees should not wear suggestive attire or athletic clothing, and similar items of casual attire that do not present a professional appearance.
- (3) Employees who do not regularly meet the public should follow basic requirements of safety and comfort, but should still be as neat and professional as working conditions permit.
- (4) Certain employees may be required to meet special dress, grooming, and hygiene standards, such as wearing uniforms, depending on the nature of the their job.
- (5) On Fridays, the Port of Walla Walla allows employees (who are not required to wear a uniform) to dress in a more casual fashion than is normally required; however, employees are still expected to present a neat appearance and are not permitted to wear ripped or disheveled clothing, athletic wear, or similarly inappropriate clothing.
- (6) An employee who does not meet the standards of this policy will be required to take corrective action, which may include leaving the premises. Non-exempt employees (those subject to the minimum wage and overtime requirements of the Fair Labor Standards Act) will not be compensated for any work time missed because of failure to comply with this policy. Violations of this policy also may result in disciplinary action.
- (7) The Executive Director may establish uniform allowances for certain departments within the Port subject to said allowance being set forth in the Port/Airport annual budget as adopted by the Port Commission.

## **POLICY 803 PERSONAL FINANCES OF EMPLOYEES**

### **Policy:**

The Port of Walla Walla expects employees to meet their financial obligations in a timely manner.

### **Comment:**

- (1) Employees should manage their personal finances so that they do not adversely affect job performance or the Port of Walla Walla's image in the community. The failure of employees to meet financial obligations may impose an administrative and financial burden on the Port of Walla Walla through extra bookkeeping and the need to respond to legal notices and court orders.
- (2) The Port of Walla Walla will not disclose employee financial information to outside parties without express written permission from the employee, except as required by law.
- (3) The Port of Walla Walla may conduct credit checks of applicants for employment where said job duties involve any aspect of handling and or managing financial transactions of the Port.
- (4) The Port Auditor/Treasurer is the only person authorized to receive a writ of garnishment or attachment, a notice of levy by any taxing authority, or any other similar order requiring payment of a portion of an employee's compensation to someone other than the employee. The Port Auditor/Treasurer will notify the affected employee and then deduct the required amount from the employee's earnings, up to the limit permitted by law.
- (5) No employee will be disciplined because their earnings have been garnished for one indebtedness. However, multiple garnishments may result in discipline, up to and including termination, depending on the circumstances of the case and any legal restrictions.
- (6) Certain positions may require an employee to be continuously bonded and insured.

## **POLICY 804 USE OF COMMUNICATION SYSTEMS**

### **Policy:**

The Port of Walla Walla provides or contracts for the communications services and equipment necessary to promote the efficient conduct of its business.

### **Comment:**

- (1) Communications systems and equipment are provided by the Port of Walla Walla to facilitate the performance of Port work. Incidental personal use is secondary, should not interfere or conflict with business use or job performance, should clearly indicate that it is personal usage and is subject to regulation for cost controls required by the Port. All communication systems must be used in compliance with applicable statutes, regulations, and the Port's policies including those that require a work environment free from discrimination and harassment. Employees are expected to use common sense and sound judgment to avoid any communication which is disrespectful, offensive, or illegal.
- (2) All Port of Walla Walla communications services and equipment, including the messages transmitted or stored by them, is the sole property of the Port of Walla Walla. Supervisors and Managers may access and monitor employee communications and files. Communication services and equipment include, among other things: mail, electronic mail ("e-mail"), instant messaging, courier services, facsimiles, telephone systems, personal computers, computer networks, on-line services, Internet connections, Intranets, computer files, video equipment and tapes, tape recorders and recordings, pagers, cellular phones, voice mail, and bulletin boards.
- (3) The Port as provider of access to communication systems reserves the right to specify how the Port's network resources will be used and administered to comply with this policy. Message content sent from Port communication systems reflects the Port's image, both positively and negatively. Employees may be subject to disciplinary action for using these resources in a manner other than for the intended purposes. The information sources available via the Internet are world wide and constantly growing in kind and number. It is not possible for any organization to fully manage the types and content of information accessed by its systems and users. Nonetheless, the Port reserves the right to restrict access to any data source if/when, in its sole discretion and after appropriate review; the Port determines such a source to be problematic. These restrictions do not constitute an implication of approval of other non-restricted sources.

Without exhausting all of the possibilities, the following are examples of inappropriate use of Port communication systems:

- (a) Accessing, receiving or sending pornographic, sexually explicit or indecent materials, including materials which are offensive, obscene or in poor taste. This includes information which could create an intimidating, offensive, threatening, or hostile work environment.
- (b) Any use that may for a reasonable person create or further a hostile attitude or give offense on the basis of any protected class including sex, race, color, religion,

national origin, genetic information, pregnancy, age, marital status, gender identification, disability, military status or any other characteristic protected by law.

- (c) Communication of confidential Port information to unauthorized individuals within or outside the Port. (See MEDIA INQUIRIES, Policy 806.)
  - (d) Sending messages or information which is in conflict with applicable law or Port policies, rules, or procedures.
  - (e) Unauthorized attempts to access data or break into any Port or non-Port system. This includes accessing employees e-mail without their knowledge.
  - (f) Theft or unauthorized copying of electronic files or data including documents, photographs, and music or video files.
  - (g) Intentional misrepresentation of one's identity for improper or illegal acts.
- (4) Incidental personal use by employees of the Port's communications services and equipment is allowed as long as the use does not interfere with the employee's work or the Port's operations and does not violate any Port policy.
  - (5) Port communications property or equipment may not be removed from the premises without written authorization from the employee's supervisor. Some resources (designated laptop computers and audio-visual equipment) are made available through a reservation system and may not require supervisory approval. In addition, employees should keep use of personal cell phones or other personal handheld communication devices to a minimum so that their use does not interfere with the employee's work or the Port's operations.
  - (6) Employees should ensure that no personal correspondence appears to be a communication by or on behalf of the Port of Walla Walla. Employees may be perceived as representatives of the Port of Walla Walla and, therefore, damage or create liability for the Port. All outgoing messages, whether by mail, facsimile, e-mail, Internet transmission, or any other means, must be accurate, appropriate, and work-related, except for incidental personal use consistent with this policy. Employees may not use a Port of Walla Walla address for receiving personal mail or use Port of Walla Walla stationery or postage for personal letters. Only the Port of Walla Walla may issue personalized stationery and business cards bearing the Port's logo.
  - (7) Employees must bear in mind that email is not private and its source is clearly identifiable. Email messages may remain part of Port business records long after they have been deleted. Electronic records, including e-mail messages, are public records subject to Washington State's Public Disclosure Records Act, and will be disclosed upon request unless an exemption to disclosure is found to apply. In general, e-mail is subject to discovery in civil lawsuits.
  - (8) Email may not be used for spam (unsolicited bulk email) or to send or post chain letters, messages of a political or religious nature, or messages that contain obscene, profane, or otherwise offensive material or language.

- (9) **Cellular Phone Reimbursement.** The Executive Director is authorized to contract with a cellular phone provider utilizing governmental rates to provide a full range of cellular services for the Port. Each full-time employee shall have the option to carry and use a cell phone provided by the Port. Incidental personal use by employees is allowed as long as the use does not interfere with employee's work or the Port's operations and does not violate any Port policy. At anytime an employees use of a Port provided phone exceeds the free minutes provided within the plan, the employee must reimbursed to the Port at the current rate of reimbursement. This requirement applies to both incoming and outgoing personal telephone calls. Employees are responsible for identifying personal calls on the monthly bill that have been charged a fee and reimbursing the Port by check, money order, or exact cash. Payments are due within 5 working days after the employee receives the invoice copy. The employee invoice must have all personal calls checked, initialed, and submitted with payment. Employees who fail to promptly reimburse the Port of Walla Walla authorize the Port to make an appropriate deduction from payroll.

Instructions for determining payment due:

All Minutes and Seconds should be rounded up to the next minute.

Formula: Minutes X current rate = Reimbursement Example: 4 minutes X \$0.10 = \$0.40

All Port of Walla Walla cellular phones are to be programmed with staff contacts to promote optimal use of the network.

As with any policy contained herein, the Port reserves the right to modify, amend, or terminate its cellular phone policy at any time.

- (10) **Emergency Contact** Employees who do not have direct access to a Port telephone should make provisions to have emergency or other necessary incoming calls routed to a department approved telephone or to the Port Auditor/Treasurer. Although the Port of Walla Walla will attempt to deliver personal messages to employees, it cannot and does not accept responsibility for the prompt or accurate relay of these messages.
- (11) Improper use of Port of Walla Walla communications services and equipment or any other violations of this policy will result in discipline, up to and including termination. Improper use includes any misuse as described in this policy, any misuse that would result in violations of other Port policies, as well as any harassing, offensive, demeaning, insulting, defaming, intimidating, sexually suggestive, or otherwise inappropriate written, recorded, or electronically transmitted communications. (See PRODUCTIVE WORK ENVIRONMENT, Policy 202; and BEHAVIOR OF EMPLOYEES, Policy 801.)

## **POLICY 805    CONFLICTS OF INTEREST**

### **Policy:**

The Port of Walla Walla prohibits its employees from engaging in any activity, practice, or conduct which conflicts with, or appears to conflict with, the interests of the Port of Walla Walla. Since it is impossible to describe all of the situations that may cause or give the appearance of a conflict of interest, the prohibitions included in this policy are not intended to be exhaustive and include only some of the more clear-cut examples of impermissible conflicts of interest.

### **Comment:**

- (1) Employees are expected to represent the Port of Walla Walla in a positive and ethical manner. Thus, employees have an obligation to avoid conflicts of interest and to refer questions and concerns about potential conflicts to their supervisor.
- (2) Employees may not, directly or indirectly whether on or off the job, engage in any conduct that is disruptive or damaging to the Port of Walla Walla.
- (3) Employees and their immediate family may not accept gifts, except those of nominal (i.e. less than \$50.00) value, or any special discounts or loans from any person or firm doing, or seeking to do, business with the Port of Walla Walla. The meaning of gifts for purposes of this policy includes the acceptance of entertainment and free travel and lodging.
- (4) Employees may not give, offer, or promise, directly or indirectly, anything of value to any representative or any entity in connection with any transaction or business that the Port of Walla Walla may have.
- (5) Employees may not accept any employment relationship with any organization that does business with the Port of Walla Walla. This prohibition on employment includes serving as an advisor or consultant to any organization of that type, unless the activity is conducted as an assigned representative of the Port of Walla Walla.
- (6) Any conflict or potential conflict of interest must be disclosed to the Port of Walla Walla. Failure to do so will result in discipline, up to and including termination. (See DISCIPLINARY PROCEDURE, Policy 807.)
- (7) It is acknowledged that the Port of Walla Walla has promotional hosting authority per RCW 53.36 and may exercise said authority consistent with Port Resolution 8-11-94-A or as may be amended in the future.

## **POLICY 806 MEDIA INQUIRIES**

### **Policy:**

All media inquiries and other inquiries of a general nature should be referred to the Executive Director. In addition, the Executive Director must approve all press releases, publications, speeches, or other official declarations. (See SECURITY, Policy 605.) The Executive Director may authorize specific employees to respond to media inquiries without prior approval. Questions about employee references or other information concerning current or former employees should be referred to the Executive Director.

## **POLICY 807 POLITICAL ACTIVITIES**

### **Policy:**

Port employees may participate in political or partisan activities of their choosing provided that Port resources and property are not utilized and the activity does not adversely affect the responsibilities of the employees in their positions.

Employees may not campaign on Port time, in a Port uniform, or while representing the Port in any way. Employees may not allow others to use Port facilities or funds for political activities. Any Port employee who meets with or may be observed by the public or otherwise represents the Port to the public while performing that employee's regular duties may not wear or display any button, badge or other advertisement about any candidate or ballot issue during work hours. Employees shall not solicit contributions for partisan political cause on Port property or Port time. Employees may not represent themselves as a Port official in connection with any political campaign.

## **POLICY 808 DISCIPLINARY PROCEDURE**

### **Policy:**

The Port of Walla Walla expects that all employees comply with the Port of Walla Walla's standards of behavior and performance and that noncompliance with these standards must be corrected.

### **Comment:**

- (1) Under many circumstances, the Port of Walla Walla utilizes a policy of progressive discipline in which it attempts to provide employees with notice of deficiencies and an opportunity to improve. It does, however, retain the right and discretion to administer discipline in any manner it sees fit, and to terminate employees at-will with or without cause.
- (2) Depending on the circumstances, the Port of Walla Walla may utilize one or all of the following procedures:
  - (a) If an employee is not meeting Port of Walla Walla standards of behavior or performance, the employee's supervisor may take the following action:
    - (i) Meet with the employee to discuss the matter;
    - (ii) Inform the employee of the nature of the problem and the action necessary to correct it; and
    - (iii) Prepare a memorandum for the supervisor's own records indicating that the meeting has taken place.
  - (b) If there is a second occurrence, the supervisor may hold another meeting with the employee and take the following action:
    - (i) Issue a written reprimand to the employee (the Executive Director should assist in the preparation of the written reprimand);
    - (ii) Warn the employee that a third incident will result in more severe disciplinary action; and
    - (iii) Prepare and forward to the Executive Director a written report describing the first and second incidents and summarizing the action taken during the meeting with the employee. This information will be included in the employee's personnel file. (See PERSONNEL RECORDS, Policy 901.)
  - (c) If there are additional occurrences or if the occurrence involves serious misconduct, the supervisor may take the following action, depending on the severity of the conduct:
    - (i) Issue a warning, demotion, suspension, or termination;
    - (ii) The employee may be placed on administrative leave immediately pending an investigation of the incidents; or

- (iii) The supervisor must prepare and forward to the Executive Director another written report describing the occurrences, indicating the timing between the occurrences, and summarizing the action taken or recommended and its justification.
- (3) The progressive disciplinary procedures described in Comment (2), above, may also be applied to an employee who is experiencing a series of unrelated problems involving job performance or behavior.
- (4) The degree of disciplinary action administered depends on the severity of the infraction and will be carried out in accordance with this policy. It is the responsibility of management to evaluate the circumstances and facts thoroughly and objectively. In cases involving serious misconduct, or any time the supervisor determines it is appropriate, the procedures contained in Comment (2), above, may be disregarded and a demotion, suspension, or termination may be issued for the first offense. The supervisor may also immediately place the employee on administrative leave pending an investigation. (See BEHAVIOR OF EMPLOYEES, Policy 801.)
- (5) **Pre-disciplinary Hearing** In the case of demotion, suspension, or termination of an employee (other than probationary employees), the Port will conduct a pre-disciplinary hearing. The pre-disciplinary hearing serves as a check against mistaken decisions and as an opportunity for an employee to furnish additional facts before a demotion, suspension, or termination decision is finalized. The employee shall be provided with a notice of intended discipline. The notice shall include an explanation of the charges on which the recommendation is based, and the time and date for a pre-disciplinary hearing. If the employee fails or refuses to appear, the demotion, suspension or termination may proceed. Pre-disciplinary hearings will be presided over by the Executive Director or designated representative.
- (6) The hearings are intended to be informal. Usually within two working days after the pre-disciplinary hearing, the Executive Director will issue a decision on whether there are reasonable grounds to believe the charges against the employee are true and support suspension or termination. A longer review period may be required in situations that are more complex.

The Port Commission shall review and approve all recommendations for termination before any final action is taken. (See TERMINATION OF EMPLOYMENT, Policy 213)

- (7) Employees who believe that this policy has not been followed, and wish to challenge the decision, must use the dispute resolution procedure. (See DISPUTE RESOLUTION PROCEDURE, Policy 902)

# POLICY 809 DRUGS, NARCOTICS, AND ALCOHOL

## Policy:

The Port of Walla Walla is dedicated to providing safe, dependable, and economical services to our community. The purpose of this policy is to ensure employee fitness for duty and to protect them and the Public from the risks associated with the abuse of alcohol and/or drugs.

## Comment:

- (1) This policy applies to all employees. Parts of this policy relating to drug and alcohol testing apply only to those employees who have been deemed to work in a safety-sensitive position, including public safety employees and employees required to hold a Commercial Driver's License (CDL).
- (2) **DEFINITIONS** - The following definitions are provided for clarity:
  - (a) **Safety Sensitive Function:** An employee who must hold a CDL to perform their job or an employee in a safety sensitive position, such as public safety or maintenance employees.
  - (b) **Prohibited Drugs:** Any illegal drug or any substance identified in Schedule I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812) and as further defined by 21 CFR 1308.11 through 1308.15. This includes, but is not limited to: marijuana, amphetamines, opiates, phencyclidine (PCP), and cocaine, as well as any drug not approved for medical use by the U.S. Drug Enforcement Administration or the U.S. Food and Drug Administration. Illegal use includes use of any illegal drug, the misuse of legally prescribed drugs, or the use of illegally obtained prescription drugs.
  - (c) **Allowable Drugs or Substances:** A legally prescribed drug designated by prescription or other written approval, in the employee's name, from a physician for the use of the drug in the course of medical treatment. It must include the patient's name, the name of the substance, quantity/amount to be taken, and the period of authorization.
  - (d) The use of any substance that carries a warning label that indicates that mental functioning, motor skills, or judgment may be adversely affected must be reported to supervisory personnel prior to performing duties. It is the employee's responsibility to read warning labels and/or to seek medical advice from a physician when appropriate. It is also the responsibility of employees to remove themselves from service if they are experiencing any adverse effects from medication. Use of legal drugs that may adversely affect job performance or the misuse or abuse of legal drugs while performing business is prohibited.
  - (e) **Drug Test:** The drugs that will be tested for include marijuana, cocaine, opiates, amphetamines, and phencyclidine. An initial drug screen will be conducted on each urine specimen. For those specimens that are not negative, a confirmatory Gas Chromatography/Mass Spectrometry (CG/MS) test will be performed.
  - (f) **Prohibited Alcohol:** Beverages or other substances containing alcohol, including any medication, mouthwash, food, candy or any other substance, such that alcohol is present in the body while on Port of Walla Walla property, time or in other

circumstances that might adversely affect operations, safety or job performance is prohibited.

(g) **Alcohol Test:** A breath alcohol concentration test will be conducted utilizing a National Highway Traffic Safety Administration (NHTSA) approved evidential breath device (EBT) operated by a trained breath alcohol technician (BAT). If the initial test indicates an alcohol concentration of point zero two (.02) or greater, a second test will be performed to confirm the results of the initial test. Any employee who has a confirmed alcohol concentration of point zero two (.02) or greater but less than point zero four (.04) will be removed from their position for twenty-four (24) hours and considered to be in violation of this policy and subject to discipline. An alcohol concentration of point zero four (.04) or greater will be considered a positive alcohol test and in violation of this policy and a violation of the requirements set forth in federal regulations for safety-sensitive employees. Alcohol testing should be performed within two (2) hours of an accident or a determination of reasonable suspicion, or the Port must maintain a record stating the reasons the test was not promptly administered. Alcohol testing may not take place more than eight (8) hours after an accident or determination of reasonable suspicion.

(3) Violation of the following provisions is prohibited and punishable by disciplinary action up to and including termination:

(a) **Manufacturing, Trafficking, Possession and Use:** Employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession or use of prohibited substances on Port of Walla Walla premises, in Port of Walla Walla vehicles or while on Port of Walla Walla business. Employees who violate this provision will be subject to discipline, up to and including termination.

(b) **Drug and Alcohol Use:** Employees must not report for work or continue to work if they are not fit for duty because of the presence of prohibited substances or alcohol in their system. Any employee who is reasonably suspected of being not fit for duty due to drug or alcohol use shall be suspended from duties pending an investigation of condition.

(c) **Positive Drug Test:** The test will be considered positive if the amounts present are above the minimum thresholds established in 49 CFR Part 40, as amended. Any employee that has a verified positive drug test will be removed from their position immediately. The person will be informed of education and rehabilitation programs available and referred to a Substance Abuse Professional (SAP) for assessment.

(d) **Positive Alcohol Test:** A alcohol test is considered positive if the individual is found to have a quantifiable presence or a prohibited substance in the body above the minimum thresholds defined in 49 CFR Part 40, as amended. Any employee who tests positive for alcohol at point zero four (.04) or higher will be removed from the position immediately and referred to a Substance Abuse Professional. Any safety-sensitive employee who tests positive for alcohol at a confirmed level between point zero two (.02) – point zero three nine (.039) will be removed from their position for twenty-four (24) hours.

- (4) **Failure to Comply with Testing Requirements:** Any employee who refuses to comply with a request for testing shall be removed from duty. Such refusals will be recorded as a positive test. Refusal can include an inability to provide a sufficient urine specimen or breath sample without a valid medical explanation, as well as a verbal declaration, obstructive behavior, physical absence resulting in the inability to conduct the test, or any other acts constituting refusal under 49 C.F.R. part 40.
- (a) Any employee who is suspected of providing false information in connection with a test, or who is suspected of falsifying test results through tampering, contamination, adulteration or substitution will be required to undergo an observed collection by medical personnel and may be disciplined.
- (5) **Notification of Criminal or DWI Convictions:** All employees are required to notify the Port of Walla Walla of any criminal drug statute conviction for a violation within five days after such conviction. Failure to report such conviction or any moving violation causing the loss of driver's license by state or local law enforcement involving drugs or alcohol, shall result in discipline, up to and including termination.
- (6) **Failure to Comply with Treatment Requirements:** Employees are encouraged to make use of the available resources for treatment of alcohol misuse and illegal drug use problems. Under certain circumstances, employees may be required to undergo treatment for substance abuse or alcohol misuse. Any employee who refuses or fails to comply with Port of Walla Walla requirements shall be subject to discipline, up to and including termination.
- (7) **Testing Procedures:** The testing process will insure protection of individual dignity, privacy and confidentiality. Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities that have been approved by the U.S. Department of Health and Human Services (DHHS). All testing will be conducted consistent with the procedures put forth in 49 CFR Part 40, as amended.

Analytical urine drug testing and breath testing for alcohol may be conducted when circumstances warrant or as required by Federal regulations. All CDL holders and employees in safety sensitive positions shall be subject to testing prior to employment, for reasonable suspicion, random testing, and following an accident. All employees shall be subject to testing for reasonable suspicion, and following an accident. In addition, all employees will be tested prior to returning to duty after failing a drug or alcohol test and after completion of the Substance Abuse Professional's recommended treatment program. Employees who perform CDL or safety sensitive functions shall also be subject to follow-up testing on a random, unannounced basis. Follow-up testing will be conducted for a period of one to five years, with at least six tests performed during the first year.

Employees should note that direct observation for collection is a federal requirement for all follow-up and return-to-duty testing conducted on or after August 31, 2009.

(8) **Pre-employment Testing:** All safety-sensitive and CDL position applicants shall undergo urine drug testing immediately following a conditional offer of employment, or transfer into a safety-sensitive position and prior to performing any safety sensitive functions. The employment offer is contingent upon successful test results. Receipt by The Port of Walla Walla of a negative drug test is required prior to employment. Applicants testing positive will not be eligible to be considered for employment for a period of twelve (12) months, and must provide proof of evaluation, referral and satisfactory completion of an approved treatment program. Applicants for DOT regulated positions may also be asked to authorize the Port to contact prior DOT regulated employers for whom the applicant has worked during the last two (2) years to determine if the applicant has violated DOT regulations in prior employment.

(9) **Reasonable Suspicion Testing:** All employees may be subject to urine and/or breath testing when there are reasons to believe they are not fit for duty immediately prior to, during or immediately after performing job duties or while on Port of Walla Walla property.

Reasonable suspicion referral for testing will be made on the basis of documented objective facts and circumstances that are consistent with the short-term effects of substance abuse.

Reasonable suspicion referrals must be made by a supervisor who is trained to detect the signs and symptoms of drug and alcohol use and who reasonably concludes that an employee may be adversely affected or impaired in their work performance due to possible prohibited substance misuse.

(10) **Post Accident Testing:** All employees in safety sensitive and CDL positions will be required to undergo urine and breath testing if they are involved in an accident with a Port of Walla Walla vehicle that results in a fatality. This includes all surviving employees who are operating the vehicle and any others whose performance could have contributed to the accident. In addition, a post-accident test will be conducted if an accident results in injuries requiring transportation to a medical treatment facility; or one or more vehicles incurs disabling damage that requires towing from the site, unless, by the evidence available at the scene, the operator can be completely discounted as a contributing factor to the accident. All other employees may be tested after an accident if there are factors in the accident giving rise to reasonable suspicion that drugs or alcohol were involved.

Following an accident, the employee will be tested as soon as possible, but not to exceed eight (8) hours for alcohol testing and thirty-two (32) hours for drug testing. Any employee involved in an accident (as defined above) must refrain from alcohol use for eight (8) hours following the accident or until they undergo a post-accident alcohol test. Any employee who leaves the scene of the accident without justifiable explanation prior to submission to drug and alcohol testing will be considered to have refused the test. Employees tested under this provision will include not only the operations personnel, but also any other employees whose performance could have contributed to the accident.

(11) **Random Testing:** Employees in safety sensitive and CDL positions will be subject to random, unannounced urine and breath testing. The selection of eligible employees for random drug and alcohol testing will be made using a scientifically valid method that ensures each covered employee will have an equal chance of being selected each time selections are made. The random tests will be unannounced and spread throughout the year.

- (12) **Return to Duty Testing:** All employees who previously tested positive on an alcohol and/or drug test and remain in the Port's employ must test negative for drugs and alcohol, and be evaluated and released for duty by the Substance Abuse Professional before returning to work.
- (13) **Follow-up Testing:** Employees who previously tested positive and remained employed with the Port will be required to undergo frequent unannounced, random urine and/or breath testing following their return to duty. The follow-up testing will be performed for a period of one to five years (based on the Substance Abuse Professional's recommendation), with six (6) tests to be performed during the first year.
- (14) **Employee Requested Testing:** Any employee who questions the results of a required drug test, may request that an additional test be conducted. The test must be conducted on the split sample that was provided by the employee at the same time as the original sample. The employee pays all costs for such testing unless the result of the split sample test invalidates the result of the original test. The method of collecting, storing and testing the split sample will be consistent with the procedures set forth in 49 CFR Part 40, as amended. The employee's request for a split sample test must be made to the Medical Review Officer (MRO) within seventy-two (72) hours of notice of the original sample verified test result. Request after seventy-two (72) hours will only be accepted if the delay was due to documented facts that were beyond the control of the employee.
- (15) **Assessment/Assistance Referrals:** Employees are encouraged to seek treatment voluntarily. Any employee who comes forth and notifies the Port of Walla Walla of alcohol or drug abuse problems will be given the assistance extended to employees with any other illness. Any such program, however, may not interfere with the tests required by these rules. For example, a CDL driver may not identify himself/herself as unfit to drive after having been notified of a random or reasonable suspicion test and expect to avoid the consequences for a positive test or a refusal to test. In addition, voluntarily seeking assistance does not excuse any failure to comply with all of the provisions of this policy.
- (16) Sick leave, vacation leave, or leave of absence without pay may be granted for treatment and rehabilitation as in other illnesses. Insurance coverage for treatment will be provided to the extent said coverage is within the Port's health care plan. Confidentiality of information will be maintained as much as possible at all times.
- (17) Any employee who tests positive for the presence of illegal drugs or alcohol above the minimum thresholds set forth in 49 CFR Part 40, as amended, will be provided a list of Substance Abuse Professionals (SAP) to whom they can go for evaluation.
  - (a) A SAP is a licensed or certified physician, psychologist, social worker, employee assistance professional, or addiction counselor with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol-related disorders. The SAP will evaluate each employee to determine what assistance, if any, the employee needs in resolving problems associated the prohibited drug use or alcohol misuse.
  - (b) If an employee is allowed to return to duty, they must properly follow the rehabilitation program prescribed by the SAP, the employee must have a negative return-to-duty drug and alcohol test, and be subject to unannounced follow-up tests for a period of one to five years. The cost of any treatment or rehabilitation services is the responsibility of the employee.

(18) **Record Retention:**

All records related to drug and alcohol testing will be maintained in a secure location with controlled access. These records will be kept separate from records pertaining to all other employees.

(19) **Education and Training:** Employees subject to this policy pursuant to federal regulations will be provided with this policy and information on signs and effects of alcohol and/or drug abuse. Supervisory level staff will receive at least two (2) hours of instruction on how to identify the signs of drug and/or alcohol used or impairment and what to do in reasonable suspicion cases.

(20) **Changes in Testing Procedures:** Should there be improvements in the technology of testing procedures providing more accurate testing the Port will consider utilizing the new testing procedures.

## **POLICY 901 PERSONNEL RECORDS**

### **Policy:**

The Port of Walla Walla maintains personnel records for applicants, employees, and past employees in order to document employment-related decisions, evaluate and assess policies, and comply with government record keeping and reporting requirements.

### **Comment:**

- (1) The Port of Walla Walla tries to balance its need to obtain, use, and retain employment information with a concern for each individual's privacy. To this end, it attempts to maintain only the personnel information that is necessary for the conduct of its business or required by federal, state, or local law.
- (2) The Port Auditor/Treasurer is responsible for overseeing record keeping for all personnel information and will specify what information should be collected and how it should be stored and secured.
- (3) Employees have a responsibility to keep their personnel records up to date and should notify the Port Auditor/Treasurer in writing of any changes in at least the following:
  - (a) Name; (b) Address;
  - (b) Telephone number;
  - (c) Marital status (for benefits and tax withholding purposes only);
  - (d) Number of dependents;
  - (e) Addresses and telephone numbers of dependents and spouse or domestic partner, or former spouse or domestic partner (for insurance purposes only);
  - (f) Beneficiary designations for any of the Port of Walla Walla insurance, disability plans; and for the State Department of Retirement Systems.
  - (g) Persons to be notified in case of emergency.

In addition, employees who have a change in the number of dependents or marital status should complete a new Form W-4 for income tax withholding purposes.

- (4) Employees may inspect their own personnel records and may copy, but not remove, documents in the file. Inspections by employees must be arranged with the Port Auditor/Treasurer and will be scheduled at a mutually convenient time. All inspections must be conducted in the presence of the Port Auditor/Treasurer and or designee.
- (5) Employees who believe that any file material is incomplete, inaccurate, or irrelevant may submit a written request for file revisions to the Port Auditor/Treasurer. If the request is not granted, the employee may place a written statement of disagreement in the file and make a complaint using the regular grievance procedure. (See DISPUTE RESOLUTION PROCEDURE, Policy 902.)

- (6) Only supervisory and management employees who have an employment-related need-to-know for information about another employee may inspect the files of that employee.
- (7) Employees should refer all requests from outside the Port of Walla Walla for personnel information concerning applicants, employees, and past employees to the Port Auditor/Treasurer. The Port Auditor/Treasurer normally will release personnel information only in writing and only after obtaining the written consent of the individual involved. Exceptions may be made to cooperate with legal, safety, and medical officials who need specific employee information. In addition, exceptions may be made to release limited general information, such as the following: employment dates, position held, and location of job site (See TERMINATION OF EMPLOYMENT, Policy 213).

## **POLICY 902 DISPUTE RESOLUTION PROCEDURE**

### **Policy:**

The Port of Walla Walla believes that employees should have an opportunity to present their work-related complaints and to appeal management decisions through a dispute resolution procedure. The Port of Walla Walla will attempt to resolve promptly all disputes that are appropriate for handling under this policy.

### **Comment:**

- (1) An appropriate dispute is defined as an employee's expressed dissatisfaction concerning any interpretation or application of a work-related policy by management, supervisors, or other employees. Examples of matters that may be considered appropriate disputes under this policy include:
  - (a) A belief that Port of Walla Walla policies, practices, rules, regulations, or procedures have been applied inconsistently to an employee;
  - (b) Treatment considered unfair by an employee, such as coercion, reprisal, harassment (including sexual harassment), intimidation, or retaliation;
  - (c) Alleged discrimination because of race, color, sex, age, religion, national origin, marital status, gender identification, disability, or any other class protected by law; and
  - (d) Improper or unfair administration of employee benefits or conditions of employment such as scheduling, vacations, fringe benefits, promotions, retirement, holidays, salary, or seniority.
- (2) If the employee seeks to complain about harassment, discrimination, or retaliation, this complaint should be directed to the Executive Director. If the employee believes that the Executive Director is involved, the employee should direct the complaint to a member of the Port Commission. If said Port Commissioner is unable to hear the complaint, the Port Commissioner will ask another Port Commissioner to hear the complaint. While employees are encouraged to have their concerns addressed internally, they may also direct these concerns to the Washington Human Rights Commission, the Equal Opportunity Commission, or any other government agency that receives and handles such complaints. For internal complaints, the Executive Director or President of the Port Commission will apply this dispute resolution process beginning at Step 3.
- (3) For all other types of complaints, the dispute resolution procedure is the exclusive remedy for employees with appropriate complaints. Employees should notify the Port of Walla Walla in a timely fashion of any dispute considered appropriate for handling under this policy. As used in this policy, the term "timely fashion" generally will mean ten working days from the date the employee knew or reasonably should have known of the incident giving rise to the dispute. Under no circumstances shall an employee have the right to utilize both this process and any other complaint or appeal procedure that may be available to the employee unless otherwise allowed by law.

- (4) The dispute resolution procedure has a maximum of two steps, but disputes may be resolved at any step in the process. Disputes will be processed until the employee is satisfied, does not file a timely appeal, or exhausts the right of appeal under the policy. A decision becomes binding on all parties whenever an employee does not file a timely appeal or when a decision is made in the final step and the right of appeal no longer exists.
- (5) Employees who feel they have an appropriate dispute should proceed as follows:
  - (a) Step One - Promptly bring the complaint to the attention of the immediate supervisor. If the dispute involves the supervisor, then the employee may proceed directly to step two. The supervisor, if authorized should investigate the complaint or refer it to the Executive Director for handling, attempt to resolve it, and give a decision to the employee within a reasonable time. The supervisor should prepare a written and dated summary of the dispute and decision or proposed resolution.
  - (b) Step Two - Appeal the decision to the Executive Director, if dissatisfied with the supervisor's decision, or initiate the procedure with the Executive Director if Step One has been bypassed. This appeal or initial dispute notification must be made in a timely fashion using a written form provided for this purpose. The supervisor's version of the dispute and decision will then be submitted using a similar written form. The Executive Director will, in a timely fashion, confer with the employee, the supervisor, and any other members of management considered appropriate; investigate the issues; and communicate a decision in writing to all the parties involved.
- (6) Final decisions on disputes will not be precedent-setting or binding on future disputes unless they are officially stated as Port of Walla Walla policy. When appropriate, the decisions will be retroactive to the date of the employee's original dispute notification.
- (7) Information concerning an employee dispute should be confidential to the extent possible. The employee shall not disclose to other employees the dispute as a means to get other employees to take a side. Supervisors and other members of management who investigate a complaint may discuss it only with those individuals who have a need to know about it or who are needed to supply necessary background information or advice.
- (8) Time spent by employees in dispute discussions with management during their normal working hours will be considered hours worked for pay purposes.
- (9) Employees will not be penalized for proper use of the dispute resolution procedure. However, it is not considered proper use if an employee raises complaints in bad faith or solely for the purposes of delay or harassment or repeatedly raises merit less disputes. Implementation of the dispute resolution procedure by an employee does not limit the right of the Port of Walla Walla to proceed with any disciplinary action that is not in retaliation for the use of the dispute resolution procedure. In addition, employees and supervisors are prohibited from retaliating against an employee who properly uses the dispute resolution procedure.
- (10) The Port of Walla Walla may, at its discretion, refuse to proceed with any dispute it determines is improper under this policy.

# **POLICY 903 WHISTLEBLOWER PROTECTION ACT**

## **Policy:**

The Port of Walla Walla, in compliance with the Local Government Employee Whistleblower Protection Act, RCW 42.41.050, encourages employees to disclose any improper governmental action taken by Port officials or employees without fear of retaliation. This policy also safeguards legitimate employer interests by encouraging complaints to be made first to the Port, with a process provided for speedy dispute resolution.

## **Comment:**

- (1) Improper Governmental action is any action by a Port officer or employee that is:
  - (a) Undertaken in the performance of the official's or employee's official duties, whether or not the action is within the scope of the employee's employment, and
  - (b) In violation of any federal, state, or local law or rule, is an abuse of authority, is of substantial and specific danger to the public health or safety, or is a gross waste of public funds.
  - (c) Improper governmental action does not include personnel actions including employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, re-employments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of collective bargaining or civil service laws, alleged violation of labor agreements or reprimands. In addition, employees are not free to disclose matters that would affect a person's right to legally protected confidential communications.
- (2) Retaliatory Action is any material adverse change in the terms and conditions of an employee's employment. Emergency means a circumstance that if not immediately changed may cause damage to persons or property.
- (3) Employees who become aware of improper governmental action should follow these procedures:
  - (a) Bring the matter to the attention of the Executive Director, if non-involved, in writing that states in detail the basis for the employee's belief that an improper action has occurred. This should occur as soon as the employee becomes aware of the improper action. Where the employee believes the improper action involves the Executive Director, the employee may raise the issue directly with a member of the Port Commission. If said Port Commissioner is unable to hear the complaint, the Port Commissioner will ask another Port Commissioner to hear the complaint.

In the case of an emergency, where the employee believes that damage to persons or property may result if action is not taken immediately, the employee may report the improper governmental action directly to the appropriate government agency with the responsibility for investigating the improper action.

- (b) The Executive Director or the Executive Director designees shall promptly investigate the report of improper government action. After the investigation is completed (within thirty (30) days of the employee's report), the employee shall be advised of the results of the investigation. Port of Walla Walla officers and employees involved in the investigation shall keep the identity of reporting employees confidential to the extent possible under law, unless the employee authorizes the disclosure of their identity in writing. After an investigation has been completed, the employee reporting the improper governmental action shall be advised of a summary of the results of the investigation. To the extent allowed under the Public Record Act, personnel actions taken as a result of the investigation may be kept confidential.
- (4) An employee who makes a good faith effort to follow this policy is entitled to protection against retaliation pursuant to RCW 42.41.030.
- (5) In the case of an emergency, where the employee believes that damage to persons or property may result if action is not taken immediately, the employee may bypass the above procedure and report the improper action directly to the appropriate government agency responsible for investigating the improper action.
- (6) Employees may report information about improper governmental action directly to an outside agency if the employee reasonably believes that an adequate investigation was not undertaken by the Port to determine whether an improper governmental action occurred, or that insufficient action was taken by the Port to address the improper action or that for other reasons the improper action is likely to recur.
- (7) It is unlawful for a local government to take retaliatory action because an employee, in good faith, provided information that improper government action occurred. An employee who believes that retaliation has occurred for reporting an improper government action should:
  - (a) Employees must provide a written complaint to the Executive Director within thirty days of the occurrence of the alleged retaliatory action. If the Executive Director is involved, the notice should go to a member of the Port Commission. The written charge must specify the alleged retaliatory action and the relief requested.
  - (b) The Port Commission shall investigate the complaint and respond in writing within thirty days of receipt of the written charge.
  - (c) After receiving the response of the Port of Walla Walla or thirty (30) days after the delivery of the charge to the Port of Walla Walla, the employee may request a hearing before a state administrative law judge to establish that a retaliatory action occurred and to obtain appropriate relief provided by law. An employee seeking a hearing should deliver the request for hearing to the Executive Director within the earlier of either fifteen (15) days of delivery of the Port of Walla Walla response to the charge of retaliatory action, or forty-five (45) days of delivery of the charge of retaliation to the Port of Walla Walla for response.

(d) Within five (5) working days of receipt of a request for hearing the Port shall apply to the State Office of Administrative Hearing's for an adjudicative proceeding before an administrative law judge. At the hearing, the employee must prove that a retaliatory action occurred by a preponderance of the evidence. The ALJ will issue a final decision no later than forty-five days after the date of the request for hearing, unless an extension is granted.

(8) Additional information can be obtained on the Internet:

<https://www.sao.wa.gov/EN/Investigations/Whistleblower/Pages/default.aspx>

## **POLICY 904 AMENDMENTS**

### **Policy:**

The Port of Walla Walla Commission may amend, change, and revise the Port Personnel Policy.

### **Comment:**

- (1) The Executive Director may suggest amendments, changes or revisions to the Port Personnel Policy to the Port Commission. Alternatively, Port employees may do the same.
- (2) All proposed amendments will be provided to the Executive Director who will then put the proposals in writing and provide them to the Port Commission for consideration. The Port Commission will review and discuss the proposed amendments at a Port Commission meeting in a draft form. In the event the Port Commission determines the proposed amendments have merit, they will establish a date and time the amendments will be considered for final adoption. Prior to the Port Commission taking final action the Executive Director shall inform all Port employees of the proposed amendments.
- (3) When possible, proposed amendments should come before the Port Commission no more frequently than twice per calendar year unless amendments are needed in response to changes in local, state or federal employment laws.
- (4) Saving Clause. If any section, subsection, paragraph, sentence or phrase of the Personnel Policy is found by a court to be invalid or unconstitutional, such finding shall not affect the remainder of this Personnel Policy.

# APPENDIX A

## Liability Waiver

I am requesting authorization to possess a firearm during non-scheduled work hours on Port of Walla Walla property when responding to an emergency call. I acknowledge and agree to fully comply with the Personnel Policies in all respects, including the prohibition on possession of firearm or weapon when on Port property, or while representing the Port during regularly scheduled work hours. This request only pertains to non-scheduled work hours when I am required to report to Port property in response to an emergency call.

In making this request, I acknowledge the following:

- I have a current license to carry the firearm, and have attended firearm safety classes.
- I understand and acknowledge that I may not use or threaten to use my firearm or any other weapon in the course of my employment with or on behalf of the Port. I further understand and acknowledge that any action taken or threatened to be taken using the firearm is performed solely in my personal capacity, and should not and will not be considered for any purpose to have been performed in the course of my employment with or on behalf of the Port.
- I accept full and exclusive responsibility for any claim, demand or liability associated with the possession or use of my personal firearm or weapon, even if such use takes place on Port property.
- I am not taking any medication that would impair my ability to safely operate a firearm while on Port property.

I hereby acknowledge that the above information is true and correct, and agree to immediately notify the Port of any changes that may affect the accurateness or completeness of the information I have verified in this document. I understand that any misrepresentation of the information provided herein and any failure to immediately notify the Port of changes to this information will lead to disciplinary action up to and including termination. **I have read and agree to the above. I sign this waiver and release willingly and of my own volition.**

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

Approved

\_\_\_\_\_  
Executive Director

\_\_\_\_\_  
Date