KITSAP COUNTY ANNUAL LEAVE DONATION PLAN

PURPOSE

The purpose of the County’s Annual Leave Donation Plan is to permit County employees to donate annual or general leave to eligible employees who would otherwise be in an unpaid status in excess of five (5) consecutive working days due to a catastrophic medical condition, illness, injury or impairment.

ANNUAL LEAVE DONATION PLAN

A. Overview of Plan

1. Donations are for specific designated persons and shall not be for a general pool.

2. All donations will be credited on an “as-needed” basis each pay period and only after the eligible employee has exhausted all paid leave.

3. All donations are non-refundable.

4. Donated annual leave hours are excluded from the annual leave payoff provisions contained in the Kitsap County Personnel Manual and relevant provisions of collective bargaining agreements.

5. For the purposes of this Plan, annual leave shall include general leave.

6. Annual leave donations are strictly voluntary. Employees are prohibited from offering and receiving monetary and any other forms of compensation in exchange for donating annual leave hours.

7. A donating employee donates annual leave at his/her hourly rate of compensation, and the receiving employee is credited with annual leave at his/her hourly rate of compensation.

8. Annual leave transferred under this section may be transferred from employees of one office, department, or fund, to an employee of the same or a different office, department or fund, with the approval of the affected elected official and/or department head(s).
Appendix B

Annual leave will first be transferred from co-workers within the requesting employee’s department or office, and then, with approval, transferred from other departments/offices.

9. Annual leave transferred to and used by a receiving employee is compensation earnable for the receiving employee to the extent authorized by Chapter 41.40 RCW.

10. Nothing set forth in the plan shall constitute a promise or guarantee, and any policy outlined herein shall be subject to any subsequent decision by the Board of County Commissioners.

11. Any use of Donated Leave will be counted towards an employee’s Family and Medical Leave Act (FMLA) entitlement, if applicable.

12. As with all leave abuse, misuse and falsification of facts, any abuse, misuse or falsification of facts regarding Donated Leave may be grounds for disciplinary action, up to and including termination.

B. Definitions

1. Catastrophic medical condition, illness, injury or impairment means a physician-certified, death-eminent case or a medical condition, illness, injury which is of an extraordinary or severe nature and which has caused, or is likely to cause, the employee to:

   (a) Go on leave of absence without pay in excess of five (5) consecutive working days; or

   (b) Otherwise be required to terminate County employment due solely to the absence of any paid leave.

2. Immediate family for these purposes means the employee’s spouse, child (including foster child and stepchild), and/or parent.

C. Eligibility Requirements to Receive Donated Annual Leave

To be eligible for receipt of donated leave, the following requirements must be satisfied:

1. (a) The employee must suffer from or has an immediate family member who suffers from a catastrophic medical condition, illness, injury, or impairment which is of an extraordinary or severe nature,
and which has caused or is likely to cause the employee to go on leave without pay status in excess of five (5) consecutive working days; or

(b) The employee must suffer from or has an immediate family member who suffers from an illness or injury resulting from a pregnancy with complications or child birth with complications.

2. The employee has successfully completed six months of employment with the County. The Employing Official may approve a request for donated leave from an employee with less than six months of service on a case-by-case basis, provided all other criteria of the policy are met. In these circumstances, the employee is deemed eligible to use his/her own annual leave for qualifying purposes, prior to accepting and using donated annual leave.

3. The employee has depleted his/her total of accrued annual, sick, compensatory time, holiday and/or other paid leave and is not able to return to work.

4. The employee has an acceptable history of leave use.

5. The employee is not eligible for workers’ compensation benefits under Chapter 51.32 RCW.

6. The employee may not carry over accrued and unused annual leave hours in excess of three hundred and sixty (360) hours from one calendar year to the next.

D. Eligibility Requirements to Donate Annual Leave

1. The donating employee must be a regular employee or benefit-eligible extra-help employee.

2. The donor must retain forty (40) hours of annual leave on the books after the time of donation.

E. Procedures

1. Upon exhaustion of all other available accrued benefits, the employee (or the employee’s guardian or legal representative in the event the employee is incapacitated or otherwise physically incapable of making the request for the leave) will submit a
completed “Request for Donated Annual Leave Form” to his/her immediate supervisor.

2. The immediate supervisor will complete the department verification process, certifying that the employee meets the eligibility requirements for accepting donated leave. After completing the departmental verification process, the supervisor will forward the form to the Personnel Division of the Department of Personnel & Human Services for review and completion.

3. The Personnel Division of the Department of Personnel & Human Services will verify that the employee meets the medical eligibility requirements for accepting donated leave. After completing the verification process, the Personnel Division will forward the request to the employee’s Employing Official.

4. Upon receipt of the Request Form, the Employing Official will approve or deny the employee’s request to receive donated leave. The Employing Official will have the discretion to approve or deny the donation of annual leave. The Employing Official may approve the employee’s receipt of donated leave within the employee’s own fund, department and/or Countywide. The Employing Official’s decision to approve, deny and/or limit the source of leave shall not be grievable.

5. Once an employee’s request to receive donated annual leave is approved, a designee of the employing department will post the completed “Request for Annual Leave Donation” Form.

6. Employees desiring to donate annual leave must submit a completed “Request to Donate Annual Leave” Form to their department head or elected official.

7. Donations of annual leave must be in one (1) hour increments.

8. The final completed form, signifying a request was approved or denied will be sent to the Personnel Division for retention.

9. The Director of Personnel & Human Services or designee will devise and make available to employees the forms detailed in this Plan.
AT-WILL EMPLOYEE

Definition
An employee whose continued employment with the County is at the discretion of the County Administrator, Elected Official, Board of County Commissioners, or a Department Director. At-will employees may have their appointments revoked at any time with or without cause and without right to appeal.

Application
At-will employment status, for employees within designated classifications, shall be effective upon the date that the Kitsap County Board of Commissioners approves and adopts the revised Personnel Manual. Provided, current employees serving in at-will classifications, who have not previously been designated as an at-will employee, shall maintain their current regular employee status and shall be covered by the Kitsap County Personnel Manual. Provided further that the regular employee status shall apply to the employee only during their continued employment within their current classification.

AT-WILL CLASSIFICATIONS BY OFFICES/DEPARTMENTS

COUNTY COMMISSIONERS

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<tr>
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Administrative Services

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Clerk Classification
Administrative Secretary
Chief Deputy Clerk
Courthouse Facilitator
Judicial Services Supervisor I—Court Financial Services

Coroner Classification
Senior Deputy Coroner

District Court Classification
Director, District Court Services
Administrator, Probation Services
Legal Secretary II

Prosecutor Classification
Manager, Prosecutor’s Administrative Services
All Deputy Prosecutor Classifications

Sheriff Classification
Undersheriff
Superintendent of Corrections
Inspector
Chief Civil Deputy
Chief Criminal Deputy
Administrative Secretary

Superior Court Classification
Director, Superior Court Administrative Services
Director, Juvenile Services
Assistant Director, Juvenile Services
Juvenile Services Manager
Court Services Manager - Juvenile
Administrative Services Manager - Juvenile
Court Reporter
Law Clerk
Administrative Services Supervisor
Drug Court Coordinator

Treasurer Classification
Chief Deputy Treasurer
Investment Officer
POLICY REGARDING INCLEMENT WEATHER AND NATURAL DISASTERS

PURPOSE

To establish guidelines for employees on reporting to work in the event of inclement weather, natural disaster and related conditions.

POLICY APPLICATION

Policy applies to all Kitsap County employees, except those who have been identified as Emergency Essential. Emergency Essential is defined as employees who are designated by their Employing Officials due to requirements for public safety and health, maintenance and/or protection of critical County facilities, equipment and resources. Specifically excluded are the operations of CENCOM, Coroner, Emergency Management, Facilities Maintenance Division of Information Services Department, Sheriff, Juvenile Detention and Food Services Division of Juvenile Services Department, Public Works Department and Kitsap Recovery Center.

POLICY

County Facilities to Remain Open

1. Regardless of inclement weather, natural disasters, or related conditions, it is the intent of Kitsap County that all County facilities and activities shall be open and in operation to provide services to citizens during established business hours unless an emergency event renders the County facility unsafe or inoperable.

2. Employee(s) unable to report to work will be granted the option of utilizing any earned compensatory time or accrued annual leave. If no earned compensatory time or accrued annual leave is available, the employee shall be on unpaid leave during periods of absence. Sick leave cannot be used for time lost due to inclement weather, natural disaster and related conditions.

3. The Employing Official is responsible to ensure all essential services and operations are being performed and may require temporary re-assignment of duties of those employees who have reported to work or to require employees to report to work to perform reassigned duties.
When Closures Are Required

4. Closure of designated facilities or all County facilities will only be made in response to emergencies relating to natural disaster (including but not limited to fires, earthquakes, landslides, windstorms, snow/ice storms) and related hazards that prevents the opening or continued operations of County facilities and requires the suspension of services therein.

5. In the event of a delayed opening or early closure of County facilities, regular employees who reported to work, as instructed for the delayed opening or were at work when early closure decision was implemented, will be credited for the entire scheduled work day. Regular employees who were unable to report to work will be granted the option of utilizing any earned compensatory time or accrued annual leave in lieu of receiving leave without pay.

6. In the event that County facilities are required to remain closed for periods in excess of one business day, the affected employing official may assign employees to alternative worksites or implement alternative work arrangements for the affected pay period (e.g. telecommute or flex schedules). Implementation of alternative work schedules must comply with provisions of applicable Collective Bargaining Agreements or Personnel Manual. In County operations where the employing official is unable to establish alternative worksites or implement alternative work arrangements, the employee may utilize earned compensatory time or accrued annual leave in lieu of leave without pay.

7. Announcements of delayed opening and closures will be provided on the County’s Web Site and the inclement weather telephone line (337-5775). Employees are also encouraged to monitor early morning radio reports on KOMO AM 1000 or KIRO AM 710/FM 97.3 to obtain any delayed opening or closure information.
June 10, 1991

To All Kitsap County Employees:

Kitsap County Government is obligated and committed to provide our employees and the citizens of Kitsap County with an alcohol and drug free, healthful, safe and efficient workplace.

While we are cognizant and respectful of your individual rights to personal privacy and your right to lead your private off-duty lives in the manner you see fit without employer interference, Kitsap County also recognizes that on- and off-the-job use of alcohol and drugs and adversely effect job performance and the work environment, including posing a hazard to the safety and welfare of the affected employee, other employees or the public.

Kitsap County’s policy takes a hard line position against employees who use, possess, sell and manufacture illegal drugs, but also recognizes that alcohol and drug abuse are treatable conditions and offers a supportive framework for intervention and treatment services.

If you have any questions regarding this policy, please call our Department of Personnel and Human Services at 876-7185.

Sincerely,

KITSAP COUNTY BOARD OF COMMISSIONERS

/s/Billie Eder
Billie Eder, Chairman

/s/Win Granlund
Win Granlund, Commissioner

/s/John Horsley
John Horsley, Commissioner
RESOLUTION NO. 237-1991

KITSAP COUNTY
DRUG-FREE WORKPLACE POLICY

A RESOLUTION OF THE KITSAP COUNTY BOARD
OF COMMISSIONERS ENACTING A DRUG-FREE
WORKPLACE POLICY FOR ALL COUNTY
EMPLOYEES

WHEREAS, Kitsap County is committed to a drug-free working environment
in accordance with the Drug-Free Workplace Act of 1988;

THEREFORE, BE IT RESOLVED by the Board of Commissioners of Kitsap
County, State of Washington, that the following drug-free workplace policy be
enacted:

Section 1. Legislative Findings.

a. County government is obligated to provide the citizens and employees
   of Kitsap County with an alcohol- and drug-free, healthful, safe and
efficient workplace.

b. Kitsap County acknowledges the right of personal privacy that each
   employee has to choose the type of private lifestyle one sees fit to
   lead.

c. Kitsap County also recognizes that on- and off-the-job use of alcohol
   and drugs can adversely effect job performance and the work
   environment, including posing a hazard to the safety and welfare of
the affected employee, other employees or the public. This policy is aimed at both the direct and indirect impact of alcohol and drug abuse.

d. Kitsap County expects its employees to report to work free from drug and/or alcohol impairment and to remain at work in a condition that enables them to perform their job duties in a safe, efficient, legal and professional manner.

e. Kitsap County recognizes that alcohol and drug abuse are conditions that can be successfully treated.

f. Kitsap County recognizes that its employees are its most important resource.

g. Kitsap County encourages any of its employees who may have an alcohol and/or drug abuse problem to voluntarily seek evaluation, professional counseling or other appropriate treatment services certified by the Division of Alcohol and Substance Abuse, Washington State Department of Social and Health Services, that will lead to successful rehabilitation.

h. Kitsap County will provide to its employees a confidential program for alcohol and drug treatment and rehabilitation through the County’s health insurance.

Section 2. Definitions

a. **Alcohol and/or Other Drug Abuse.** A condition in which the use of alcohol and drugs impairs the employee’s job performance.
b. **Controlled Substances.** Those substances whose dissemination is regulated by law including, but not limited to, opiates, narcotics, depressants, stimulants, hallucinogens, cannabis and alcohol. This definition includes both prescription and over-the-counter medications.

c. **Conviction.** An adjudication that includes a verdict of guilty by a jury, a finding of guilt by a judge or acceptance by a judge of a plea of guilty (including a plea of nolo contendere) in either federal or state courts.

d. **Drug.** Any substance which impairs an employee’s ability to perform job duties in any of the following ways: safely, efficiently, legally and/or professionally.

e. **Impairs/Impaired.** Behavior which may limit the employee’s ability to perform job duties in any of the following ways which are commonly expected of all Kitsap County employees:

   i. efficiently

   ii. safely

   iii. legally

   iv. professionally

f. **Workplace.** Any structure or portion thereof owned, leased, or rented and operated by or under the authority of Kitsap County, including motor vehicles.
Section 3. Kitsap County Drug-Free Workplace Policy

a. **Condition of Employees.** No person employed by Kitsap County shall report to work impaired by alcohol and/or drugs nor shall any Kitsap County employee remain at work while in an impaired condition.

b. **Possession or Use of Controlled Substances.** The possession, use, manufacture, distribution, transfer or offering for sale of controlled substances, including alcoholic beverages, at the workplace is prohibited.

i. **Exception.** The possession and use of medically-prescribed or over-the-counter drugs during working hours is permissible. Employees shall have no obligation to inform their supervisors of such usage unless the prescribed or over-the-counter drug may prevent the employee from performing his or her job safely or effectively. Drugs must be prescribed for the specific use of the employee by a licensed physician.

Section 4. Penalties.

Violations of Section 3 above by any employee may result in a referral for mandatory evaluation and satisfactory participation in and completion of the treatment program recommended in the evaluation report for alcohol and/or drug abuse, or may be cause for disciplinary action pursuant to any applicable collective
bargaining agreement or county personnel policies, up to and including discharge from employment.

Section 5. Treatment and Rehabilitation Program

a. **Individuals.** Any employee who may have an alcohol and/or drug abuse problem is expected to voluntarily seek evaluation, professional counseling and appropriate treatment services certified by the Division of Alcohol and Substance Abuse, Washington State Department of Social and Health Services. Any requests for assistance made to the Kitsap County Department of Personnel and Human Services will be treated confidentially. Kitsap County will extend the same consideration and assistance, including insurance and sick leave benefits, to those employees suffering from alcohol and/or drug abuse as is extended to employees having any other condition. The department will provide assistance in locating appropriate agencies to address the problem of alcohol and/or drug abuse.

b. **Supervisors.** Supervisors concerned that an employee may have an alcohol and/or drug abuse problem may confidentially request assistance from their immediate supervisor unless the immediate supervisor is the person of concern. In that instance, employees shall take their concerns to the next highest supervisory level.

c. **No Special Privileges.** This policy will not result in any specific privileges or exemptions being granted, nor will it release any
employee from the responsibility of meeting acceptable job performance standards.

Section 6. Training Program.

Training will be made available to supervisory personnel to enable them to accurately identify employee alcohol and/or drug abuse and to assist those employees in obtaining an evaluation, professional counseling and appropriate certified treatment services that will rehabilitate them.

Section 7. Alcohol- and Drug-Free Awareness Program

An alcohol- and drug-free awareness program shall be developed to inform employees about:

a. the dangers of alcohol and drug abuse in the workplace;

b. Kitsap County’s policy of maintaining an alcohol- and drug-free workplace;

c. The availability of certified alcohol and drug abuse counseling, rehabilitation and employee assistance programs to combat alcohol and/or drug abuse;

d. The penalties that may be imposed upon employees for alcohol and/or drug abuse violations occurring in the workplace; and

e. The effect of alcohol and/or drug abuse on individuals and families.

Section 8. Federal Contractors or Grant Recipients

a. Conditions of Employment. Pursuant to the Drug-Free Workplace Act of 1988, any employee involved with the federal government by
working in a program receiving direct federal contracts of $25,000 or more or receiving direct federal grants of any amount is notified that as a condition of employment, the employee shall:

i. Abide with the Kitsap County Drug-Free Workplace Policy; and

ii. Notify the Director of the Kitsap County Department of Personnel and Human Services in writing of any criminal drug statute conviction for a criminal violation occurring in the workplace no later than five (5) days after such conviction.

b. **Elected Officials/Department Head Duties.** Elected officials/department heads who directly receive federal funds as specified in Section 8 of this policy shall be responsible for notifying all department employees that they are subject to the provisions of the federal Drug-Free Workplace Act of 1988 and the related provisions of this policy. The elected official/department head shall also be responsible for ensuring that all department employees read and understand the related provisions of this policy and for providing all new employees, regular, part-time and temporary employees, with a copy of this resolution.
Section 9. Notice of Policy. Each regular, part-time or temporary employee of Kitsap County shall receive a written copy of this Resolution, the Kitsap County Alcohol and Drug Policy.

Section 10. Severability. If any provision of this resolution or its application to any person or circumstance is held invalid or unconstitutional, the remainder of the resolution or its application to other persons or circumstances shall not be affected.

Section 11. Effective Date. This resolution shall take effect immediately on the below indicated date in order to promote the public health and safety and to comply with the federal Drug-Free Workplace Act of 1988.

ADOPTED this 10th day of June, 1991.

BOARD OF COUNTY COMMISSIONERS
KITSAP COUNTY, WASHINGTON

/s/Billie Eder
BILLIE EDER, Chairman

/s/Win Granlund
WIN GRANLUND, Commissioner

/s/John Horsley
JOHN HORSLEY, Commissioner

ATTEST:

/s/Holly Anderson
HOLLY ANDERSON
Clerk of the Board
RESOLUTION 078-2001

A RESOLUTION REPEALING RESOLUTION 009-1997 AND ADOPTING A REVISED ELECTRONIC COMMUNICATIONS POLICY

WHEREAS, by Resolution No. 009-1997, Kitsap County established a policy regarding the use of electronic communications owned by the County; and

WHEREAS, developments and changes in the manner, methods and mode of electronic communications give rise to the need to revise the County’s Electronic Communications policy;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS:

1. Resolution 009-1997 is hereby repealed.

2. The attached Kitsap County Electronic Communications Policy is hereby adopted on this 7th day of May, 2001.

BOARD OF COUNTY COMMISSIONERS
KITSAP COUNTY, WASHINGTON

/s/Chris Endresen
Chris Endresen, Chair

ATTEST:

/s/Holly Anderson
Holly Anderson, Clerk of the Board

/s/Tim Botkin
Tim Botkin, Commissioner

NOT PRESENT

Jan Angel, Commissioner
KITSAP COUNTY ELECTRONIC COMMUNICATIONS POLICY

I. Statement of Purpose

The primary purpose of Kitsap County’s electronic communications systems is to facilitate the effective and efficient conduct of County business. This includes encouraging and facilitating the free exchange of business-related communications, ideas, and information between employees, and providing, exchanging, and searching for information for county residents, businesses and other governmental agencies.

This policy applies to anyone using electronic communications systems owned by Kitsap County, and is intended to ensure that the use of electronic communications is consistent with County policies, all applicable laws, and the individual user’s job responsibilities.

II. Definitions

A. Electronic Communications. Electronic communications are defined to include, but are not limited to, telephones, voice mail, facsimile communications, electronic mail systems (e-mail), Internet, Intranet, and electronic media that generates, stores, transmits, receives and/or displays communications over Kitsap County-owned equipment.

B. Internet. A worldwide collection of computers, ranging in size from palm organizers, to desktop computers, to the largest mainframes, all connected to one another via telecommunications systems. This web of computers offers information or computer software that can be downloaded onto the user’s computer. The Internet represents global access.

C. E-mail. Using a computer and the Internet, a user can compose a message, transmit, deliver it to someone, and have it delivered electronically.

D. Intranet. Similar to the Internet in terms of computers and data connection links, and limited to internal/corporate accessibility.

E. Department Head. Elected Official or Department Head.

F. User. Anyone using electronic communications systems owned by Kitsap County.

G. Qualified Education Programs (QEP). Education programs that receive institutional accreditation or specialized accreditation. The accrediting agency must be recognized as such by the U.S. Department of Education, Accrediting Agency Evaluation Branch or the Commission on Recognition of Post-secondary Accreditation (CORPA).
III. Electronic Communications are for Business Use.

Electronic communications are a form of business communication. Except as described in Section VI of this policy, electronic communications may only be used in connection with matters that are reasonably related to County business, and in accordance with business decorum. Electronic communications may not be used for employee private benefit or gain or to support or advocate for non-County related business. The County reserves the right to monitor the use and content of all electronic communications.

IV. Electronic Communications are not private.

Electronic communications are the property of Kitsap County. Electronic communications are not personal or private. Any message sent through voice mail or e-mail can be forwarded on to anyone else on the system. Even after deleting e-mail, it is possible to retrieve and read it. Telephone calls can be tracked; E-mail, Internet and Intranet activity can be tracked and monitored. Many electronic communications constitute public records. The County may monitor, read, use, and disclose electronic communications, user accounts, workstations, and file server space. A user’s use of the County’s electronic communications shall constitute consent to the County’s monitoring, reading, using, and disclosing of any use by a user of the County’s electronic communications system.

V. Electronic Communications Decorum and Content.

Kitsap County is a public agency, and use of the County’s electronic communications systems reflects upon the County. As a result, communications must be in accordance with business decorum, and appropriate to the County’s business setting.

VI. Use of Electronic Communications.

Kitsap County is obligated to conserve and protect County-owned resources for the benefit of the public interests, not private interests. When use of electronic communications furthers Kitsap County governmental operations, then such use does not violate the County’s obligation to conserve and protect County resources.

An employee’s use of electronic communications must be reasonable, responsible, and accountable. County employees may not use electronic communications for private benefit or gain of the employee or other person. This prohibition does not apply to the use of electronic communications to benefit another person as part of the employee’s official duties.

A County employee may make occasional but limited use of County-owned resources only if:

- There is no cost to the County; and
- The use of County resources does not interfere with the performance of the employee’s official duties; and
- The use is brief in duration and does not disrupt or distract from the conduct of County business due to volume or frequency; and
• The use does not compromise the security or integrity of County information or software; and
• The use promotes organizational effectiveness or enhances the job-related skills of a County employee.
• In those rare instances where there are costs, such as long distance phone charges or supply charges, the user will reimburse the county.

For examples of proper and improper use of electronic communications, refer to WAC 292-110-010.

Unless Information Services and the Department Head approve an exception, access to the Internet is allowed only via the County’s centralized Internet connection. Department Heads determine which sites are appropriate.

Users may not use the e-mail to send a message to “All” (Go to Address Book, Select “All” option) except in the following circumstances:

• Public safety, when immediate notification is needed;
• Health and welfare, when immediate notification is needed;
• Computer, network, or telephone system disruptions; or
• Messages approved by Department Head.

Users may post community and County event announcements on the County’s Intranet.

Department Heads approve Intranet and Internet content. Kitsap County may establish links to non-County sites that are non-partisan, non-profit and beneficial to the County.

VII. Misuse of Electronic Communications.

The following are examples of unacceptable uses of electronic communications. The prohibition includes possession, use, transmission, or access to prohibited material. This list is not all-inclusive:

• Aliases - Use of an alias/another employee name while using e-mail, or sending anonymous messages, misrepresenting an employee’s job, job title, job description, or position within the County.
• Audio/Video – Download audio and/or video entertainment not related to County business.
• Confidential or Misinformation - Release of misleading, distorted, untrue, or confidential materials regarding County business, views, or actions.
• Copyright Violations - Use that violates copyright laws.
• Costs Incurred by County - Accessing any site that charges a fee unless pre-authorized in writing. If visited by mistake, do not give out any billing information such as credit card or business telephone. If asked for billing information, cancel out of the screen immediately.
Discriminatory - Material that is in discriminatory towards a gender, race, religion, ethnicity, or disability.

Games and Entertainment - Entertainment, sports, or games unless related to County business.

Harassment - Harassing of employees, vendors, customers, members of the public and others.

Obscenities - Pornographic, profane, or sexually explicit material.

Political - Use for political purposes, including browsing political websites (those representing a political viewpoint, party, issue, or candidate), or partisan campaigning.

Purchases – Purchases of personal items. County purchasing policies apply for County business purchases.

Religious - Religious material or activities.

Solicitation - Use that promotes monetary or business gain for the employee and/or the employee’s family.

Software - Download unauthorized software.

Union Activities – Use for union purposes including communicating with membership.

The Department Head reserves the right to make final determinations as to what is considered acceptable in all cases of Internet use.

VIII. Harassment or Criminal Activity through the Internet.

If you believe that you are or someone else is the victim of harassment or believe that criminal activity is taking place, please follow these procedures:

- Do not delete the message;
- Do not respond to the message; and
- Notify your supervisor, elected official/department head, Personnel Division, or appropriate designee.
- Notify Sheriff’s Office.

IX. Employees May Use Electronic Communications for Qualified Education Programs.

Employees may use County electronic communications, hardware, software and peripherals for QEP that enhance their job skills when:

- The supervisor and Department Head pre-authorizes participation;
- The employee uses his or her own paper and supplies;
- It occurs only during times authorized by the Department Head; and
- It does NOT require any additional hardware, software or peripherals

Employees authorized for QEP may have curriculum-related software loaded onto County hardware by Information Services. Loading personal software not related to the QEP is prohibited.
XI. Confidential Electronic Communications.

Certain electronic communications are confidential and may not be accessed, used, or disclosed without authorization of the Department Head. Examples of confidential records appear in the list of public records exempt from public disclosure, at RCW 42.17.310 et seq. Confidentiality may also depend on the nature of the record and the particular policies of the office or department where it is maintained.

Employees may not access, use and disclose confidential information without authorization of the Department Head.

XII. Retaining E-mail for Recordkeeping.

E-mail is primarily a communication system, not a recordkeeping system. E-mail messages may constitute public record material with legally mandated retention requirements, or may be information with no retention value. E-mail messages are public records when they are created or received in the transaction of public business and retained as evidence of official policies, actions, decisions or transactions. E-mail that has valuable informational content may also be a public record. E-mail messages that are public records must be identified, scheduled and retained just like records in other formats.

Public records should be retained in e-mail format only as long as they are being worked on or distributed. To assure appropriate management of public records with assigned retention periods generated or received through an e-mail system, transfer messages to paper, disk, or PC hard drive and file and retain according to the legal retention required for the informational content of each message. For public records with retentions of more than three years, producing a paper copy for filing purposes is recommended to eliminate possible migration problems.

E-mail messages, which are usually public records and must meet state records retention requirements include:

- Policy and Procedure Directives
- Correspondence or memoranda related to official public business
- Agenda and minutes of meetings
- Documents related to legal or audit issues
- Messages which document agency actions, decisions, operations and responsibilities
- Documents that initiate, authorize or complete a business transaction
- Drafts of documents that are circulated for comment or approval
- Final reports or recommendations
- Appointment calendars
  - E-Mail distribution lists
  - Other messages sent or received that relate to the transaction of state government business
Department Heads will set up procedures to identify, print and store voice mail and e-mail messages.

E-mail messages that are usually not public records, and may be destroyed when no longer needed include:

- Personal messages and announcements not related to official business
- Information-only copies, or extracts of documents distributed for reference or convenience, such as announcements or bulletins
- Phone message slips that do not contain information that may constitute a public record
- Copies of published materials
- Extra copies
- Preliminary drafts
- Request for information (but not Public Disclosure Requests)
- Routing slips
- Transmittal memos

The County keeps electronic e-mail backups for three months (effective January 1, 2002). The County keeps Internet access records for one year.

XIII. Disciplinary Action.

If a user violates a provision of this Electronic Communications policy, the user may be subject to one or more of the following disciplinary actions:

- Restriction of electronic communication privileges
- Removal of electronic communication privileges
- Oral Warning
- Written reprimand
- Suspension
- Demotion
- Termination.
RESOLUTION NO. 090 -2003

A Resolution Adopting the Kitsap County
Family and Medical Leave (FMLA)
Policy

Whereas, the Family and Medical Leave Act (FMLA) was passed by the
United States Congress and signed into law by the President in 1993;

Whereas, the FMLA mandates adoption by public agencies of a policy
implementing the FMLA;

Whereas, by Resolution No. 335-1993, the Board of County Commissioners
created a Kitsap County Family and Medical Leave (FMLA) Policy.

Whereas, the Board of County Commissioners desires to revise the
County's procedures and policies for clarification and due to recent changes in
Washington State Law.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY
COMMISSIONERS:

1. Resolution No. 335-1993 is hereby repealed.
2. The Kitsap County Family and Medical Leave (FMLA) Policy attached
hereto shall be effective July 1, 2003.

Adopted this 19th day of May, 2003.

BOARD OF COUNTY COMMISSIONERS
KITSAP COUNTY, WASHINGTON

Jan Angel, Chair

Chris Endresen, Commissioner

Patty Lenz, Commissioner

ATTEST:

Oscar J. Euston
Clerk of the Board
KITSAP COUNTY FAMILY AND MEDICAL LEAVE (FMLA) POLICY

A. An employee who has been employed with the County for fifty-two weeks and has worked at least 1,250 hours during the 12-month period immediately preceding the commencement of the FMLA leave, is entitled to twelve workweeks of FMLA leave during the twelve-month period following the date the employee’s first FMLA leave begins for the following reasons:

1. For the birth of a son or daughter, and to care for a newborn child;

2. For the placement with the employee of a son or daughter for adoption or foster care;

3. To care for the employee’s spouse, son, daughter, or parent with a serious health condition; and

4. Because of a serious health condition that makes the employee unable to perform the essential functions of the employee’s job.

B. As part of the FMLA leave, the employee must exhaust all paid leave including compensatory time, floating personal holiday, accrued vacation and sick leave prior to entering into a leave without pay status. Nothing in this policy requires the County to give the employee more than 12 total workweeks of FMLA leave, including both paid and unpaid leave during the twelve-month period following the date the employee’s first FMLA leave begins.

NOTE: Nothing in this policy will preclude an employee from using sick leave or other paid time off as outlined in RCW 49.12.270, effective January 1, 2003.

C. The FMLA leave to which an employee is entitled under this policy is in addition to any leave for sickness or temporary disability because of pregnancy or childbirth as required by WAC162-30-020 and chapter 49.60 RCW.

D. An employee must provide the County at least 30 days advance written notice before the FMLA leave is to begin if the need for the leave is foreseeable, such as an expected birth, placement for adoption or foster care, or planned medical treatment for a serious medical condition of the employee or of a qualifying family member. If 30 days is not practicable, notice must be given as soon as practicable. Failure to give proper notice may mean that the FMLA leave may be denied until at least 30 days after the date that notice is provided.
Appendix G

E. A husband and wife who are both employed by the County and are eligible for FMLA leave, are limited to a combined total of 12 weeks of leave during the 12-month period following the date the first FMLA leave begins under the following circumstances:

1. Birth of the employee's child or to care for the child after birth;
2. Placement of a child with the employee for adoption or foster care, or to care for the child after placement; -or-
3. Care of a parent with a serious health condition.

(Note: under the aforementioned circumstances, the County may limit the time off work to one spouse at a time, so both would not be off work at the same time).

F. While on FMLA leave, the employee is entitled to the same medical, dental and vision benefits that the employee would have had if the employee had not been on leave.

1. The employee is responsible for paying any share of the premiums he or she would have been responsible for paying had FMLA leave not been taken.
2. If the employee does not return to work following FMLA leave, the employee shall reimburse the County for the County's cost in maintaining medical benefits unless the reason for not returning to work is beyond the employee's control.

G. Upon returning to work from FMLA leave, an employee:

1. Is entitled to the same position held by the employee when the FMLA leave commenced or an equivalent position.
2. Has no greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the FMLA leave period.
3. Who fails to return to work on the established ending date of the FMLA leave without a legitimate excuse may be precluded from returning to full-time employment with the County.
Appendix G

H. Any words, terms, or phrases not defined in this policy and any dispute over the interpretation of this policy shall be resolved consistent with the regulations set forth in 29 CFR §825, et seq.

I. Leave for birth, adoption or foster care must be completed within 12 months of the birth, adoption or placement into foster care.

J. Whenever an employee requests leave to care for a seriously ill spouse, son, daughter, or parent; or because the employee’s own serious health condition makes the employee unable to perform the functions of the employee’s position, then, within 15 days of the request for FMLA leave, the request must be supported by:

1. A written request on a designated County form by the employee identifying the reasons for the leave and the expected duration of the leave. A schedule of anticipated time off work must be included if leave is to be taken intermittently or on a reduced leave schedule. An employee must make a reasonable effort to schedule planned medical treatments and/or appointments to avoid disruption of the County’s operations.

2. A written certification issued by the health care provider of the employee or the employee’s ill family member. If the employee is needed to care for a seriously ill family member, the certification must also state the care the employee will provide and an estimated time period during which this care will be provided.

3. A completed Re-certification form may be required as requested by the County.

K. An employee may take intermittent leave or may reduce the usual number of hours worked per day or workweek. Intermittent or reduced leave schedules are subject to the County’s approval unless medically necessary. Under these circumstances, at the option of the County, the employee may be required to transfer temporarily to an available alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee’s regular position.

L. Whenever an employee takes FMLA leave because of a serious health condition which makes the employee unable to perform the essential functions of his/her job, then prior to returning to work the employee must submit a fitness for duty certification from the treating health care provider, which states that the employee is able to perform the essential functions of the job with or without accommodation and therefore can return to work.

Effective July 1, 2003

Kitsap County Personnel Manual
Appendix G-4

Kitsap County Family and Medical Leave Policy (FMLA)
Resolution No. 090-2003 (Adopted 5/19/03, Effective 7/1/03)
M. In order to comply with the record keeping requirements of the Family and Medical Leave Act and the Americans with Disabilities Act the following procedures shall be followed:

1. An employee's request for FMLA leave shall be in writing using the County's standardized leave request form. If FMLA leave is approved, the leave form must specifically designate the leave as FMLA leave. A copy of the leave form must be put in the employee's personnel file, however, no medical information shall be placed in the personnel file.

2. All certifications must be on the County's standardized form. The certifications and any medical information shall be maintained in a separate file and never placed in the personnel file.

3. With respect to employees who take FMLA leave intermittently or on a reduced leave schedule, the County and employee shall agree in writing on the employee's normal schedule or average hours to be worked each week. A copy of the agreement shall be maintained in the employee's personnel file in accordance with paragraph M.1.

N. If leave is taken for a qualified FMLA reason but the County was not aware of the reason, and the employee desires that the leave be counted as FMLA leave, then the employee must notify the County within two business days of returning to work. If an employee does not provide the County with notice of an FMLA-qualifying reason for the leave within the specified time frame, the leave may be denied or the employee may not subsequently assert FMLA protections for the absence.

O. Definitions:

1. "Parent" means a biological parent or an individual who stands or stood "in loco parentis" to an employee when the employee was a child (excludes "in-laws").

2. "Son" or "daughter" means a biological, adopted, or foster child, a step-child, a legal ward, or a child of a person standing "in loco parentis" who is either under 18 or over 18 and is incapable of self-care due to a mental or physical disability.

3. "Spouse" means a husband or wife from a legal marriage in accordance with the laws of the State of Washington.
4. “Serious health condition” means an illness, injury, impairment or physical or mental condition that involves either:

(a.) Inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical-care facility, and any period of incapacity or subsequent treatment in connection with such inpatient care; -or-

(b.) Continuing treatment by a health care provider which includes any period of incapacity (i.e., inability to work, attend school or perform other regular daily activities) due to the following:

(1) A serious health condition lasting more than three consecutive days, and any subsequent treatment or period of incapacity relating to the same condition that also involves:

(i) treatment two or more times by or under the supervision of a health care provider; -or-

(ii) at least one treatment by a health care provider with a continuing regime of treatment.

(2) Pregnancy or prenatal care: A visit to the health care provider is not necessary for each absence; includes routine prenatal care.

(3) A chronic serious health condition, which continues over an extended period of time, requires periodic visits to a health care provider, and may involve occasional episodes of incapacity (e.g., asthma, diabetes). A visit to a health care provider is not necessary for each absence;

(4) A permanent or long-term condition for which treatment may not be effective (e.g., Alzheimer’s, a severe stroke, terminal cancer). Only supervision by a health care provider is required, rather than active treatment;

(5) Any absences to receive multiple treatments for restorative surgery or for a condition which would likely result in a period of incapacity of more than three days if not treated (e.g., chemotherapy or radiation treatment for cancer).

5. “Health care provider” means a doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the state in which the doctor practices; or others “capable of providing health care services” who are authorized to practice in the state and perform within the scope
of their practice as defined under state law to include: podiatrists, dentists, clinical psychologists, optometrists, chiropractors, nurse practitioners, nurse-midwives, clinical social workers, Christian Science practitioners listed with the First Church of Christ, Scientist, in Boston, Massachusetts, and any health care provider from whom an employer or the employer’s group health plan’s benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits.

THE FAMILY AND MEDICAL LEAVE ACT OF 1993

QUESTIONS AND ANSWERS

Q: Does the law guarantee paid time off?
A: No. FMLA leave is generally unpaid leave. However, in certain circumstances the use of accrued paid leave may be substituted for unpaid leave required by the law.

Q: How much unpaid leave is an employee entitled to?
A: An "eligible" employee of a covered employer is entitled to 12 weeks of leave for specific family and medical reasons during a 12-month period.

Q: Is an employee entitled to any paid leave while on FMLA leave?
A: The law permits an employee to substitute accrued paid leave under certain conditions, or the employer may require an employee to take paid leave before unpaid leave.

Q: What if an employer already provides paid leave for the purposes covered by FMLA?
A: FMLA is intended to encourage generous family and medical leave policies. For this reason, the law does not diminish more generous existing leave policies or laws, though employers are entitled to conform their employment policies and practices to the FMLA’s requirements.

Q: Who is considered a "family member" for purposes of taking FMLA leave?
A: A spouse, son or daughter, and parent are immediate family members for purposes of FMLA.

Q: Does FMLA leave have to be taken in whole days or whole weeks, or in one continuous block of time?
A: The FMLA permits leave for birth, or placement for adoption or foster care, to be taken intermittently—that is, in shorter blocks of time—or by reducing the normal
weekly or daily work schedule subject to approval by the employer. Leave for a serious illness may be taken intermittently when "medically necessary."

Q: Is there a limit to the number of times FMLA leave can be taken in one year?

A: No. An employee is entitled to take up to 12 weeks of leave in a 12-month period for the specified family and medical reasons.
Appendix G

Q: Can an employer make inquiries about an employee's leave during the absence?

A: Yes, but only to the employee. The employer may have reason to confirm whether the leave needed or being taken satisfies FMLA purposes, and may require periodic reports on the employee's status and intent to return to work after leave. Also, if the employer has reason to doubt the validity of a medical certification or wishes to obtain another opinion, an employee may be required to obtain additional medical certification at the employer's expense, or recertification during a period of unpaid FMLA leave.

Q: Can an employer refuse to grant FMLA leave to an employee?

A: An "eligible" employee who has complied with FMLA's notice and certification requirements may not be denied FMLA leave.

Q: Are there circumstances in which an employer can deny an employee his/her job after using FMLA leave?

A: An employer may deny reinstatement to work to certain highly paid salaried ("key") employees under certain circumstances. In addition, employers are not required to reinstate employees who would have been laid off or otherwise had their employment terminated (e.g., who were hired for a specific term of employment) had they continued to work during the period leave was used. Also, employers who advise employees experiencing a serious health condition that they will require a medical certificate of fitness for duty to return to work can deny reinstatement to an employee who fails to provide such a certificate until it is provided.

Q: Must an employee be allowed to return to the same job after taking leave?

A: Generally, yes. The employer has the option of restoring an employee to an "equivalent position" rather than the position held by the employee prior to taking leave. An equivalent position must have equivalent pay, benefits, and terms and conditions of employment as the original job.

Q: What benefits must be maintained while an employee is on unpaid FMLA leave?

A: The employer is required to maintain health insurance coverage on the same terms it would be provided if the employee continued to work. In addition, the use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave. Certain other earned benefits, such as seniority, do not need to continue to accrue during a period of unpaid FMLA leave. And still other kinds of benefits, such as elective life insurance coverage, may require that arrangements be made between the employer and the employee so that they are continued during a period of FMLA leave. In any case, unless the employee elects otherwise, the employee must be restored to the same benefits upon return from FMLA leave as if the employee had continued to work during the period of the leave.
Appendix G

Q: Are there any employees who are not covered by this law?

A: Yes. Generally, employees who work for an employer that employs less than 50 employees are not covered. To be eligible for FMLA benefits, an employee must: (1) work for a covered employer; (2) have worked for the employer for at least a total of 12 months; (3) have worked at least 1,250 hours during the prior 12 months; and, (4) work at a location where at least 50 employees are employed by the employer within 75 miles.

Q: What about spouses who work for the same employer?

A: If a husband and wife have the same employer, they may be limited to a combined total of 12 weeks of FMLA leave in a 12-month period for the birth of a child, placement of a child for adoption or foster care, or the care of a parent with a serious health condition.

Q: What must an employee do to request FMLA leave?

A: An employee may be required to provide the employer with 30-days advance notice when the need for leave is "foreseeable." When such an advance notice is not possible or the need for the leave cannot be foreseen, an employee must give notice as soon as "practicable."

Q: What kind of proof is required for an employee's illness or the illness of an immediate family member of an employee?

A: An employee shall be required to submit documentation--called a medical certification--from the health care provider who is treating the employee or immediate family member.

Q: Can the employer require additional proof?

A: The employer may require an employee to obtain additional medical certification from a health care provider of the employer's choice, and at the employer's expense.

Q: Can an employer require an employee to return to work before leave has been exhausted?

A: Subject to certain limitations, the employer may deny the continuation of FMLA leave due to a serious health condition if the employee fails to fulfill obligations to provide supporting medical certification as required by the law.

Q: Are there any restrictions on how an employee can spend his/her time while on leave?

A: Generally no, provided the leave is taken for a legitimate family or medical reason and all appropriate notice and certification requirements are met. However,
employers with established policies regarding outside employment while on paid or unpaid leave may uniformly apply these policies to employees on FMLA leave.

Q: Are there any differences in how the law applies to private and public sector employees or employers?

A: The 50-employee coverage test does not apply to public sector employers. However, the public agency must employ 50 employees within a 75-mile area around the work site in order for an employee to be "eligible" and entitled to FMLA benefits.

Q: Where may an employer get additional information about the Family and Medical Leave Act?

A: An employer may contact the nearest office of the Wage and Hour Division, Employment Standards Administration, of the U.S. Department of Labor for information and guidance on FMLA. The phone number of the Seattle office is (206) 398-8039.

Appendix H

Chapter 162-12 WAC
PREEMPLOYMENT INQUIRY GUIDE

WAC 162-12-100 Purpose.

WAC 162-12-120 General approach.

WAC 162-12-130 Discriminatory inquiries are prohibited.

WAC 162-12-135 Bona fide occupational qualifications.

WAC 162-12-140 Preemployment inquiries.

WAC 162-12-150 Required inquiries.

WAC 162-12-160 Data for legitimate purposes.

WAC 162-12-170 Conditions for inquiries to applicants.

WAC 162-12-180 Post employment records.

DISPOSITIONS OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

WAC 162-12-020, 162-12-030, 162-12-040, Guide (part), filed 10/22/62; Repealed by Rule, filed 10/23/67, § 162-12-910.

WAC 162-12-050 Preemployment inquiry guide -- Bona fide occupational qualification. Guide (part), filed 10/22/62; Repealed by Order 8, filed 6/22/70.

WAC 162-12-060 Preemployment inquiry guide -- Petitioning for a bona fide occupational qualification exemption. Guide (part), filed 10/22/62; Repealed by Order 8, filed 6/22/70.

WAC 162-12-070 Preemployment inquiry guide -- Exemptions based on government security regulations or directives of other government agencies. Guide (part), filed 10/22/62; Repealed by Order 8, filed 6/22/70.

WAC 162-12-080 Rule, filed 7/17/64; Guide (part), filed 10/22/62; Repealed by Rule, filed 10/23/67, § 162-12-910.

WAC 162-12-110 Statutes interpreted. Order 16, § 162-12-110, filed 5/22/74; Order 9, § 162-12-110, filed 9/23/71; § 162-12-110, filed 10/23/67; Repealed by 96-21-054, filed 10/14/96, effective 11/14/96; Order 16, § 162-12-100, filed 5/22/74; Order 9, § 162-12-100, filed 9/23/71; § 162-12-100, filed 10/23/67.

WAC 162-12-120 General approach. (1) Inquiries that convey to a reasonable person that applicants in a protected class will be discriminated against are prohibited whether or not they are connected to a discriminatory purpose.

(2) The commission recognizes the legitimate interests of employers and employment agencies with respect to making preemployment inquiries that are consistent with the purpose of the law against discrimination, or where required by government or to carry out an employer’s policy of nondiscrimination. In the absence of safeguards, preemployment inquiries or records of applicants’ protected status can be misused for discriminatory purposes. The rules in WAC 162-12-140 identify common fair and unfair preemployment inquiries so that employers and employment agencies do not convey the impression that applicants will be discriminated against based on protected status.

WAC 162-12-130 Discriminatory inquiries are prohibited. Any preemployment inquiry or the keeping of any record of protected status before employment
for a discriminatory purpose is prohibited and may be evidence of an unfair practice when connected to the applicant’s protected status unless the particular quality inquired about is a bona fide occupational qualification.

[Statutory Authority: RCW 49.60.120[3]. 00-01-177, § 162-12-130, filed 12/21/99, effective 1/21/00; 96-21-054, § 162-12-130, filed 10/14/96, effective 11/14/96; Order 16, § 162-12-130, filed 5/22/74; Order 9, § 162-12-130, filed 9/23/71; Order 8, § 162-12-130, filed 6/22/70; § 162-12-130, filed 10/23/67.]

WAC 162-12-135 Bona fide occupational qualifications. Chapter 49.60 RCW recognizes an exception to unfair preemployment inquiries when the inquiries are based upon a “bona fide occupational qualification.” (See WAC 162-12-240.)

[Statutory Authority: RCW 49.60.120[3]. 00-01-177, § 162-12-135, filed 12/21/99, effective 1/21/00; 96-21-054, § 162-12-135, filed 10/14/96, effective 11/14/96; Order 16, § 162-12-135, filed 5/22/74; Order 9, § 162-12-135, filed 9/23/71; Order 8, § 162-12-135, filed 6/22/70.]

WAC 162-12-140 Preemployment inquiries. (1) The following examples of fair and unfair inquiries apply when made in reference to job application forms, preemployment interviews, or any other type of inquiry made of job applicants. The rules also apply to inquiries made to persons other than an applicant and to inquiries made by third parties such as a credit reporting service. The rules do not apply after a person is employed. See WAC 162-12-180.

(2) Employers and employment agencies shall comply with these rules except where one or more of the following conditions exist:

(a) When there is a “bona fide occupational qualification.”

(b) A voluntary affirmative action plan that is in compliance with the requirements of a government agency or other competent authority such as a court, and if made in a manner provided in WAC 162-12-160 and 162-12-170.

(c) A requirement of federal law or regulation, as explained in WAC 162-12-150.

If one or more of the above conditions apply, the inquiries of employers and employment agencies must be accompanied by a written explanation of their purpose. See WAC 162-12-135, 162-12-160 and 162-12-170.

(3) The following examples of fair and unfair preemployment inquiries define what is an unfair practice under RCW 49.60.180(4) and 49.60.200. These examples, however, are not all inclusive. All preemployment inquiries that unnecessarily elicit the protected status of a job applicant are prohibited by these statutes irrespective of whether or not the particular inquiry is covered in this regulation.

<table>
<thead>
<tr>
<th>SUBJECT</th>
<th>FAIR PREEMPLOYMENT INQUIRES</th>
<th>UNFAIR PREEMPLOYMENT INQUIRES</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Age</td>
<td>Inquiries as to birth date and proof of true age are permitted by RCW 49.44.090.</td>
<td>Any inquiry not in compliance with RCW 49.44.090 that implies a preference for persons under 40 years of age.</td>
</tr>
<tr>
<td>b. Arrests (see also Convictions)</td>
<td>Because statistical studies regarding arrests have shown a disparate impact on some racial and ethnic minorities, and an arrest by itself is not a reliable indication of criminal behavior, inquiries concerning arrests must include whether charges are still pending, have been dismissed, or led to conviction of a crime involving behavior that would adversely affect job performance, and the arrest occurred within the last ten years. Exempt from this rule are law enforcement agencies and state agencies, school districts, businesses and other organizations that have a direct responsibility for the supervision, care, or treatment of children, mentally ill persons, developmentally disabled persons, or other vulnerable adults. See RCW 43.20A.710; 43.43.830 through 43.43.842; and RCW 72.23.035.</td>
<td>Any inquiry that does not meet the requirements for fair preemployment inquiries.</td>
</tr>
<tr>
<td>c. Citizenship</td>
<td>Whether applicant is prevented from lawfully becoming employed in this country because of visa or immigration status. Whether applicant can provide proof of a legal right to work in the United States after hire.</td>
<td>Whether applicant is citizen. Requirement before job offer that applicant present birth certificate, naturalization or baptismal certificate, ancestry, national origin, descent, or birth place.</td>
</tr>
<tr>
<td>d. Convictions</td>
<td>Statistical studies on inquiries concerning...</td>
<td>...</td>
</tr>
</tbody>
</table>
Appendix H

(see also Arrests) convictions and imprisonment have shown a disparate impact on some racial and ethnic minority groups. Inquiries concerning convictions (or imprisonment) will be considered to be justified by business necessity if the crimes inquired about relate reasonably to the job duties, and if such convictions (or release from prison) occurred within the last ten years. Law enforcement agencies, state agencies, school districts, businesses and other organizations that have a direct responsibility for the supervision, care, or treatment of children, mentally ill persons, developmentally disabled persons, or other vulnerable adults are exempt from this rule. See RCW 43.20A.710; 43.43.830 through 43.43.842; and RCW 72.23.035.

e. Family Whether applicant can meet specified work schedules or has activities, commitments or responsibilities that may prevent him or her from meeting work attendance requirements.

f. Disability Whether applicant is able to perform the essential functions of the job for which the applicant is applying, with or without reasonable accommodation. Inquiries as to how the applicant could demonstrate or describe the performance of these specific job functions with or without reasonable accommodation. Note: Employers are encouraged to include a statement on the application form apprising applicants that if they require accommodation to complete the application, testing or interview process, to please contact the employment office, personnel or human resources department or other office as may be able to assist them.

g. Height and Weight Being of a certain height or weight will not be considered to be a job requirement unless the employer can show that all or substantially all employees who fail to meet the requirement would be unable to perform the job in question with reasonable safety and efficiency.

h. Marital Status (see also Name and Family) None. ( ) Mr. ( ) Mrs. ( ) Miss ( ) Ms. Whether the applicant is married, single, divorced, separated, engaged, widowed, etc.

i. Military Inquiries concerning education, training, or work experience in the armed forces of the United States. Type or condition of military discharge. Applicant’s experience in military other than U.S. armed forces. Request for discharge papers.

j. Name Whether applicant has worked for this company or another employer under a different name and, if so, what name. Name under which applicant is known to references if different from present name. Inquiry into original name where it has been changed by court order or marriage. Inquiries about a name that would divulge marital status, lineage, ancestry, national origin or descent.

k. National Origin Inquiries into applicant’s ability to read, write and speak foreign languages, when such inquiries are based on job requirements. Inquiries into applicant’s lineage, ancestry, national origin, descent, birthplace, or mother tongue. National origin of applicant’s

Notes on page 3:

Appendix H-3

Chapter 162-12 WAC — Preemployment Inquiry Guide
Appendix H

Chapter 162-12 WAC — Preemployment Inquiry Guide

Kitsap County Personnel Manual

Appendix H-4

WAC 162-12-150  Required inquiries.  An employer or employment agency may ask applicants about protected status to the extent that the employer is required to do so by the Washington state or the United States government or a federal or state court decree. When the applicant data are required by the court or government, the information shall be acquired by means other than inquiry to the applicants, unless the court or government expressly requires the inquiries or unless the inquiries are made in conformity with WAC 162-12-160 and 162-12-170.

WAC 162-12-160  Data for legitimate purposes.

1. (1) An employer or employment agency may make inquiries as to race, sex, national origin, or disability for purposes of affirmative action, when the inquiries are made in the manner provided in WAC 162-12-170.
   
   (2) Data on protected status shall not be recorded on any record that is kept in the applicant’s preemployment file, nor shall such data be kept in any other place or form where it is available to those who process the application. Application records that identify the protected status of a particular person shall be kept confidential, except to the extent necessary to implement an affirmative action program as authorized by law, to permit the compilation of statistics, and to permit verification of the statistics by top management of the employer, or by the Washington state human rights commission.

WAC 162-12-170  Conditions for inquiries to applicants.  An employer or employment agency may ask an applicant to voluntarily state his or her protected status for reasons stated in WAC 162-12-150 and 162-12-160 only if it has satisfied all of the
following conditions:

(1) The employer shall have adopted a written equal employment policy which authorizes the inquiries as a means of monitoring its enforcement, and which sets out detailed procedures for keeping the responses confidential and separate from other records relating to applicants, in fulfillment of the requirements of WAC 162-12-160(2); and

(2) The form on which the question appears contains statements clearly informing the applicant the information is strictly voluntary, the reasons for asking for the information, the uses to which the information will be put, and the safeguards that will prevent use of the information by those who will process the application.

[Statutory Authority: RCW 49.60.120(3). 00-01-177, § 162-12-170, filed 12/21/99, effective 1/21/00; 96-21-054, § 162-12-170, filed 10/14/96, effective 11/14/96; Order 18, § 162-12-170, filed 1/20/75; Order 16, § 162-12-170, filed 5/22/74; Order 9, § 162-12-170, filed 9/23/71; § 162-12-170, filed 10/23/67.]

WAC 162-12-180 Post employment records. RCW 49.60.180 and 49.60.200 and these rules do not prohibit making or keeping records of the protected status of persons after they are employed, unless the records are used for the purpose of discrimination. To prevent improper use, records of an employee’s protected status must be maintained in a manner accessible only on a need to know basis.

[Statutory Authority: RCW 49.60.120(3). 00-01-177, § 162-12-180, filed 12/21/99, effective 1/21/00; 96-21-054, § 162-12-180, filed 10/14/96, effective 11/14/96; Order 16, § 162-12-180, filed 5/22/74; Order 9, § 162-12-180, filed 9/23/71; § 162-12-180, filed 10/23/67.]
RESOLUTION NO 145 - 2001

A Resolution Adopting the Kitsap County Policy Prohibiting Discrimination and Harassment

Whereas, Kitsap County strives to provide a collegial work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal opportunities and prohibits discrimination based on race, color, national origin, religion, sex, sexual orientation, age or disability;

WHEREAS, existing Kitsap County policies prohibit discrimination in any aspect of employment based on race, color, national origin, religion, sex, sexual orientation, age, or disability;

WHEREAS, by Resolution No. 477-1992, the Board of County Commissioners reaffirmed its policy condemning sexual harassment in the workplace, and established procedures for reporting and investigating complaints of harassment; and

WHEREAS, the Board desires to revise the County's procedures for reporting and investigating sexual harassment complaints, and ensure that express procedures are in place for reporting and investigating complaints of discrimination based on race, color, national origin, religion, sex, sexual orientation, age or disability.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS:

1. Resolution No. 477-1992 is hereby repealed.

2. The Kitsap County Policy Prohibiting Discrimination and Harassment attached hereto is hereby adopted this 13th day of August, 2001.

KITSAP COUNTY BOARD OF COMMISSIONERS

/s/Chris Endresen

Chris Endresen, Chair

/s/Tim Botkin

Tim Botkin, Commissioner

ATTEST:

/s/Pat Lawson for

Holly Anderson

Clerk of the Board

/s/Jan Angel

Jan Angel, Commissioner
Statement of Philosophy

Kitsap County strives to provide a collegial work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal opportunities and prohibits discrimination based on race, color, national origin, religion, sex, sexual orientation, age or disability.

Discriminatory Practices

Kitsap County prohibits discrimination based on race, color, national origin, religion, sex, sexual orientation, age, or disability in any aspect of employment, including:

- job advertisements and recruitment;
- testing;
- hiring and firing;
- compensation, assignment, or classification of employees;
- transfer, promotion, layoff, or recall;
- training and apprenticeship opportunities;
- fringe benefits;
- use of county facilities and equipment;
- other terms and conditions of employment.

Kitsap County’s prohibition of discriminatory practices also includes:

- harassment on the basis of race, color, national origin, religion, sex, sexual orientation, age or disability;
- retaliation against an individual for filing a charge of discrimination, participating in an investigation, or opposing discriminatory practices;
- employment decisions based on stereotypes or assumptions about the abilities, traits, or performance of individuals of a certain race, color, national origin, age, religion, sex, sexual orientation, or with disabilities.

Harassment is a Form of Discrimination

Harassment that creates a hostile work environment and occurs because of person’s race, color, national origin, religion, sex, sexual orientation, age, or disability is a form of discrimination. Hostile work environment harassment consists of unwelcome statements or actions that are sufficiently severe or pervasive so as to interfere with an individual’s work performance or create an intimidating, hostile, or offensive work environment based on race, color, national origin, religion, sex, sexual orientation, age, or disability.
Throughout this policy, use of the word “discrimination” is intended to include harassment that occurs because of person’s race, color, national origin, religion, sex, sexual orientation, age, or disability.

SEXUAL HARASSMENT

For purposes of this policy, sexual harassment is defined as unwelcome or unwanted advances, requests for sexual favors and any other verbal, visual, or physical conduct of a sexual nature when: (1) submission to or rejection of this conduct by an individual is used as a factor in decisions affecting hiring, evaluation, retention, promotion or other aspects of employment; or (2) this conduct substantially interferes with an individual's employment or creates an intimidating, hostile or offensive work environment.

Examples of sexual harassment may include, but are not limited to: unwanted sexual advances; demands for sexual favors in exchange for favorable treatment or continued employment; threats and demands to submit to sexual requests in order to obtain or retain any employment benefit; verbal conduct such as epithets, derogatory or obscene comments, slurs or sexual invitations, sexual jokes, propositions, suggestive, insulting, obscene comments or gestures or other verbal abuse of a sexual nature; graphic, verbal commentary about an individual's body, sexual prowess or sexual deficiencies; flirtations, advances, leering, whistling, touching, pinching, assault, blocking normal movements; visual conduct such as derogatory or sexual posters, photographs, cartoons, drawings or gestures or other displays in the work place of sexually suggestive objects or pictures; conduct or comments consistently targeted at only one gender, even if the content is not sexual; retaliation for having reported or threatened to report sexual harassment.

HARASSMENT BASED ON RACE, NATIONAL ORIGIN, COLOR, RELIGION, SEXUAL ORIENTATION, OR AGE

For purposes of this policy, harassment targeted at a person because of his or her race, ethnicity, color, religion, sexual orientation, age or disability is strictly prohibited. Examples of harassment may include, but are not limited to: slurs, innuendo, taunting, mocking, jokes, epithets, cartoons, drawings or gestures, derogatory comments and other forms of obnoxious conduct motivated by a person’s race, color, national origin, religion, sexual orientation or age.

DISCRIMINATION BASED ON DISABILITY

An individual with a disability is a person who has or had any sensory, physical or mental abnormality, or has a record of such an abnormality, or is regarded as having or having had such an abnormality, and the abnormality has or had a substantially limiting effect upon the employee’s ability to perform his or her job.

Kitsap County prohibits discrimination against qualified employees or applicants with a disability. A qualified individual with a disability is someone who satisfies skill, experience, education, and other job-related requirements of the position held or desired, and who, with or without reasonable accommodation, can perform the essential functions of that position.
Appendix I

An employer is required to make a reasonable accommodation to a qualified individual with a disability unless doing so would impose an undue hardship on the operations of the County.

**DISSEMINATION OF POLICY**

This policy will be disseminated to all employees, and its existence will be displayed prominently in each department and/or division in the County. A copy will be maintained in the County’s Personnel Manual. All supervisors shall be responsible for knowing of its existence and substance, and are responsible for its implementation. The Director of Personnel and Human Services and the Personnel Manager will be available to answer all questions about the policy and its implementation.

**INDIVIDUALS AND SITES COVERED UNDER THE POLICY**

This policy covers all individuals in the workplace. Kitsap County will not tolerate, condone or allow discrimination whether engaged in by fellow employees, supervisors, managers, elected officials, volunteers, or by outside clients, vendors, contractors, or other non-employees who conduct business with Kitsap County. Kitsap County encourages reporting of all incidents of discrimination, regardless of who the offender may be, or of the offender's relationship to Kitsap County.

Discrimination is unacceptable in the workplace itself and in other work-related settings such as on business trips and at business-related social events.

**REPORTING A COMPLAINT**

While Kitsap County encourages individuals who believe they are being harassed to firmly and promptly notify the offender that his or her behavior is unwelcome, the County also recognizes that power and status disparities between an alleged harasser and a target may make such a confrontation impossible. In the event that such informal, direct communication between individuals is either ineffective or impossible, the following steps should be followed in reporting discrimination.

Knowingly false accusations of discrimination will not be tolerated, and may result in discipline up to and including termination.

**NOTIFICATION OF APPROPRIATE STAFF**

Individuals who believe they have been subjected to discrimination, or who have knowledge of or witnessed discriminatory conduct toward another, shall report the discrimination to the following individuals:

- the Director of Personnel & Human Services, whose address is 614 Division Street, MS-23, Port Orchard, WA 98366, telephone number (360) 337-7185;
Appendix I

- the Personnel Manager, Department of Personnel and Human Services, whose address is 614 Division Street, MS-23, Port Orchard, WA 98366, telephone number (360) 337-7185; or

- the County Administrator, whose address is 614 Division Street, MS-4, Port Orchard, WA 98366, telephone number (360) 337-7146.

ACTION FOLLOWING NOTIFICATION

Upon being notified of a complaint of discrimination, the complainant will be made aware of a range of options, including:

- the complainant may meet informally with any of the above-listed individuals in an attempt to resolve the matter informally;

- the complainant may choose to discuss the complaint with the person accused, with the option of having any of the above-listed individuals present;

- at the request of the complainant the person who received the complaint may choose to discuss the complaint with the accused; or

- the complainant may file a formal complaint.

The complainant may have a representative, such as a co-worker, union representative or attorney, present at a meeting held to address or resolve the complaint.

If a complaint is resolved informally to the complainant's satisfaction, the Director of Personnel and Human Services, Personnel Manager, or County Administrator shall file or cause to be filed in the Department of Personnel and Human Services a confidential report about the complaint and its resolution so that the employer will be aware of any pattern of discrimination by a particular individual and will also be aware of all complaints on an employer-wide basis.

FORMAL COMPLAINT PROCEDURE

If a complainant chooses to forego the informal complaint process outlined above, the complainant, or someone on the complainant’s behalf, may file a formal written complaint with the Director of the Department of Personnel and Human Services. A description of the formal complaint procedure process follows:

1. DESCRIPTION OF MISCONDUCT

An accurate record of objectionable behavior or misconduct is needed to resolve a formal complaint. Verbal reports of discrimination must be reduced to writing by either the complainant or the individual(s) designated to receive complaints, and must be signed by the complainant. Individuals who believe that they have been or are currently being
Appendix I

discriminated against or harassed, should maintain a record of objectionable conduct in order to prepare effectively and substantiate their allegations.

2. TIMEFRAME FOR REPORTING COMPLAINT

Kitsap County encourages a prompt reporting of complaints so that rapid response and appropriate action may be taken. This policy not only aids the complainant, but also helps to maintain an environment free from discrimination for all employees. A complainant’s formal complaint of discrimination or harassment must be submitted to the Director of Personnel and Human Services within 90 days of the alleged incident of harassment.

3. INVESTIGATING THE COMPLAINT

Following filing of a formal complaint, a formal investigation will begin promptly. The Director of Personnel and Human Services will select an impartial investigator.

4. CONFIDENTIALITY

To the extent practical and appropriate under the circumstances, and to the extent permitted by law, the proceedings will be conducted to protect the confidentiality interests of both parties and afford the accused a full opportunity to respond to the allegations.

5. INVESTIGATION PROCESS

In conducting the investigation, the investigator will try to take the wishes of the complainant under consideration, but will thoroughly investigate the matter, keeping the complainant informed as to the status of the investigation. Steps to be taken in the investigation include: Confirm name and position of the complainant. Identify the alleged harasser. Thoroughly ascertain all facts that explain what happened. Questions should be asked in a non-judgmental manner. Determine frequency/type of alleged discrimination and, if possible, the dates and locations where alleged discrimination occurred. Find out if there were witnesses who observed the alleged discrimination. Ask the individual how he/she responded to the alleged discrimination. Develop a thorough understanding of the professional relationship, degree of control and amount of interaction between the alleged harasser and complainant. Does the person control compensation, terms of employment or promotions? Do these individuals work in close proximity to one another and/or on the same projects? Determine whether the alleged harasser has carried out any threats or promises directed at the complainant. Does the complainant know of or suspect that there are other individuals who have been harassed by the alleged harasser? Has the complainant informed other employees of the situation? What response, if any, did complainant receive from these individuals? Ask complainant what action he/she would like the employer to take as a consequence of the discrimination. When first interviewing the alleged harasser, remind him/her of the employer's policy against retaliation for making a complaint of discrimination.
6. RESOLVING THE COMPLAINT

The investigator will use his or her best efforts to issue written findings and a recommendation to the Director of Personnel and Human Services within 60 days of the filing of a formal complaint. The complainant will be notified if additional time is needed to complete the investigation. If discrimination occurred, the harasser will be subject to appropriate disciplinary action, as listed below. The Director will consult with the department head or elected official where the complaint arose for a decision concerning discipline. The complainant will be informed of the disciplinary action taken. If the Director determines that no discrimination has occurred, this finding will be communicated to the complainant in an appropriately sensitive manner. If the Director cannot determine whether or not discrimination has occurred, this finding will be communicated to the complainant and the alleged harasser, and the matter will be recorded as unresolved. Both the complainant and the alleged harasser will be informed again of the procedures set forth in this policy, including the appeal process contained below. In the event that no resolution satisfactory to both parties can be reached based on the initial investigation, the matter shall be referred to the Board of County Commissioners. See “Appeal Process” below.

7. SANCTIONS

The elected official or department head, in consultation with the Director of Personnel and Human Services, will determine appropriate sanctions. In addressing incidents of discrimination, the employer's response at a minimum will include reprimanding the offender and preparing a written record. Additional action may include referral to counseling, withholding of a promotion, demotion or reassignment, temporary suspension without pay, financial penalties or termination. This policy is designed to protect all employees from discrimination in any way associated with the workplace or work environment, no matter who the harasser is. Although the employer's ability to discipline a non-employee harasser (e.g. vendor, contractor, member of the public, public official, or client) may be limited by the degree of control, if any, that the employer has over the alleged harasser, any employee who has been subjected to discrimination should file a complaint and be assured that action will be taken. Such action may include ceasing business with the vendor, contractor, citizen or client, reporting a vendor or contractor to his or her employer, reporting a public official to an appropriate agency or any other appropriate action to protect employees.

8. APPEAL PROCESS

If any party directly involved in an investigation is dissatisfied with the outcome or resolution, that individual has the right to appeal the decision. Within 10 days following the receipt of notice of the decision, the dissatisfied party must submit a written request for review to the Board of County Commissioners.

9. REVIEW BY THE BOARD OF COUNTY COMMISSIONERS

Upon receipt of a request for review of a decision concerning the outcome or resolution of a complaint of discrimination or harassment, the Board of County Commissioners will review the complaint. The Board will: gather evidence and take whatever steps deemed necessary
and appropriate to ensure that all facts have been fully investigated, presented and considered; provide the participants with an opportunity to present evidence and information and to comment on evidence and information presented to others; and issue written findings of facts and a decision. The Board of County Commissioners may sustain, overturn, or modify the results of the investigation and/or resolution.

PROTECTION AGAINST RETALIATION

The employer will not retaliate in any way against an individual who makes a complaint of discrimination or against any participant in the investigation, nor permit any employee to do so. Retaliation is a serious violation of this policy and should be reported immediately. Any person found to have retaliated against another individual for reporting discrimination will be subject to the same disciplinary action provided for offenders, up to and including termination.

FORMAL LEGAL PROCEEDINGS

The procedures above apply to internal complaints of discrimination. Different procedures apply after a formal charge is filed with the Equal Employment Opportunity Commission or Washington State Human Rights Commission, or after a civil lawsuit is filed. If you receive such a charge or complaint, you are directed to deliver it to the Director of Personnel and Human Services immediately. All responses to such a formal charge or complaint will be made through the Department of Personnel and Human Services.

CONCLUSION

Kitsap County has developed this policy to ensure that all its employees can work in an environment free from discrimination and harassment. The County will make every effort to ensure that all personnel are familiar with the policy and know that any complaint received will be thoroughly investigated and appropriately resolved.
WHEREAS, extensive medical and scientific research confirms that tobacco smoke is harmful to smokers and non-smokers alike, causing eye, nose, throat and head irritations, aggravating lung and heart diseases, including emphysema, and is linked to various types of cancers; and

WHEREAS, extensive medical and scientific research concludes that carbon monoxide levels in rooms where smoking occurs often exceed maximum permissible safety levels, and that other hazardous compounds are contributed to the environment by tobacco smoke, including but not limited to tar, nicotine, cadmium, nitrogen dioxide, ammonia, benzene, formaldehyde, hydrogen sulfide, hydrogen cyanide and arsenic, adversely affecting smokers and non-smokers alike in their general health and specific job performances; and

WHEREAS, extensive research shows that smoking in the workplace causes loss in employee productivity, increases in employee accident rates and absenteeism, increases in employer medical costs, greater threats of fire damage, and other detriments to both public and private property; and

WHEREAS, recent court decisions and legal actions show an increasing trend to hold employers liable for personal injuries, disabilities or other job related ailments suffered by employees as a result of tobacco smoke in the workplace; and

WHEREAS, the Washington State Legislature has recognized the increasing evidence posed by tobacco smoke in the workplace and has therefore enacted the Washington Clean Indoor Air Act, codified at Chapter 70.160, RCW; and

WHEREAS, it is necessary to limit smoking locations in order to protect county employees and the public from the health and property hazards created by tobacco smoke; and

WHEREAS, it is in the best interest of all county employees, the public, and the county as a municipal corporation to adopt a comprehensive ordinance regulating smoking in all county owned or operated workplaces, establishing rights and duties related thereto, and providing penalties and enforcements of such regulations:
Now, therefore, the following ordinance is hereby ordained by the Kitsap County Board of Commissioners.

SECTIONS:  
(1) Legislative Findings  
(2) Definitions  
(3) Smoking Prohibited  
(4) Exceptions  
(5) Duties  
(6) Defacing Signs Prohibited  
(7) Penalties And Enforcement; Fines  
(8) Private Actions  
(9) Liberal Construction  
(10) Severability  
(11) Effective Date

SECTION 1. Legislative Findings

The Kitsap County Board of Commissioners makes the following findings:

(a) Extensive medical and scientific research confirms that tobacco smoke is harmful to smokers and non-smokers alike, causing eye, nose, throat and head irritations, aggravating lung and heart diseases, including emphysema, and is linked to various types of cancers; and

(b) Extensive medical and scientific research concludes that carbon monoxide levels in rooms where smoking occurs often exceeds maximum permissible safety levels, and that other hazardous compounds are contributed to the environment by tobacco smoke, including but not limited to tar, nicotine, cadmium, nitrogen dioxide, ammonia, benzene, formaldehyde, hydrogen sulfide, hydrogen cyanide and arsenic, adversely affecting smokers and non-smokers alike in their general health and specific job performances; and

(c) Extensive research shows that smoking in the workplace causes loss in employee productivity, increases in employee accident rates and absenteeism, increases in employer medical costs, greater threats of fire damage and other detriments to both public and private property; and

(d) Recent court decisions and legal actions show an increasing trend to hold employers liable for personal injuries, disabilities or other job related ailments suffered by employees as a result of tobacco smoke in the workplace; and
Appendix J

(e) The Washington State Legislature has recognized the increasing evidence posed by tobacco smoke in the workplace and has therefore enacted the Washington Clean Indoor Air Act, codified at Chapter 70.160, RCW; and

(f) It is necessary to limit smoking locations in order to protect county employees and the public from the health and property hazards created by tobacco smoke; and

SECTION 2. Definitions

As used in this ordinance, the following terms have the meanings indicated.

(a) County personnel means any elected or appointed official or department head of Kitsap County, including all employees of Kitsap County.

(b) County workplace means any structure or portion thereof owned and operated by or under the authority of Kitsap County.

(c) Private social function means any event which is not open to the public and for which no attendance fee, donation or similar charge is required or permitted.

(d) Public business means any activity, service, work or function done by, on behalf of, or under the authority of Kitsap County by county personnel.

(e) Smoke or smoking means the carrying or smoking of any kind of lighted pipe, cigar, cigarette or any other lighted smoking equipment, implement, apparatus or item.

SECTION 3. Smoking Prohibited

No person shall smoke in a county workplace except as provided in this ordinance.

SECTION 4. Exceptions

The prohibition in section 3 above shall not apply in or to the following:

(a) Decks, porches or similar structures open to the weather on at least three sides.

(b) Private living quarters supplied by Kitsap County to county personnel in the course of their employment, but only to the extent not used for public business.
(c) Where the county workplace has been rented or leased for a private social function.

(d) Only within the designated smoking area of the Kitsap County Courthouse, said area hereby declared as the basement cafeteria. This exception to the no smoking policy at the courthouse shall remain in effect for one year from the date of enactment of this ordinance. Thereafter, Section 3 above shall apply to the entire courthouse.

(e) Only within designated smoking areas at the Central Communications (CenCom) facility located 1720 Warren Avenue, Bremerton, Washington.

(f) Only within designated smoking areas at the Kitsap County Alcoholism Recovery Program (KCARP) facility located at 2051 Pottery Avenue, Port Orchard, Washington.

SECTION 5. Duties

(a) This ordinance shall be announced by all department heads, elected officials or other supervisors to all employees of their respective departments immediately following adoption of this ordinance.

(b) Notice of this ordinance shall be posted conspicuously at each entrance and in prominent locations throughout all county workplaces.

(c) Department heads, elected officials or other county personnel having control or supervision of a county workplace shall make every reasonable effort to ensure compliance with this ordinance, including but not limited to posting signs as appropriate under this ordinance, advising those who are smoking in a county workplace to refrain from smoking, and advising the public or county personnel that smoking is not prohibited outside of county workplaces.

SECTION 6. Defacing Signs Prohibited

No person shall alter, deface, remove or destroy any sign posted in compliance with this ordinance.

SECTION 7. Penalties and Enforcement; Fines

(a) Any person violating this ordinance by smoking in a county workplace or altering, defacing, removing or destroying signs posted in compliance with this ordinance shall be liable for a civil fine of $50.00.
(b) The Kitsap County Sheriff’s Office shall enforce this ordinance by issuing a notice of infraction and citing to this ordinance. Such notice of infraction shall be made upon the same forms as for traffic infractions.

(c) Any violation of this ordinance for which a notice of infraction is issued shall be disposed of in the same manner as provided for traffic infractions under chapter 46.63, RCW, as now or hereafter amended, incorporated by this reference, except as follows:

(1) The provisions in chapter 46.63 RCW relating to provision of records to the Department of Licensing in accordance with RCW 46.20.270 are not applicable to this ordinance; and

(2) The provisions in chapter 46.63 RCW relating to impositions of sanctions against a person's driver's license or vehicle license are not applicable to this ordinance.

(d) All fines or forfeitures collected upon enforcement of this ordinance shall be paid into the general fund of Kitsap County.

SECTION 8. Private Actions

(a) This ordinance shall not be construed to prohibit private persons or organizations from bringing an action to enjoin violations of this ordinance, nor shall it be construed to limit other actions in any way.

(b) In undertaking enforcement of this ordinance, Kitsap County is assuming and undertaking only to promote the general welfare. Kitsap County is not assuming, nor is it imposing on county personnel, an obligation for breach of which the county or its personnel are liable in money damages.

SECTION 9. Liberal Construction

This ordinance is remedial in nature and shall be liberally construed to give full effect to the objectives and purposes for which it was enacted.

SECTION 10. Severability

If any provision of this ordinance or its application to any person or circumstance is held invalid or unconstitutional the remainder of the ordinance or its application to other persons or circumstances shall not be affected.
SECTION 11. Effective Date

This ordinance shall take effect thirty (30) days after enactment by the Kitsap County Board of Commissioners.

DATED this 25th day of July, 1988.

BOARD OF COUNTY COMMISSIONERS
KITSAP COUNTY, WASHINGTON

/s/William Mahan
Chairman

/s/John Horsley
Commissioner

/s/Billie Eder
Commissioner

ATTEST:

/s/Holly Clark
HOLLY CLARK
Clerk of the Board
Appendix K

RESOLUTION NO. 075-1998

A Resolution Adopting a Telecommuting Work Policy for Employees of Kitsap County

WHEREAS, the Washington Clean Air Act, chapter 70.94 RCW, requires counties to adopt, and implement plans to reduce single-occupant vehicle commute trips;

WHEREAS, the Washington Clean Air Act requires that commute trip reduction plans adopted by counties must require major employers and employers at major worksites to implement programs to reduce single-occupant vehicle commuting by employees at major worksites;

WHEREAS, Kitsap County adopted Ordinance No. 149-1993 which establishes the Kitsap County Commute Trip Reduction Plan;

WHEREAS, Kitsap County is a "major employer" and maintains a "major worksite" as the Washington Clean Air Act defines those terms;

WHEREAS, the Washington Clean Air Act authorizes programs that permit employees to work part or full time at home or at an alternative worksite closer to their homes as one measure that employers may use to achieve commute trip reduction goals; and

WHEREAS, Kitsap County wants to adopt a policy authorizing supervisors of County employees to consider telecommuting arrangements if the telecommuting arrangement does not have a negative impact upon public service or impede the organizational unit from accomplishing its mission in an efficient and cost effective manner.

NOW, THEREFORE, THE KITSAP COUNTY BOARD OF COMMISSIONERS adopts the attached Kitsap County Telecommuting Policy.

DATED this 20th day of April, 1998

BOARD OF COUNTY COMMISSIONERS
KITSAP COUNTY, WASHINGTON

/s/Chris Endresen
CHRIS ENDRESEN, Chair

/s/Charlotte Garrido
CHARLOTTE GARRIDO, Commissioner

/s/Phil Best
PHIL BEST, Commissioner

ATTEST:

/s/Holly Anderson
HOLLY ANDERSON
Clerk of the Board

Kitsap County
Telecommuting Policy Guide
Acknowledgements

During the Fall of 1997, the Kitsap County Board of Commissioners recognized the many new challenges facing our workplace and authorized the formation of a committee to explore the development of this Telecommuting Policy for Kitsap County employees. We greatly acknowledge their action and support.

Commissioner Chris Endresen
Commissioner Charlotte Garrido
Commissioner Phil Best

The development of this policy required a commitment in principle, and an investment in time from our Department Heads and employees. We gratefully acknowledge their participation in this process.

Barbara Razey, Kitsap County Risk Manager
Jacquelyn Auferheide, Prosecuting Attorney's Office
Karen Flynn, County Auditor
Randy Casteel, Director of Public Works
Penny Starkey, Personnel
Dick Harty, Information Services
Madelyn Botta, Superior Court
Marlene Barber, Kitsap County Sheriffs Office
Vicki Keanu, Assessor's Office
Bill Zupancic, ETCICTR Administrator
John Vodopich, Department of Community Development
Lisa Moses, Public Works Network Administrator
Gloria Masters, County Clerk's Office
Ed Orr, Financial Services Manager

Developing this program was made easier with the guidance and assistance of Scott Decker, a Telecommuting Specialist with Washington State University's Cooperative Extension Energy Program
Kitsap County
Telecommuting Policy

A. Introduction

In an effort to reduce automobile-related air pollution, energy consumption and traffic congestion, the Washington State Legislature passed the Commute Trip Reduction Law. The law was made part of the Washington Clean Air Act (RCW 70.94.524-551), and calls for cities and counties to adopt commute trip reduction ordinances detailing requirements for employers. Ordinance No. 149-1993 established the Kitsap County Commute Trip Reduction Plan. As an employer, Kitsap County must implement commute trip reduction programs, consistent with state law and local ordinances to reduce the number of trips and miles employees commute alone to work. RCW 70.94.531 (2) (xiii) lists telecommuting as one of the alternatives that employers have available to achieve the applicable commute trip reduction goals.

Certain requirements for all telecommuting arrangements are set forth in this policy statement, and are intended to ensure that such arrangements comply with all applicable laws, and to prevent losses and claims. Aside from these requirements, and with the caveat that careful consideration must be given to the issues presented in this policy statement, the intent is to allow County departments and their managers discretion in designing their own telecommuting programs.

Employees who will work at least part time at an alternate work place on a regular basis over a period of time must complete and sign a written telecommuting agreement provided by the employee's supervisor regarding the employee's work arrangement away from the regular office. The employee's Department Head and/or Director must also sign the written agreement.

Telecommuting - The use of telephones, computers, or similar technology to permit an employee to work from home, or alternative work location. Telecommuting means working arrangements in which the workplace is located at least part time at an alternate location, such as the employee's home, or a satellite office located closer than the regular office to the employee's residence. A telephone may be the only equipment needed; however, in some cases employees may use special telecommunications equipment such as telephone answering devices, computers, and modems.

B. Policy Statement

To reduce traffic congestion, conserve petroleum resources, protect air quality, increase the availability of public parking around the Courthouse Campus, and reasonably meet the needs of Kitsap County employees, Kitsap County will give consideration to telecommuting work arrangements. These arrangements will be considered providing they do not have a negative impact upon public service nor impede the organizational unit from accomplishing its mission in an efficient and cost effective manner.
C. **Statement of Philosophy**

In Kitsap County Offices, telecommuting may be used:

- To reduce office operation costs, and reduce travel costs for employees who work in the field.
- To reduce courthouse parking space requirements and enhance opportunities for 'shared' office space.
- To enhance employee productivity, creativity and satisfaction.
- As a mutually agreed upon work alternative between supervisor and employee, rather than a reward or a job requirement.
- If clear communication exists between supervisor and employee, and between telecommuter and the rest of the office.
- If the practice is transparent to the public.
- If standard business practices are maintained.
- If consistent criteria for participant selection is employed.
- If structured time policies are used to ensure attendance at meetings, agency events, etc.

D. **Management Responsibilities and Considerations**

Elected Officials and Department Heads who choose to allow telecommuting in their departments shall take the following steps before implementing a telecommuting program.

- Formulate and communicate a comprehensive department specific telecommuting policy for employees.
- Develop fair performance evaluation criteria before implementing telecommuting.
- Ensure that department policy provides for fair and equitable treatment of employees regardless of telecommuting status.
- Establish individual employee agreements for arrangements based upon the comprehensive policy.
- Establish a procedure for the periodic review of individual employee telecommuting agreements and arrangements.
- Arrange for filing and maintenance of telecommuting agreements within the department.
Jobs which lend themselves to telecommuting are positions in which:

- Clear work objectives can be set.
- Work flow can be controlled.
- Tasks on telecommuting days can be clearly defined.
- Projects where quiet or uninterrupted time would increase employee productivity.

A determination whether to allow an employee to telecommute should be based on an employee's past performance. Only employees who meet the following criteria should be considered as candidates for telecommuting:

- Self-motivated.
- Results oriented.
- Able to work independently.
- Familiar and comfortable with their job requirements.
- Knowledgeable about necessary procedures.
- Successful in current position.
- Effective communicator who is adaptable.

### E. Telecommuting Rules

1. Telecommuting is not a universal employee benefit, and an employee's participation in a telecommuting program is entirely voluntary. Telecommuting is strictly within the discretion of the Elected Official or Department Head and may be revoked at any time.

2. Telecommuting arrangements for employees represented by a union must be approved by the union. Unions may provide approval for represented employees in general, rather than separate approval for each employee.

3. Employee salary, benefits, workers' compensation, sick leave, annual leave, and other employee insurance shall not change due to telecommuting. Likewise, the duties, obligations, and responsibilities of telecommuting employees remain unchanged.

4. Performance evaluation requirements for telecommuting shall not differ from those of non-telecommuters.
5. Total hours worked on a telecommuting day must cover the department’s established core hours of 8:00 a.m. to 4:30 p.m., including specific core hours of phone accessibility. The specific day(s) and work hours will be identified in a separate Telecommuting Agreement.

6. Each incidence of overtime must be expressly approved by the Elected Official or Department Head.

7. Telecommuting is not a substitute for dependent care. Telecommuters must make and maintain dependent care arrangements.

5. It is the telecommuter’s responsibility to ensure that time sheets and other periodic reporting forms are turned in by the required deadlines.

9. In the event circumstances such as illness, power failure or equipment failure prohibit the telecommuter from performing his/her duties while working at the alternative worksite, the telecommuter shall immediately contact his/her supervisor for further instructions. These instructions may include requiring the employee to report to the courthouse Campus or other worksite.

10. Kitsap County makes no representation as to whether a telecommuter’s alternative work station is a tax deduction for the telecommute. Telecommuters should contact a tax expert for independent advice on this issue.

11. A telecommuter is responsible for conforming to Kitsap County Resolution 009-1997. This resolution establishes the County’s policy regarding electronic communications.

F. Communications

Effective communication is key to the success of telecommuting. From the perspective of professionalism and productivity, telecommuters must strive to ensure that telecommuting has no negative impacts, especially on anyone outside the Department offices.

1. Telecommuters are responsible for maintaining effective communication and work flow with their supervisor and co-workers.

2. Each telecommuter must devise an appropriate strategy for communication which is approved by their supervisor. This must include clear, consistent communication with their immediate supervisor about telecommuting days. The telecommuter’s alternative work station telephone number must be known so that he/she can be reached by co-workers or supervisors.

G. Alternate Work Locations

1. The Elected Official and/or Department Head shall have the discretion to inspect and approve an employee’s home as an alternate work location for telecommuting. When the employee’s home workplace is considered an extension of the office
workplace, the employee may be covered by workers’ compensation laws and regulations for accidents that occur while performing work on behalf of the County and during the understood and approved work schedule. Workers’ compensation shall NOT apply to non-job related injuries that occur in the home.

2. All approved work locations must be maintained by the telecommuter in a clean, professional, and safe condition.

3. At mutually agreed-upon times, the County shall have the right to make on-site inspection of the work area and County-owned equipment, to ensure that safe working conditions exist.

4. Except for local calls, the County will reimburse the employee on a case-by-case basis for job-related telephone expenses incurred by the employee at home. The employee must present an itemized copy of the telephone bill for reimbursement. The County will not be responsible for any basic phone service.

5. The public will not be given a telecommuter’s home phone number.

6. Any hardware or software purchased by the County remains the property of the County and will be returned to the County when the telecommuting agreement is terminated.

7. For security purposes, only Kitsap County software may be installed on County-owned equipment.

8. Restricted-access materials (such as payroll and personnel files) may not be removed from County offices or accessed through computers from a remote location without the written permission of the Elected Official or Department Head.

9. County equipment located at an alternate worksite may not be used for personal purposes.

10. Supplies required to complete assigned work at the alternate work location should be obtained during one of the telecommuter’s in-office work periods. Out-of-pocket expenses for materials and supplies normally available through the County, such as computer paper, floppy disks, etc., will not be reimbursed.

11. Kitsap County shall not be liable for loss, damage, or wear and tear of employee-owned equipment or supplies used in telecommuting.

H. **Software** - The programs, routines, and symbolic languages that control the functioning of the hardware and direct its operation.

1. While working at home performing County functions, employees must conform to software standards established by the County Department of Information Services. Under most circumstances employees will be allowed to run a copy of County standard software on the PC they have at home based on the various
man"ufacturer’s licensing agreements. It will be the telecommuter’s responsibility to contact Information Services to ensure that the software they plan to use conforms to this agreement.

2. No County software is to be copied and used off-site without the written approval of the Department Head and/or Information Services.

3. Telecommuters using County software must adhere to the manufacturer’s licensing agreement.

I. Hardware

1. With some minor departmental exceptions, employees who desire to telecommute on a continuing basis must utilize their own equipment. A minimum configuration standard will be established by Information Services.

2. Employees using County equipment at an alternate work place are responsible for taking care of the equipment to protect it from damage or theft. Employees must take reasonable measures to protect against computer viruses.

3. Incidents of damage or theft will be examined to determine whether loss resulted from employee gross negligence, intentional misuse, or violation of rules and procedures employee has agreed to follow.
TELECOMMUTING AGREEMENT

I have read and understand the attached Telecommuting Policy, and agree to the duties, obligations, responsibilities and conditions for telecommuters expressed in that document, in addition to my normal duties, obligations and responsibilities as a Kitsap County employee.

I agree to participate in evaluation activities undertaken as part of the telecommuting arrangement.

I agree that, among other things I am responsible for establishing specific scheduled telecommuting work hours, furnishing and maintaining my designated work space in a safe manner, employing appropriate telecommuting security measures and protecting Kitsap County assets, information, and information systems.

I agree to keep my supervisor informed of my progress on assignments worked on at home. I also agree to keep my supervisor informed of any problems which I may experience while telecommuting.

I understand telecommuting is a mutually agreed upon work alternative between myself and my supervisor subject to approval by my Department Head and/or Director. I understand that I, my supervisor or Department Head may end my telecommuting arrangement at any time. I also understand that Kitsap County may at will, at any time, change any or all of the conditions under which I am permitted to telecommute.

I understand and accept the special responsibility I have as a telecommuter to facilitate communication to ensure that telecommuting has no negative impacts, especially on anyone outside the Department offices.

Employee Signature ______________________________ Date ______

Department Head/Director ________________________ Date ______
Appendix L

TRAINING POLICY

1. **Purpose**: Kitsap County recognizes that its employees are its most important resource. The purpose of training is to promote the development of County employees in order to:

   a. Improve the quality of services rendered to the citizens of Kitsap County.

   b. Provide for career advancement within the County service.

   c. Provide greater organizational stability and flexibility to adapt to changing demands and technological requirements.

   d. Maximize the use of internal resources and capabilities.

   e. Provide the County with a more skilled, competent and motivated workforce.

2. **Priorities**: The priorities for committing resources toward training activities are:

   a. Meeting mandatory training requirements established by regulating agencies or authorities, (e.g. OSHA, State regulations, County policies, Federal regulations, etc.) This does not apply to professional licenses required as a condition of employment.

   b. Developing specific skills necessary to perform job assignments safely and effectively.

   c. Developing skills necessary to provide operation flexibility.

   d. Career development.

3. **Meeting Training Needs**: Training needs should be met first through participation in the Kitsap County Employee Associations and the on-campus training sponsored by Training Services. When training needs cannot be met through existing internal systems, other providers and sources shall be considered. Location, accessibility, and cost are factors in identifying primary locations and activities. Training opportunities and associated travel cost should be pursued within the State of Washington or other locations within the region of equivalent distance and cost. Exceptions shall be considered for...
programs that are not available within those areas, long distance travel that is less costly than regional travel or to allow senior managers and Elected Officials to participate in the national programs of their respective professional associations. The authorization for travel rests with the Employing Official. Travel and training is not a guaranteed benefit.

4. **Budgetary Guidelines:** Budget proposals and expenditures for travel and training shall be considered in the context of competing demands for expenditures in other areas including personnel and equipment, capital improvements, etc.

5. **Approval Procedures:**
   
a. Employing Officials are responsible for determining training needs and approving both internal and external training programs or classes for their employees. All planned travel and training expenditures must be approved in advance by the Employing Official or his/her designee.

   b. Only Elected Officials or their designee may authorize out-of-state travel by employees, and such approval must be obtained in advance of the travel.

6. **Tuition Reimbursement:** The County shall not reimburse for tuition in situations where the employee is working towards a college degree. The County may reimburse for tuition for courses taken at colleges, technical/vocational schools that are job related or improve job related skills, if approved by the Employing Official. To receive reimbursement, proof of successful completion of the course must be submitted with the reimbursement request. (Successful completion requires a grade of “B” or better, or a passing mark from those institutions where traditional rating systems are not used.)

   For courses which include a combination of personal enrichment, career development, and job related skill development, the employee may be required to pay a portion of the course fee and/or attend on the employee’s personal time. The Employing Official shall determine which courses meet this criteria.

7. **Employee & Volunteer Eligibility:** All Kitsap County regular, full-time and extra-help employees and Kitsap County volunteers are eligible to participate in training opportunities offered by Kitsap County. Regular full-time and part-
time employees receive priority for class space; extra-help employees and volunteers register on a space available basis.

8. Registration Fee: The sponsoring department is responsible for paying registration fees for employees and volunteers who participate in Training Services sponsored training activities. The course registration fee will be assessed via inter-fund billing.

Computer software registration fees will not be assessed to General Fund departments for employees participating in computer software training. Computer software registration fees will be assessed to non-General Fund departments for employees participating in computer software training. The software training registration fee for non-General Fund employee participation will be assessed via inter-fund billing.

9. No Show Fee: Failure to cancel registration for in-house courses by the published RSVP date will result in assessment of a no show fee equivalent to the regular, non-subsidized, course registration fee. The No Show Fee applies to both General Fund and non-General Fund departments.
A RESOLUTION AMENDING RESOLUTION NO. 232-2005, POLICY FOR THE REIMBURSEMENT OF TRANSPORTATION, LODGING, MEALS, AND TRAVEL EXPENSES INCURRED BY KITSAP COUNTY OFFICERS AND EMPLOYEES.

WHEREAS, after reviewing current County travel policies, we have determined that our requirement for allocation of per diem rates among breakfast, lunch and dinner goes beyond IRS requirements; and,

WHEREAS, we can improve efficiency of our travel reimbursement process by modifying County policy to limit per diem testing to confirming the daily total rather than confirming allocation of the per diem rate among meals; and,

WHEREAS, the State Auditors Office supports this change in policy;

NOW THEREFORE BE IT RESOLVED, by the Board of Kitsap County Commissioners in regular session assembled, that it is the desire and intent of said Board to amend the County’s Travel Policy as established in Resolution 232-2005, section 1.3.2 as follows:

Delete:

1.3.2 Reimbursement for meals that involve overnight stay may be reimbursed without receipt based on the allowable per diem rate established by the Internal Revenue Service. The rate will be adjusted accordingly as the rate established by the Internal Revenue Service changes. The current rates, including tips (tips should not exceed 15 percent), are obtainable from County and Internal Revenue Service websites or the Financial Services Division of the Auditor’s Office. The following percentages will be used where only a portion of the per diem is claimed:

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Replace with:

1.3.2 Reimbursement for meals that involve overnight stay may be reimbursed without receipt based on the allowable per diem rate established by the Internal Revenue Service. The rate will be adjusted accordingly as the rate established by the Internal Revenue Service changes. The current rates, including tips (tips should not exceed 15 percent), are obtainable from County and Internal Revenue Service websites or the Financial Services Division of the Auditor’s Office.
RESOLUTION NO. 232-2005


WHEREAS, a need exists to revise County policies and procedures for reimbursement of expenses incurred by officers, employees, and volunteers for transportation, lodging, meals, and travel.

NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS RESOLVES AS FOLLOWS:


Section 2. The following policy is hereby adopted for the reimbursement of expenses incurred by county officers, employees, and volunteers for transportation, lodging, meals, and travel:

1. **Reimbursement of Meals.** Reimbursement will be made for meals consumed by individual officers, employees, and volunteers while conducting business on behalf of Kitsap County if the claim for reimbursement meets the following criteria:

   1.1 The meal must be consumed while the officer, employee, or volunteer is conducting official County business as required by the employee's or volunteer's job duties and approved by the employee's or volunteer's supervisor.

   1.2 The officer, employee, or volunteer must have consumed the meal outside of their normal work area. For example, an employee who works in Port Orchard will not be reimbursed for meals consumed within or in close proximity to Port Orchard; however, if this employee consumes a meal in Bremerton, the expense will be reimbursed.

   1.3 Reimbursement may be made for actual expenses incurred, or, in the case of overnight travel, on the allowable per diem rate established by the Internal Revenue Service.

      1.3.1 Reimbursement for meals that do not involve overnight stay will be reimbursed for actual expenses incurred only when accompanied by a receipt up to the per diem rate.

      1.3.2 Reimbursement for meals that involve overnight stay may be reimbursed without receipt based on the allowable per diem rate established by the
Internal Revenue Service. The rate will be adjusted accordingly as the rate established by the Internal Revenue Service changes. The current rates, including tips (tips should not exceed fifteen percent), are obtainable from County and Internal Revenue Service websites or the Financial Services Division of the Auditor’s Office. The following percentages will be used where only a portion of the per diem is claimed:

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1.3.2.1 The officer, employee, or volunteer is responsible for any portion in excess of the per diem rate.

1.3.2.2 If the travel requires attendance at a meeting where there is no choice in meals and the cost is more than the maximum allowed, a receipt shall be required for full reimbursement.

1.3.3 The officer, employee, or volunteer must make an election for either reimbursement at the per diem rate without receipt or reimbursement of the actual cost with receipt but not both on a single trip.

1.4 The elected official or department head shall determine, on a case by case basis, whether a meal consumed while conducting county business should be reimbursed. The following are recommended guidelines:

1.4.1 **Reimbursement for Breakfast.** To qualify for reimbursement for breakfast the trip must start one hour before the employee normally leaves home for work. For example, an employee who works from 8:00 a.m. to 4:30 p.m. and usually leaves home around 7:30 to get to work by 8:00 must start the trip by 6:30 a.m.

1.4.2 **Reimbursement for Lunch.** To qualify for reimbursement for lunch the trip must start one hour before the employee’s regular lunchtime. For example, an employee who usually takes lunch at noon must start the trip by 11:00 a.m. to qualify for reimbursement.

1.4.3 **Reimbursement for Dinner.** To qualify for reimbursement for dinner the trip must start by 4:00 p.m. or conclude with the arrival at home after 8:00 p.m.

1.5 The following expenses relating to meals will not be reimbursed:

1.5.1 Hosting.
1.5.2 Alcoholic Beverages.
1.5.3 Tobacco.
1.5.4 Expenses considered unreasonable by the elected official or department head.
1.5.5 Meal served during a normal office or staff meeting.

1.6 Notwithstanding Section 1.2 above, the elected official or department head may provide a reasonable refreshment during a County-sponsored training session under the following conditions:

1.6.1 The training session is more than four (4) hours long; and
1.6.2 Reimbursement is accompanied by the following documentation:

1.6.2.1 Sign-in/sign out sheet;
1.6.2.2 Date of the training; and
1.6.2.3 Description of the training topic.

1.7 Notwithstanding Section 1.2 above, and subject to approval of the elected official or department head, if the employee is making an official presentation on behalf of Kitsap County at a breakfast, lunch, or dinner meeting and the employee is not offered a meal paid for by the hosting association in consideration for making the official presentation, the employee may be reimbursed the cost of the meal if the employee is not a member of the hosting association in accordance with section 1.3.

1.8 All claims for reimbursement must certify the date, the amount of the meal, and the location and purpose of the meeting or trip where the meal was consumed.

2. Reimbursement for Lodging. Reimbursement will be made for lodging expenses incurred while traveling out of Kitsap County to conduct official County business if the claim for reimbursement meets the following criteria:

2.1 Lodging expenses must be approved in advance by the elected official or department head. Reimbursement for lodging will be based on actual expenses incurred when accompanied by a (hotel folio) receipt.

2.2 Expenses incurred for lodging within commuting distance will not be reimbursed without advance approval of the elected official or department head. "Commuting distance" is defined as 60 miles one-way from the normal work area or the employee's residence, whichever is closest.

2.3 Original documentation containing sufficient detail for audit must accompany the claim for reimbursement. Personal telephone calls and other personal expenses shall not be reimbursed and must be deducted from the total amount claimed.

2.4 Only the elected official, county administrator, or chair of the board of county commissioners shall authorize out-of-state travel by employees, and such
approval shall be obtained in advance of the travel. A copy of the authorization must be attached to the voucher when requesting reimbursement.

3. **Reimbursement for Mileage.** Reimbursement will be made for mileage incurred while conducting official County business in a privately owned vehicle at the rate established by current Internal Revenue Service regulations if the claim for reimbursement meets the following criteria:

3.1 Reimbursement for mileage may not exceed the total round-trip coach airfare cost unless the elected official or department head deems that it is in the best interest of the County for the employee to be paid mileage instead of airfare. The total round-trip coach airfare cost includes air ticket, mileage to the airport, airport parking, car rental, and round-trip taxi or shuttle service from the destination airport to the hotel if applicable.

3.2 If an election is made to drive and the mileage claim exceeds the total round-trip coach airfare costs, mileage reimbursement shall not exceed the total round-trip coach airfare.

3.3 Reimbursement for mileage between an officer's, employee's, or volunteer's residence and regular place of work is prohibited. If, during an employee's or volunteer's commute to or from work, an employee or volunteer detours to conduct an errand on behalf of the County, the employee or volunteer may be reimbursed mileage for the detour to the extent the mileage incurred exceeds the mileage from the employee's or volunteer's residence and regular place of work.

3.4 Mileage reimbursement will be based on the standard mileage rate established by the Internal Revenue Service.

4. **Reimbursement or Registration Fees.** Reimbursement for registration fees incurred for attendance at meetings, conferences, or conventions may be made if the elected official or department head determines that the attendance will benefit Kitsap County.

4.1 Reimbursement may include meals consumed while attending the meeting, conference, or convention, and may be reimbursed as part of the registration fee.

4.2 Registration may be paid in advance using the County's established purchase voucher procedures.

5. **Reimbursement for Car Rental.** Reimbursement for car rental may be made only upon advance authorization by the elected official or department head.

6. **Reimbursement for Ferry, Air, Train, Bus, Taxi Fare, and Parking.** Reimbursement may be made for ferry, air, train, bus, taxi, shuttle fare, and parking when appropriate documentation accompanies the claim for reimbursement.
6.1 Tickets obtained through the use of individual frequent flyer miles will not be reimbursed.

6.2 Tickets purchased by an employee may be reimbursed with a receipt.

6.3 The elected official or the department head must approve all advance ticket purchases.

6.4 Employees will be liable to the County for the amount reimbursed by the county for the ticket if the employee or another County employee is unable to use the ticket, unless the employee is prevented from using the ticket due to circumstances beyond the employee's control.

6.5 Employees who use personally-owned ferry commuter coupons for County travel may be reimbursed the current value of the individual coupon used. Employee shall provide documentation of the coupon’s value.

6.6 In circumstances where a parking receipt is not provided by the parking vendor (e.g., fee box and not attendant), none is required.

7. Claims on Behalf of Others. Kitsap County officers and employees may submit reimbursement claims on behalf of others if the claim contains the following information:

7.1 Name(s) of the Kitsap County employee(s) who traveled, partook of meals, or otherwise incurred expenses.

7.2 Whether the reimbursement is on behalf of Kitsap County employees and, if not, who the persons were and what connection they had with Kitsap County business. This is not to be construed to permit promotional hosting.

7.3 Who provided the lodging, meals, or other services, and the dates and times.

7.4 A detailed breakdown of amounts claimed.

7.5 A statement sufficiently explicit to show what County business was being conducted when the expenses were incurred.

8. Travel Claims of Selected Job Applicants. Upon prior approval of the county administrator or chair of the board of county commissioners, the travel expenses of selected applicants for County positions may be reimbursed. Application for reimbursement must be made on forms prescribed by the Kitsap County Auditor and the applicant must certify all claims to be true and correct.

8.1 The reimbursement may be denied if subsequent to the interview, the County makes an employment offer and the offer is declined by the applicant.
9. **Lost Receipts.** All reimbursements must be documented with appropriate receipts as prescribed in this resolution but when all efforts to obtain a duplicate receipt have been exhausted, employee may submit a "Statement in Lieu of Receipt Form".

9.1 A receipt is a third party document showing purchased item, quantity, price, date and vendor. The following items are not considered receipts:

9.1.1 Un-canceled check;

9.1.2 Statement; or

9.1.3 Credit card receipts.

10. **County Auditor's Responsibility.** The County Auditor will develop forms to implement this policy.

10.1 The County Auditor will update the per diem rates (meal, lodging and mileage) to comply with Internal Revenue Service per diem rates and guidelines.

11. **Severability.** If any provision or its application to any person or circumstance is held invalid or unconstitutional, the remainder of the resolution or its application to other persons or circumstances shall not be affected.

This resolution shall take effect upon adoption.

ADOPTED this 12th day of Dec., 2005.

BOARD OF COUNTY COMMISSIONERS
KITSAP COUNTY, WASHINGTON

CHRIS ENDRESEN, Chair

JAN ANGEL, Commissioner

Opal Robertson, Clerk of the Board

PATTY LENT, Commissioner
RESOLUTION NO. 232 -2005


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2.2 Expenses incurred for lodging within commuting distance will not be reimbursed without advance approval of the elected official or department head. "Commuting distance" is defined as 60 miles one-way from the normal work area or the employee’s residence, whichever is closest.

2.3 Original documentation containing sufficient detail for audit must accompany the claim for reimbursement. Personal telephone calls and other personal expenses shall not be reimbursed and must be deducted from the total amount claimed.

2.4 Only the elected official, county administrator, or chair of the board of county commissioners shall authorize out-of-state travel by employees, and such
approval shall be obtained in advance of the travel. A copy of the authorization must be attached to the voucher when requesting reimbursement.

3. **Reimbursement for Mileage.** Reimbursement will be made for mileage incurred while conducting official County business in a privately owned vehicle at the rate established by current Internal Revenue Service regulations if the claim for reimbursement meets the following criteria:

3.1 Reimbursement for mileage may not exceed the total round-trip coach airfare cost unless the elected official or department head deems that it is in the best interest of the County for the employee to be paid mileage instead of airfare. The total round-trip coach airfare cost includes air ticket, mileage to the airport, airport parking, car rental, and round-trip taxi or shuttle service from the destination airport to the hotel if applicable.

3.2 If an election is made to drive and the mileage claim exceeds the total round-trip coach airfare costs, mileage reimbursement shall not exceed the total round-trip coach airfare.

3.3 Reimbursement for mileage between an officer’s, employee’s, or volunteer’s residence and regular place of work is prohibited. If, during an employee’s or volunteer’s commute to or from work, an employee or volunteer detours to conduct an errand on behalf of the County, the employee or volunteer may be reimbursed mileage for the detour to the extent the mileage incurred exceeds the mileage from the employee’s or volunteer’s residence and regular place of work.

3.4 Mileage reimbursement will be based on the standard mileage rate established by the Internal Revenue Service.

4. **Reimbursement or Registration Fees.** Reimbursement for registration fees incurred for attendance at meetings, conferences, or conventions may be made if the elected official or department head determines that the attendance will benefit Kitsap County.

4.1 Reimbursement may include meals consumed while attending the meeting, conference, or convention, and may be reimbursed as part of the registration fee.

4.2 Registration may be paid in advance using the County’s established purchase voucher procedures.

5. **Reimbursement for Car Rental.** Reimbursement for car rental may be made only upon advance authorization by the elected official or department head.

6. **Reimbursement for Ferry, Air, Train, Bus, Taxi Fare, and Parking.** Reimbursement may be made for ferry, air, train, bus, taxi, shuttle fare, and parking when appropriate documentation accompanies the claim for reimbursement.
6.1 Tickets obtained through the use of individual frequent flyer miles will not be reimbursed.

6.2 Tickets purchased by an employee may be reimbursed with a receipt.

6.3 The elected official or the department head must approve all advance ticket purchases.

6.4 Employees will be liable to the County for the amount reimbursed by the county for the ticket if the employee or another County employee is unable to use the ticket, unless the employee is prevented from using the ticket due to circumstances beyond the employee’s control.

6.5 Employees who use personally-owned ferry commuter coupons for County travel may be reimbursed the current value of the individual coupon used. Employee shall provide documentation of the coupon’s value.

6.6 In circumstances where a parking receipt is not provided by the parking vendor (e.g., fee box and not attendant), none is required.

7. **Claims on Behalf of Others.** Kitsap County officers and employees may submit reimbursement claims on behalf of others if the claim contains the following information:

7.1 Name(s) of the Kitsap County employee(s) who traveled, partook of meals, or otherwise incurred expenses.

7.2 Whether the reimbursement is on behalf of Kitsap County employees and, if not, who the persons were and what connection they had with Kitsap County business. This is not to be construed to permit promotional hosting.

7.3 Who provided the lodging, meals, or other services, and the dates and times.

7.4 A detailed breakdown of amounts claimed.

7.5 A statement sufficiently explicit to show what County business was being conducted when the expenses were incurred.

8. **Travel Claims of Selected Job Applicants.** Upon prior approval of the county administrator or chair of the board of county commissioners, the travel expenses of selected applicants for County positions may be reimbursed. Application for reimbursement must be made on forms prescribed by the Kitsap County Auditor and the applicant must certify all claims to be true and correct.

8.1 The reimbursement may be denied if subsequent to the interview, the County makes an employment offer and the offer is declined by the applicant.
9. **Lost Receipts.** All reimbursements must be documented with appropriate receipts as prescribed in this resolution but when all efforts to obtain a duplicate receipt have been exhausted, employee may submit a “Statement in Lieu of Receipt Form”.

9.1 A receipt is a third party document showing purchased item, quantity, price, date and vendor. The following items are not considered receipts:

9.1.1 Un-canceled check;

9.1.2 Statement; or

9.1.3 Credit card receipts.

10. **County Auditor’s Responsibility.** The County Auditor will develop forms to implement this policy.

10.1 The County Auditor will update the per diem rates (meal, lodging and mileage) to comply with Internal Revenue Service per diem rates and guidelines.

11. **Severability.** If any provision or its application to any person or circumstance is held invalid or unconstitutional, the remainder of the resolution or its application to other persons or circumstances shall not be affected.

This resolution shall take effect upon adoption.

ADOPTED this 12th day of December, 2005.

BOARD OF COUNTY COMMISSIONERS
KITSAP COUNTY, WASHINGTON

CHRIS ENDRESEN, Chair

JAN ANGEL, Commissioner

Opal Robertson, Clerk of the Board

PATTY LENT, Commissioner
REIMBURSEMENT OF TRAVEL EXPENSE FOR SELECTED APPLICANTS
FOR COUNTY EMPLOYMENT

In order to fill positions requiring special experience, training and education for positions such as, but not limited to, County Administrator, Department Directors and Senior Management positions, it is recognized that it may be necessary for applicants for such positions to travel to Kitsap County to participate in an examination/selection process. Reimbursement for reasonable and necessary expenses incurred by selected applicants for traveling to and from Kitsap County for the purpose of participating in an examination/selection process is a proper county expense.

Applicants may be reimbursed provided:

1. The County Administrator or Chair of the Board of County Commissioners has approved reimbursement for travel expenses for selected applicant(s) in advance.

2. Application for reimbursement is made within policy guidelines established for County officers and employees.

County offices and departments may arrange and pay for travel and lodging directly when such action achieves financial and/or scheduling efficiencies. A portion, or the entire amount, of the reimbursement requested may be denied if subsequent to the interview, the county makes an employment offer and that offer is declined by the applicant.
KITSAP COUNTY, WASHINGTON
ORDINANCE NO. 151-A

LOCAL WHISTLEBLOWER ORDINANCE

AN AMENDMENT TO ORDINANCE NO. 151 which expands the definition of retaliatory action.

WHEREAS, the Kitsap County Board of Commissioners enacted Ordinance No. 151 on April 26, 1993; and

WHEREAS, said resolution is codified in Kitsap County Code 3.68 et seq.; and

WHEREAS, SHB 1159 expanded the definition of retaliatory action for local government to include hostile actions by other employees that were encouraged by a supervisor or senior manager or official;

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Kitsap County, State of Washington that the definition of retaliatory action is amended as follows:

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

Enacted this 13th day of March, 1995.

BOARD OF COUNTY COMMISSIONERS
KITSAP COUNTY, WASHINGTON

/s/Win Granlund
WIN GRANLUND, Chairman

/s/Matt Ryan
MATT RYAN, Commissioner

/s/Phil Best
PHIL BEST, Commissioner

ATTEST:

/s/Holly Anderson
HOLLY ANDERSON,
Clerk of the Board
WHEREAS, RCW 42.41. et seq. establishes the definitions and the procedures for employee, good faith reporting of improper governmental action by the officials and employees; and the protection from retaliation for such reporting in accordance with the procedures, and

WHEREAS, RCW 42.41.030(2) mandates that the county adopt said procedures and inform its employees, now, therefore,

BE IT ORDAINED by the Kitsap County Board of Commissioners:

Section 1. POLICY. It is the policy of Kitsap County to encourage reporting by its employees of improper governmental action by officials and employees of Kitsap County; an to protect Kitsap County employees who have reported improper governmental actions in accordance with Kitsap County policies and procedures. Elected officials, department heads and employees of Kitsap County are prohibited from taking retaliatory action against an employee because the employee has, in good faith, reported alleged improper governmental action in accordance with Kitsap County policies and procedures. A Kitsap County employee failing to follow this policy and procedure in reporting improper governmental action shall not be eligible for the protections outlined.

Section 2. DEFINITIONS. As used in this policy, the following terms shall have the meanings indicated:

1. "Improper governmental action" means any action by an official or employee of Kitsap County:
   a. That is 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. That is 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.

"Improper governmental action" does not include personnel actions, including employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of collective bargaining or Civil Service laws, alleged violations of labor agreements, reprimands or any action that may be taken under Chapter 41.08, 41.12, 41.14, 41.56, 41.59 or 53.18, Revised Codes of Washington (RCW) or RCW 54.04.170 and 54.04.180.
2. "Retaliatory action" means any adverse change in a local government employee's employment status, or the terms and conditions of employment, including denial of adequate staff to perform duties, frequent staff changes, frequent and undesirable office changes, refusal to assign meaningful work, unwarranted and unsubstantiated letters of reprimand or unsatisfactory performance evaluations, demotion, transfer, reassignment, reduction in pay, denial of promotion, suspension, dismissal or any other disciplinary action.

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

Section 3. PROCEDURES FOR REPORTING IMPROPER GOVERNMENTAL ACTION

1. Persons or Officials to report to:
   a. Kitsap County employees who become aware of improper governmental actions should raise the issue first with their department head or elected official
   b. Where the employee reasonably believes the improper governmental action involves his/her department head or elected official, the employee may raise the issue directly with the Kitsap County Board of Commissioners or the Kitsap County Prosecuting Attorney.

2. The employee shall submit a written report to the department head or elected official and the Board of Commissioners stating in detail the basis for the employee’s belief that an improper governmental action has occurred.

3. 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 responsibility for investigating the improper action.

4. Kitsap County employees may report information about improper governmental actions directly to the appropriate government agency provided that a written report has been submitted to the Board of Commissioners and the employee reasonably believes that the insufficient action of the county has not addressed the improper governmental action or that for other reasons it is likely to recur. All attempts to resolve the improper governmental action through the Kitsap County procedures should be exhausted before reporting the improper governmental action to an outside agency. A list of appropriate government agencies is attached.

5. Kitsap County employees who fail to make a good faith attempt to follow Kitsap County’s procedures in reporting improper governmental actions shall not receive the protection provided by Kitsap County in these procedures.
Section 4. PROTECTION AGAINST RETALIATORY ACTION.

1. Kitsap County officials and employees are prohibited from taking retaliatory actions against a Kitsap County employee because he/she has in good faith reported an improper governmental action in accordance with these policies and guidelines.

   a. Employees who believes that they have been retaliated against for reporting an improper governmental action shall provide written notice of the charge to the Board of County Commissioners no later than thirty (30) days after the occurrence of the alleged retaliatory action.
   b. The written notice shall state:
      (1) The specific retaliatory action(s), and
      (2) The specific relief requested.
   c. The county shall respond to the written notice no later than thirty (30) days.

3. Request for administrative hearing.
   a. Purpose of hearing.
      (1) Retaliatory action occurred, and
      (2) To obtain appropriate relief as provided by law.
   b. Employee cannot request an administrative hearing until:
      (1) After receiving the response of Kitsap County, or
      (2) Thirty (30) days after the delivery of the charge of retaliation to Kitsap County.
   c. Employee seeking a hearing shall deliver the request for hearing to the Kitsap County Board of Commissioners within:
      (1) Fifteen (15) days of delivery of the county response to the charge of retaliation or
      (2) Forty-five (45) days of the delivery of the charge of retaliation to Kitsap County provided no response was issued.
   d. Upon receipt of the request for a hearing, Kitsap County shall apply within five (5) working days to the State Office of Administrative Hearings for an adjudicative proceeding before an administrative law judge to:
Office of Administrative Hearings  
P.O. Box 42488, 4224 Sixth S.E.  
Rowe Six, Bldg 1  
Lacey, WA 98504-2488  
(206) 664-8717

e. The employee must prove his/her claim by a preponderance of the evidence.

f. The final decision of the administrative law judge is subject to judicial review.

g. Relief ordered by the administrative law judge may be enforced by petition to superior court.

Section 5. CONSTRUCTION. This ordinance shall be liberally interpreted and construed, and the rules of strict construction shall have no application.

Section 6. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, is held invalid, the remainder or application to other persons or circumstances shall not be affected.

List of Agencies

Following is a list of agencies responsible for enforcing federal, state and local laws and investigating other issues involving improper governmental actions.

KITSAP COUNTY

Kitsap County Administrative Services  
614 Division Street  
Port Orchard, WA  
(206) 876-7150

Kitsap County Health District  
Environmental Health  
109 Austin Drive  
Bremerton, WA  
(206) 478-5285

Kitsap County Prosecuting Attorney  
614 Division Street  
Port Orchard, WA  
(206) 876-7174

Kitsap County Risk Manager  
614 Division Street  
Port Orchard, WA  
(206) 895-3706

Puget Sound Air Pollution Agency  
(206) 296-7330

STATE OF WASHINGTON

Fraud Complaints  
(800) 562-6025

Attorney General’s Office  
Fair Practices Division  
2000 Bank of California Center  
900 Fourth Avenue  
Seattle, WA  
(206) 464-6684  
(800) 551-4636

State Auditor’s Office  
Legislative Building  
P.O. Box 40021  
Olympia, WA 98504-0021  
(206) 753-5280

Department of Ecology  
3190 160th S.E.  
Bellevue, WA 98008-5852  
(206) 649-7000
Department of Health  
Health Consumer Assistance  
P.O. Box 4789  
Olympia, WA  98504-7891  
(800) 525-0127

Human Rights Commission  
402 Evergreen Plaza Bldg, FJ-41  
711 South Capitol Way  
Olympia, WA  98504-2490  
(206)

Department of Labor and Industries  
300 West Harrison, Room 201  
Seattle, WA  
(206) 281-5400

State Liquor Control Board  
Enforcement Office  
2101 Sixth Avenue  
Seattle, WA  
(206) 464-6094

Department of Natural Resources  
P.O. Box 68  
Enumclaw, WA  98022  
(206) 825-1631

Puget Sound Water Quality Authority  
P.O. Box 40900  
Olympia, WA  98504  
(206) 493-9300

Department of Social and Health Services  
Special Investigation Office  
5200 Southcenter Blvd, Suite 23  
Tukwila, WA  
(206) 764-3048

UNITED STATES

Department of Agriculture  
Office of Inspector General  
915 Second Avenue  
Seattle, WA  
Supervisor Auditor  
(206) 553-8290  
Supervisor Special Agent Investigation  
(206) 553-8286

Alcohol, Tobacco and Firearms  
Criminal Enforcement  
915 Second Avenue  
Seattle, WA  
(206) 553-4485

U.S. Attorney  
800 Fifth Avenue  
Seattle, WA  
(206) 553-7970

Department of Commerce  
Office of Inspector General  
Office of Audits  
915 Second Avenue  
Seattle, WA  
(206) 553-0801

Consumer Product Safety Commission  
Hotline  
(800) 638-2772

U.S. Customs Service  
Office of Enforcement  
909 First Avenue  
Seattle, WA  
(206) 553-7531

U.S. Department of Education  
Office of Inspector General  
915 Second Avenue  
Seattle, WA  
Audits/Investigations  
(206) 553-0657  
(206) 553-1482

Environmental Protection Agency  
Criminal Investigations  
1200 Sixth Avenue  
Seattle, WA  
(206) 553-8306

Equal Employment Opportunity Commission  
2815 Second Avenue, Suite 500  
Seattle, WA  
(206) 553-0968

Federal Emergency Management Agency  
130 228th Street S.W.  
Bothell, WA  
(206) 487-4600
Appendix O

Federal Trade Commission
915 Second Avenue
Seattle, WA
(206) 553-4656

General Services Administration
Office of Inspector General
915 Second Avenue
Seattle, WA
Audits (206) 931-7650
Investigations (206) 931-7654
Law Enforcement (206) 553-0290

Government Accounting Office
Fraud Hotline
(800) 424-5454

Department of Health and Human Services
Food and Drug Administration
22201 23rd Drive S.E.
Bothell, WA
Trade Complaints (206) 483-4949

Office of the Regional Secretary
Audits (206) 553-0452
Investigations (206) 553-0229

Department of Housing and Urban Development
Office of Counsel
1321 Second Avenue
Seattle, WA
(206) 553-4976

Office of Inspector General
Audits (206) 553-0270
Investigations (206) 553-0272

Interstate Commerce Commission
915 Second Avenue, Room 1894
Seattle, WA 98174
(206) 553-5421

Department of Interior
US Fish and Wildlife Service
Division of Law Enforcement
121 107th N.E.
Bellevue, WA
(206) 553-5543

Department of Justice
Drug Enforcement Administration
220 West Mercer, Suite 300
Seattle, WA
(206) 553-5443

Department of Labor
Occupational Safety and Health (OSHA)
1111 Third Avenue, Suite 715
Seattle, WA 98101-3212
(206) 553-5930
Office of Inspector General
Audits
1111 Third Avenue, Suite 780
Seattle, WA 98101-3212
(206) 553-4880
Investigations
1111 Third Avenue, Suite 785
Seattle, WA 98101-3212
Office of Women’s Bureau
1111 Third Avenue, Suite 885
Seattle, WA 98101-3212
(206) 553-7037

Mine Safety and Health Administration
117 107th N.E.
Bellevue, WA
(206) 553-7037

National Transportation Safety Board
19518 Pacific Highway South
Seattle, WA
(206) 764-3782

Nuclear Regulatory Commission
(510) 975-0200

Securities and Exchange Commission
915 Second Avenue
Seattle, WA 98175
(206) 553-7990

Department of Transportation
Office of Inspector General
915 Second Avenue
Seattle, WA 98178
(206) 553-5720

Department of Treasury
Bureau of Alcohol, Tobacco and Firearms
Law Enforcement Division
915 Second Avenue, Room 806
Seattle, WA 98174

Department of Veteran’s Affairs
Office of Inspector General
915 Second Avenue
Seattle, WA 98174
Fraud/Waste/Abuse Hotline
(800) 488-8244

Kitsap County Personnel Manual
Ordinance No. 151-A—Local Whistleblower Ordinance, Enacted April 26, 1993
Section 7  EFFECTIVE DATE. This ordinance shall be of full force and effect immediately upon passage.

ENACTED this 26th day of April, 1993.

BOARD OF COUNTY COMMISSIONERS
KITSAP COUNTY

/s/ Win Granlund
WIN GRANLUND, CHAIRMAN

/s/ John Horsley
JOHN HORSLEY, COMMISSIONER

/s/ Billie Eder
BILLIE EDER, COMMISSIONER

HOLLY ANDERSON
CLERK OF THE BOARD

ATTEST:

/s/ Holly Anderson
RESOLUTION NO. 129 2001

A RESOLUTION AMENDING RESOLUTION NO. 143-1998 A RESOLUTION RELATING TO THE PREVENTION OF WORKPLACE VIOLENCE

WHEREAS, the Board of County Commissioners previously adopted the policy relating to the Prevention of Workplace Violence through Resolution No. 143-1998.

WHEREAS, there is a need to amend Section 6.7 of this Resolution due to the deletion of a phone number.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners in regular session assembled that Section 6.7 of the policy relating to the Prevention of Workplace Violence be amended as follows:

6.7 If fear of violence is imminent, the employee should immediately retreat and contact 911, or contact Courthouse Security if located at the Port Orchard Courthouse Campus (give your name and location) or request intervention from a supervisor or other available management staff.

BE IT FURTHER RESOLVED, that this amended change be effective September 1, 2001.

ADOPTED this 6th day of August, 2001.

KITSAP COUNTY BOARD OF COMMISSIONERS

NOT PRESENT

Chris Endresen, Chair

/s/Jan Angel

Jan Angel, Commissioner

/s/Tim Botkin

Tim Botkin, Commissioner

ATTESTED:

/s/Holly Anderson

HOLLY ANDERSON, Clerk of the Board
KITSAP COUNTY RESOLUTION

A Resolution Relating to the Prevention of Workplace Violence

Resolution 143-1998

WHEREAS, Kitsap County recognizes that a workplace safe from the fear of violence is fundamental to the health and well being of both employees and the public alike;

WHEREAS, Kitsap County is committed to protecting the safety of its employees and will not tolerate acts or threats of violence which involve or affect its officers or employees;

WHEREAS, Kitsap County recognizes that acts of workplace violence are serious safety concerns and desires to adopt a policy that prohibits acts by its officers or employees which may threaten or harm other officers or employees or members of the public;

NOW, THEREFORE, BE IT RESOLVED that Kitsap County adopts the following policy prohibiting workplace violence and prohibiting the possession of any weapons by officers, employees and volunteers, while conducting county business, while on the job, and while on the worksite.

Section 1. Definitions. As used herein, the following terms shall be defined as follows:

1.1 “Dangerous Knife” means switch blade, swords, bayonet, dagger, bolo knife, or any other edged or pointed, cutting or stabbing device with a blade in excess of three inches in length.

1.2 “Firearms” are weapons capable of discharging a projectile by means of compressed air or chemical combustion.

1.3 “Threatening behavior,” is a person directly or indirectly communicating to another (e.g., using words, conduct, writing or stalking) with the intent to do or cause harm.

1.4 “Weapon” means, but it is not limited to, firearms, brass knuckles, electronic stunning devices, bows, cross-bows, arrows, sling shot, dangerous knives and any martial arts device capable of being used to inflict bodily injury.
1.5 “Workplace Violence” is any verbal assault, threatening behavior, or use of, or attempt or offer to use, force upon or toward the person of another occurring in or arising from the worksite.

1.6 “Worksite” is: (1) The building or work area constituting the principal place where work is performed or assigned, including common areas (such as reception area or halls) and private or personal work areas (such as offices or group work stations); (2) Any remote areas where the employee is engaged in official business, including field locations; (3) Vehicles, either county-owned or privately-owned, when used while conducting county business.

**Section 2.** Workplace violence by any county officer, employee, or volunteer is prohibited.

**Section 3.** The possession or use of any firearm or weapon by a county officer, employee, or volunteer, while conducting county business, while on the job, and while on the worksite, is prohibited. Possession of a valid concealed weapons permit is not an exception under this policy.

**Section 4.** An act of workplace violence or the possession or use of any firearm or weapon by a county officer or employee may result in disciplinary action including possible discharge.

**Section 5. Exceptions:**

5.1 Sheriff’s Officers, Sheriff’s Reserve Officers when on duty, Corrections Officers, Prosecutor’s Investigators, the Security Coordinator, or Courthouse Security Staff, who are authorized to carry firearms in the performance of their duties, are not governed by this policy while in the good faith performance of their official duties.

5.2 The use of force necessarily used by a public officer in the performance of a legal duty, or a person assisting the officer and acting under the officer’s direction, is not governed by this policy if the use of such force was made while in the good faith performance of official duties.

5.3 The use of force in defense of oneself or others as prescribed by chapter 9A.16 RCW is not governed by this policy.

5.4 Appropriate tools, equipment, devices and knives issued or approved by elected officials or department directors for their employees to be used in the course of employment are not considered dangerous weapons for purpose of this policy.
5.5 Employees who carry mace or pepper spray for their personal protection may carry these devices on to county property. Except as authorized by an elected official or department director, when on county property, these devices shall be concealed from sight and stored in a secure compartment, e.g., desk, cabinet.

Section 6. Responsibilities:

County of Kitsap:

6.1 Provide opportunities for training and education about violence and about reducing the risk of violence.

6.2 Take appropriate administrative, legal and/or disciplinary actions to respond to acts of violence and threats.

6.3 Maintain confidentiality of complaints and concerns to the extent allowed by law.

6.4 Adhere to all pertinent state rules and federal regulations regarding workplace violence.

6.5 County will not discriminate or retaliate against employees who file workplace violence complaints.

6.6 Address and investigate employee personal safety concerns and recommend appropriate action as necessary.

Employee Responsibilities:

6.7 If fear of violence is imminent, employee should immediately retreat then contact 911, or extension 4444 Port Orchard Courthouse Campus (give your name and location) or request intervention from a supervisor or other available management staff. (see Resolution Amending Resolution No. 143-1998)

6.8 If the threat of physical violence does not appear imminent, employee shall still retreat and then request intervention from a supervisor or other available management staff.
6.9 Employees who are concerned about their personal safety while conducting county business shall report such concerns to their elected officials or department director.

6.10 Employees involved in a situation where they fear physical retaliation may take place or where someone has made verbal threats of physical violence should immediately notify their elected official or department director.

Section 7. This Resolution shall be liberally construed to effectuate its purposes, and its provisions are declared to be separate and severable. If any portion of this Resolution is held to be unconstitutional or otherwise invalid, such findings shall not affect the validity of all remaining portions of this Resolution and the remainder of this Resolution shall be enforced as if the resolution did not contain the invalid part.

ADOPTED by the Board of Kitsap County Commissioners this ___10___ day of August, 1998, at a regular open public meeting, notice of which was given as required by law.

KITSAP COUNTY BOARD OF COMMISSIONERS

/s/Chris Endresen  
Chris Endresen, Chair

/s/Charlotte Garrido  
Charlotte Garrido, Commissioner

/s/Phil Best  
Phil Best, Commissioner

ATTESTED BY:

/s/Holly Anderson  
HOLLY ANDERSON, Clerk of the Board
Kitsap County currently supports the following work/life programs:

(1) Child And Elder Care Assistance Programs—Before Tax Credit For Child Or Elder Care Costs
(2) Elder Care—Case Management Through Aging & Long Term Care Office
(3) Maternity/Paternity Leave
(4) Sick/Vacation Leave
(5) Leave Of Absence
(6) Bereavement Leave
(7) Alternative Work Schedules: Flextime, Telecommuting, Compressed Work Week, Job Sharing, Part Time
(8) Employee Associations
(9) Family Functions (Annual Picnic, “Take Your Son/Daughter To Work” Day)
(10) Employee Training Programs
(11) On Site Workshops/Education Programs About Family/Life Issues (I.E., Domestic Violence)
(12) Employee Assistance Program (EAP)
(13) Employee Newsletter
(14) Deferred Compensation Program
(15) Annual Leave Donation Plan
(16) Family Medical Leave
(17) Employee Recognition Program
(18) Employee Suggestion Award Program
What is the Employee Assistance Program (EAP)?

The Employee Assistance Program is a free, confidential, professional assistance to help employees and their families resolve problems that affect their personal lives and job performance. In addition to being confidential, use of the Employee Assistance Program is always voluntary.

What kinds of problems will the Employee Assistance Program help me with?

The program deals with human problems which may include:

- A faltering marriage or divorce.
- A teenager who is using drugs.
- A spouse who drinks excessively.
- A dependency on drugs or alcohol.
- An adolescent threatening to leave home, or other family conflicts.
- Anxiety, depression or stress.
- An overwhelming number of debts.

How can the Employee Assistance Program help me with a problem?

Asking for help is the first step and sometimes the most important part of resolving an important issue in your life. Once you have taken that first step, the Employee Assistance Program provides you with these services:

- A qualified counseling staff to listen to your situation and to assess the nature and seriousness of your problem.
- Directions and assistance in ways to resolve the problem. Often this may involve referral to a local resource specializing in the area of concern.
- Follow up contacts as needed to be sure you are receiving effective help.

Will using the Employee Assistance Program affect my job?

Not at all. The Employee Assistance Program Policy guarantees that use of the program will not jeopardize your job status or promotional opportunities. What will affect the job is allowing a problem to go unresolved until it causes serious jeopardy to your continued employment.

What is the cost?

The initial problem assessment and counseling services are free to the employee and their family members. If further assistance is necessary, the employee’s regular health insurance will be considered. If services that are not covered by insurance are necessary, the counselor will try to help the employee minimize the cost by making referrals to the most appropriate agency. These costs will be the employee’s responsibility, but many times services are available which are based on the individual’s ability to pay.

Who is eligible?

Since an employee’s work performance can be affected by the problems of a spouse or other family members, this program is also made available to your family.
Is it confidential?

Yes. The highest degree of confidentiality will be observed in all cases. Information regarding the nature of the problem or the nature of the treatment will not be entered into the employee’s personnel file. In cases where deferment of disciplinary action is contingent upon participation/completion of an EAP-approved program, only the cooperation, continued participation and successful or unsuccessful program termination will be divulged to the appropriate supervisor. Confidentiality is subject to state and federal laws.

Can I use sick leave or vacation if I need the time off to address the problem?

If your problem is an illness of any type (such as dependency on alcohol or other drugs), you have the same right for sick leave and other benefits as with any other illness. You can use your vacation leave, accrued compensatory or administrative time, for whatever purpose you choose, but it is required that you schedule it with your supervisor.

How can I contact the Employee Assistance Program?

The program is available to you at all times. Call the Employee Assistance Program to discuss your situation and to set up an appointment if appropriate.

Employee Assistance Program
(206) 361-4844 (Seattle)
or
1-800-648-5834

Additional questions about the Employee Assistance Program or its administration?

Contact: Susan Smith
Kitsap County Employee Assistance Program Coordinator

Phone: 360-337-7185
Direct Courthouse Extension (3518)

Kitsap County Personnel Manual
Employee Assistance Program—Appendix R

Updated: July 1997
RESOLUTION NO. 033-2000

A RESOLUTION TO ADOPT THE EQUAL EMPLOYMENT OPPORTUNITY PLAN
FOR KITSAP COUNTY

WHEREAS, a need exists to adopt the Equal Employment Opportunity Plan in order to comply with the requirement from the United States Department of Justice Office of Justice Programs Office for Civil Rights for grant recipients of $500,000 or more.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners in regular session assembled that the attached Equal Employment Opportunity Plan be adopted. This plan will be effective for two years following the date of adoption.

ADOPTED this 7th day of February, 2000.

KITSAP COUNTY BOARD OF COMMISSIONERS

/s/Tim Botkin
TIM BOTKIN, Chair

/s/Chris Endresen
CHRIS ENDRESEN, Commissioner

/s/Charlotte Garrido
CHARLOTTE GARRIDO, Commissioner

ATTEST:

/s/Holly Anderson
Holly Anderson
Clerk of the Board
EEOP SHORT FORM
STEP 1: INTRODUCTORY INFORMATION

Grant Title: Drug Court Multijurisdictional Implementation Initiative
Grant Number: 98-DC-VX-0093

Grantee Name: Kitsap County
Award Amount: $600,000.00

Address: 614 Division Street, MS-23
Port Orchard, WA 98366

Contact Person: Susan R. Smith
Personnel Analyst
Telephone #: (360) 337-7185, extension 3518

Date and effective duration of EEOP: February 8, 2000 through February 7, 2002

Policy Statement:

Kitsap County is an equal opportunity employer. The County believes the participation of men and women of diverse ages, races, religions, cultures, abilities, etc. will add to personal development and organizational success. By express policy, the County is committed to promoting and protecting the rights and opportunities for equal employment for all and to ensure that no discrimination is committed against any person on the basis of race, color, religion, national origin, age, sex, marital status, veteran status or a disability. This policy extends to all areas of employment including recruitment, selection and placement, compensation, promotion and transfer, disciplinary matters, demotions, layoffs and terminations, testing and training, working conditions, awards and benefits, and all other terms and conditions of employment. It is not the intent of this policy to permit or require the lowering of bona fide job requirements or qualification standards to give preference to any employee or applicant for employment.

Kitsap County will continue to send recruitment announcements to a wide variety of agencies, organizations, and schools in an effort to provide employment opportunities to potential candidates of all genders, ages, races, religions and cultures. County employees are provided training in ways to work together successfully with a diverse group of customers, coworkers, and supervisors.

Any employee of Kitsap County who fails to comply with this policy is subject to appropriate disciplinary action.

As appointing authority, I hereby direct that this policy is implemented.

/s/Tim Botkin Chair 2/7/00
[signature] [title] [date]

OMB Approval no.: 1121-0140
Revised: 7/22/98
STEP 2: AGENCY’S WORKFORCE -- In the following Utilization Chart, please fill in the workforce statistics for your agency according to the categories indicated. *(see attached)*

STEP 3: COMMUNITY LABOR STATISTICS (CLS) -- In the following Utilization Chart, please fill in the available workforce statistics for the community according to the categories indicated. *(see attached)*

STEP 4a: UTILIZATION ANALYSIS -- Please subtract the percentages obtained in Step 3 from those obtained in Step 2 and fill in on the following Utilization Chart. *(see attached)*

STEP 4b: NARRATIVE UTILIZATION ANALYSIS -- In the space provided below, please analyze the figures obtained for Step 4a -- the Utilization Chart -- by pointing out specific areas of concern.

A review of the problem areas identified in the Utilization Chart (see Attachment C) indicates a need to establish corrective goals and objectives to address the underutilization of minorities in Kitsap County’s workforce in certain areas compared to their availability in the community. The following shows the categories in which an underutilization occurs which exceeds 5 percent:

**Officials and Administrators:** White females are represented in the community workforce at 39.9%, while in our agency it is only 23.0% demonstrating a 16.9% underutilization.

**Paraprofessionals:** White females are represented in the community workforce at 75.8%, while in our agency it is only 65.2% demonstrating a 10.6% underutilization; and Asian/Pacific Island females are represented in the community workforce at 6.4%, while in our agency there are none, demonstrating a 6.4% underutilization.

**Service Maintenance:** White females are represented in the community workforce at 33.4%, while in our agency it is only 14.3% demonstrating a 19.2% underutilization.

The aforementioned are specific areas in which Kitsap County will review in order to determine factors responsible for the underutilization. Actions will be taken to address and attempts made to rectify this situation. Because the Kitsap County community has easy access to the larger metropolitan areas such as Seattle, and Tacoma, part of the underutilization could be reflective of those members of our community who choose to commute to the larger areas due to higher wages.
STEP 5: OBJECTIVES -- In the space provided below, summarize the objectives your EEOP sets forth to address any underutilization identified in Step 3.

It is the goal of Kitsap County to employ a workforce that is more representative of the community and utilize the skills of those available and qualified for our positions. Because White females appear to be under represented in the Officials and Administrators, Paraprofessionals and Service Maintenance Categories; and Asian/Pacific Island females appear to be under represented in the paraprofessional area of our agency, it is our objective to evaluate our current promotional and recruitment practices over the next two years to ensure an equal opportunity is afforded in the advancement and hiring process.

In addition to evaluating our current employment practices, Kitsap County will attempt to attract qualified White females and Asian/Pacific Island females in those under represented categories through promotional advancement opportunities and recruitment.

STEP 6: STEPS TO ACHIEVE OBJECTIVES -- In the space provided below briefly describe the specific steps you have determined will enable you to meet the objectives presented in Step 5.

Kitsap County will be reviewing and evaluating our current promotional and recruitment practices during the next two years in order to meet the objectives presented in Step 5 above. The following steps will be taken in order to meet those objectives:

- continue to attend job fairs at High Schools, Trade Schools, Colleges and Universities, and ensure the White and Asian Pacific Island Females will be included in the job fairs attended.

- review the current mailing list used for recruitments to determine if there is a need to expand the list to include areas with more White female and Asian/Pacific Island female concentration.

- conduct annual educational sessions with Kitsap County hiring authorities to advise of underutilized groups in their individual areas.

- continue to provide training to current employees including hiring authorities in cultural awareness and diversity.

- offer training to afford employees opportunities to learn and become more qualified for advancement.
STEP 7: DISSEMINATION -- In the space provided below, summarize your plan to disseminate the EEOP.

In order to disseminate the EEO Plan, we will complete these steps:

1. Include the EEO Policy statement in Kitsap County’s personnel policy and procedures manual, and we will distribute a separate copy to all Department Heads and Elected Officials.

2. Include a statement in all publications of the Employee’s Newsletter advising of the availability of the EEO Plan.

3. Write and distribute a memorandum to all employees indicating how a copy of the EEO Plan can be obtained.

4. Post a statement regarding the availability of the EEO Plan on the Bulletin Board in the front lobby of the Personnel and Human Services Department.

5. Periodically meet with and update the Department Heads and Elected Officials on the utilization of minority and females in their areas, identifying any problem areas, and assist with solutions.

6. Add a footnote to Kitsap County’s website that includes a statement advising of the availability of the EEO Plan.

7. Continue to include the statement, “Kitsap County is an Equal Opportunity Employer” on all job applications and postings.
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COUNTY OF KITSAP

SERVICE RECOGNITION PROGRAM

A. Purpose

The purpose of the Kitsap County Service Recognition Program is to recognize the important contribution made by those employees with extended service. Extended continuous service with the County demonstrates a commitment and a desire in public service. The goal of the program is to increase productivity and morale by providing employee recognition for extended employment in public service.

B. How the Program Works

All regular full time and regular part time employees are eligible for the Service Recognition Program. The Service Recognition Program shall also be extended to all elected and appointed personnel.

A regular full time and regular part time employee, who has completed the years of employment since the most recent date of hire as a regular full time or regular part time employee, whose employment with Kitsap County is interrupted by temporary layoff of one year or less, will receive credit for the continuous length of service as regular full time or regular part time employee immediately prior to and immediately following the layoff.

The Department of Personnel and Human Services shall be responsible for the administration of the Service Recognition Program. On a monthly basis, employees who have qualified for a service award will be identified by the Department Personnel and Human Services.

Employees who have completed five (5) years of service will receive their certificate and pin in their departmental meeting from their elected official/department head. Employees who have completed ten (10) or more years of service, and their respective elected official/department head, will be contacted and scheduled for the monthly awards ceremony before the Kitsap County Board of Commissioners, in their regular public meeting.

C. Awards (Amended per Resolution No. 167-2011)

1. Description of Service Award Gift Level, Item and Cost Guidelines.
a. Gift Award Level 1 (Cost Up to $25.00)
   - Brass Key Ring with County Emblem
   - Brass Money Clip with County Emblem
   - Brass Belt Buckle with County Emblem
   - Brass Business Card Holder with County Emblem
   - Set of two Glass Coffee Mugs with County Emblem
   - Commuter Mug with County Emblem
   - Stainless Water Bottle with County Emblem
   - Swiss Army Knife with County Emblem

b. Gift Award Level 2 (Cost Up to $35.00)
   - Quill Pen with County Emblem
   - Briefcase with County Emblem
   - Portfolio with County Emblem
   - Round of Golf for two at Village Greens Golf Course

c. Gift Award Level 3 (Cost Up to $60.00)
   - Multi Tool Set
   - $50 Certificate to Restaurant/Store within Kitsap County
     (Conditions apply)

d. Gift Award Level 4 (Cost Up to $90.00)
   - $75 Give Certificate to Restaurant/Store within Kitsap County
     (Conditions apply)

Footnote:
(1) Cost guidelines are per unit cost inclusive of tax, shipping and handling
(2) Gift items are for illustrative purposes and subject to price and product availability
(3) Gift Certificates are reported as taxable income

2. Description of Service Awards

<table>
<thead>
<tr>
<th>Years of Service</th>
<th>Service Award</th>
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<tr>
<td>5</td>
<td>Framed Certificate signed by the Kitsap County Board of Commissioners and a Cloisonné Pin with the County Emblem.</td>
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<tr>
<td>10</td>
<td>Framed Certificate signed by the Kitsap County Board of Commissioners, a Cloisonné Pin with the County Emblem and a Level 1 gift item.</td>
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<td>15</td>
<td>Framed Certificate signed by the Kitsap County Board of Commissioners, a Cloisonné Pin with the County Emblem and a Level 2 or Level 1 gift item.</td>
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<td>Years of Service</td>
<td>Service Award</td>
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<td>20 and 25</td>
<td>Engraved Plaque with the County logo, and a Cloisonné Pin with the County Emblem</td>
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<td></td>
<td><strong>OR</strong></td>
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<tr>
<td></td>
<td>Framed Certificate signed by the Kitsap County Board of Commissioners, Cloisonné Pin with County Emblem and a Level 3, Level 2 or Level 1 gift item.</td>
</tr>
<tr>
<td>30, 35 and 40</td>
<td>Engraved Plaque with the County logo, a Cloisonné Pin with the County Emblem and a Level 1 gift item</td>
</tr>
<tr>
<td></td>
<td><strong>OR</strong></td>
</tr>
<tr>
<td></td>
<td>Framed Certificate signed by the Kitsap County Board of Commissioners, a Cloisonné Pin with County Emblem and a Level 4, Level 3, Level 2 or Level 1 gift item.</td>
</tr>
<tr>
<td>Retirement (with minimum of 5 years employment with Kitsap County)</td>
<td>Engraved Plaque with the County logo</td>
</tr>
<tr>
<td></td>
<td><strong>OR</strong></td>
</tr>
<tr>
<td></td>
<td>Framed Certificate signed by the Kitsap County Board of Commissioners, a Cloisonné Pin with County Emblem and a Level 3, Level 2 or Level 1 gift item.</td>
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</tbody>
</table>

The Personnel and Human Services Director has been authorized to add or replace service award items due to lack of continued availability, financial considerations, and product desirability within established budget guidelines. (Amended per Resolution No. 214-2003)
A. **Purpose**

The purpose of the Kitsap County Award of Excellence Program is to recognize County employees for excellence on the job and/or outstanding community service. The goal of the program is to increase productivity and morale by highlighting the achievements of outstanding employees, keeping the following objectives in mind:

1. To recognize an outstanding employee.
2. To encourage employees to strive for excellence on the job by providing role models.
3. To publicize the achievements of County employees on the job and within the community.

B. **How the Program Works**

Eligible employees are all non-elected and non-appointed regular full time and regular part time employees who have been employed at least one (1) calendar year and not serving in any probationary status.

Nominations may be submitted throughout the year by elected officials, department heads, the employee’s supervisor, other employees, organizations/agencies, and any resident of Kitsap County. Nominations are to be submitted to the Department of Personnel and Human Services on an official nomination form (Attachment A). They are asked to explain why the employee should be selected, based on excellence on the job or outstanding community service.

The Department of Personnel and Human Services shall be responsible for the administration of the Outstanding Employee Award’s Program. In September and March of each year, the Employee Recognition Committee, appointed by the Board of Commissioners for a term of two (2) years, shall meet, review and verify all nominations received during the past six (6) month period. The Department of Personnel and Human Services Director shall serve as the chair of the Employee Recognition Committee. The Employee Recognition Committee may select and forward up to three (3) nominations to the Kitsap County Board of Commissioners for the final selection. Nominations may not be submitted to the Kitsap County Board of Commissioners if the Committee has not agreed to submit a deserving nominee.
Upon notification by the Board of County Commissioners, the Department of Personnel and Human Services shall notify the selectee’s elected official/department head and/or the person or organization who submitted the nomination. The elected official/department head will in turn notify the employee. The employee, his/her elected official/department head, and the person or organization who submitted the nomination will be scheduled for the awards ceremony before the Kitsap County Board of Commissioners in the regular public meeting.

Employees who were identified by the Employee Recognition Committee, as one of two or more finalists, and were subsequently not selected, shall have their nominations included for a review by the Committee during the following award period.

C. Selection Criteria

1. Community Service. Recognition of outstanding, dedicated, and long term service to the community by an employee of Kitsap County. This award is not intended for recognition of work or service which is a part of an employee’s normal work responsibilities with the County. Rather, it is intended to apply to service rendered beyond work hours. This employee will have gone to extraordinary lengths to become involved in work and/or service which are of special or vital interest to the community and promoted community well-being. Examples might include serving in a leadership position in a public or community service capacity, such as scouting, youth sports and recreation; serving as a volunteer for community and social service efforts, such as the Special Olympic for developmentally disabled youth and adults, Easter Seals and emergency food/shelter programs; teaching classes that directly benefit community groups, such as troubled families and limited English speaking persons.

2. Excellence on the Job. Recognition of an employee who consistently exemplifies the values and professional standards of the County in his/her work performance. The employee is an exemplary worker who demonstrates excellent initiative, attitude and performance, loyalty, conscientiousness, professional pride and to other noteworthy accomplishments. Exceptional contributions by this employee have made a significant improvement in productivity, efficiency and effectiveness in improved services to the public and/or significant cost savings. Excellence is also attitude.

D. Award

The employee selected by the Kitsap County Board of Commissioners as Outstanding Employee shall receive the following awards:

1. A $200.00¹ cash award.
2. Recognition in County Newsletter and local newspapers.
3. Engraved Plaque.
A. **Purpose**

The purpose of the Meritorious Achievement Award is to provide a means whereby the Kitsap County Board of Commissioners may formally recognize and acknowledge meritorious achievements by County employees which include, but are not limited to, the following:

1. Employees who perform an act of heroism in the face of personal injury or risk of life, whether or not it was performed during their normal working hours.

2. Employees who perform an extraordinary act that results in significant improved quality of service or cost savings.

3. Employees who have made significant contributions towards the goals and objectives of Kitsap County as a unit of local government.

The goal of the program is to increase efficiency, effectiveness, pride and morale by highlighting meritorious acts and achievements by County employees.

B. **How the Program Works**

All employees of Kitsap County, including elected and appointed personnel, shall be eligible.

Nominations and recommendations may be submitted directly to the Kitsap County Board of Commissioners by a member of the Board or any person or organization/agency, at any time. The nominations and recommendations should clearly explain why the employee should be considered for a meritorious achievement award.

C. **Award**

An employee selected by the Kitsap County Board of Commissioners shall receive an “Engraved Plaque” in a recognition ceremony, scheduled during a regular public meeting.
COUNTY OF KITSAP  
Award of Excellence  
Nomination Form

Name of Candidate ______________________  Classification Title ____________________
County Department ______________________   Work Phone ________________________
Work Address ______________________________________________________________

Nomination for (Check one):  ☐ Community Service  ☐ Excellence on the Job

Indicate reasons for nominating the above employee for consideration in the Outstanding Employee Award. Be specific with examples, any noteworthy acts, services or contributions the individual has made. You may attach an additional page of narrative. Please refer to the selection criteria and the guidelines contained on the back of this form.

Name of Nominator _________________________________________________________
Agency/Organization (if applicable) _________________________  Phone _____________
County Class Title (if applicable) ____________________________ Phone _____________
Signature ______________________________________________  Date ______________
Appendix T

SELECTION CRITERIA FOR AWARD OF EXCELLENCE

**Community Service.** Recognition of outstanding, dedicated, and long term service to the community by an employee of Kitsap County. This award is not intended for recognition of work or service which is a part of an employee’s normal work responsibilities with the County. Rather, it is intended to apply to service rendered beyond work hours. This employee will have gone to extraordinary lengths to become involved in work and/or service which are of special or vital interest to the community and promotes community well-being. Examples might include serving in a leadership position in a public or community service capacity such as scouting, youth sports and recreation; serving as a volunteer for community and social service efforts, such as the Special Olympic for developmentally disable youth and adults, Easter Seals and emergency food/shelter programs; teaching classes that directly benefit community groups, such as troubled families and limited English speaking persons.

**Excellence on the Job.** Recognition of employee who consistently exemplifies the values and professional standards of the county in his/her work performance. The employee is an exemplary worker who demonstrates excellent initiative, attitude and performance, loyalty, conscientiousness, professional pride and other noteworthy accomplishments. Exceptional contributions by this employee have made a significant improvement in productivity, efficiency and effectiveness in improved services to the public and/or significant cost savings. Excellence is also attitude.

GUIDELINES

1. All regular full time or regular part time employees who have completed on year of employment, except elected officials and appointed personnel, are eligible.

2. There is no limit to the number of nominations any employee or organization/agency can make or the number of times an employee can be nominated.

3. Nominations must be made on an official nomination form.

4. Nominations are to be submitted to the Personnel and Human Services Department.

5. All nominations will be reviewed by the Employee Recognition Committee three times per year. When the committee is in agreement that there is one or more deserving nominee, up to three finalists will be forwarded to the Kitsap County Board of Commissioners.
A RESOLUTION TO ESTABLISH THE KITSAP COUNTY EMPLOYEE SUGGESTION AWARD PROGRAM

WHEREAS, it is the desire of the Board of County Commissioners of Kitsap County to stimulate high levels of performance, encourage innovation, strengthen employee-management relations, and to reward and recognize County employees for suggestions to improve the effectiveness and efficiency of County operations; and

WHEREAS, the “Kitsap County Employee Suggestion Award Program” has been developed to address this need;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Kitsap County that the attached “Kitsap County Employee Suggestion Award Program” is hereby adopted and included within the scope and provisions of the Employee Recognition Program established by Resolution No. 117-1993.

ADOPTED this 9th day of April, 2001.

KITSAP COUNTY BOARD OF COMMISSIONERS

/s/Chris Endresen
CHRIS ENDRESEN, Chair

/s/Jan Angel
JAN ANGEL, Commissioner

NOT PRESENT
TIM BOTKIN, Commissioner

ATTEST:

/s/Holly Anderson
Holly Anderson
APPENDIX U

Clerk of the Board

A Resolution To Establish The Kitsap County Employee Suggestion Award Program
Resolution No. 060-2001, Adopted April 9, 2001
Appendix U

Kitsap County
Employee Suggestion Award Program

April 2001

A Resolution To Establish The Kitsap County Employee Suggestion Award Program
Resolution No. 060-2001, Adopted April 9, 2001
# EMPLOYEE SUGGESTION AWARD PROGRAM

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KITSAP COUNTY
EMPLOYEE SUGGESTION AWARD PROGRAM

PURPOSE

To reward and recognize County employees for suggestions that improve the effectiveness and efficiency of County operations and services.

EMPLOYEE ELIGIBILITY

1. All regular full time and regular part time employees who have completed their probationary period; Provided,

2. The following shall not be eligible to participate in the Employee Suggestion Award Program:
   a. Elected Officials and Department Directors.
   b. Suggestion Board members and other employees directly connected with the administration of the Suggestion Award Program.

ELIGIBILITY OF SUGGESTIONS

1. A suggestion must make possible an extension of public service commensurate with the expense involved or eliminate or reduce County expenditures without substantially impairing service or provide a desirable safety factor.

2. Suggestions should:
   a. Save time or materials.
   b. Improve procedures or services.
   c. Improve tools or equipment.
   d. Improve safety conditions.
   e. Increase efficiency or productivity.
   f. Improve public information and relations.

3. Suggestions that are unacceptable include:
   a. Identification of a problem, but no proposed solution.
Appendix U

b. Grievances or gripes.

c. Suggestions already under active consideration by the affected County department.

d. Suggestions that would normally be expected in the course of performing assigned duties.

e. Matters covered by collective bargaining.

f. Matters covered by federal/state law, County ordinance, Administrative Guideline, Policies, etc.

4. Two or more employees may submit a suggestion if both signatures appear on the “Suggestion Form” to indicate their agreement to equally share an award.

SUGGESTION AWARD BOARD

1. Duties, Responsibilities and Authority
   a. To resolve questions relating to eligibility of suggestion.

   b. To review evaluations of suggestions, to adopt or reject suggestions submitted, to determine the amount of cash award (not to exceed $500) and non-cash award.

   c. Submit recommendation of Award to Kitsap County Board of Commissioners.

   d. Adopt rules, procedures, and documents necessary to administer the program.

   e. Meet at least quarterly. Additional meetings may be called, if necessary. A majority of the members of the Board present shall constitute a quorum for transacting business.

2. Term of Members
   Suggestion Award Board members shall be appointed by the Board of County Commissioners for a term of two years, except that the initial appointment for two (2) members shall be for one (1) year.

3. Composition of Board
   a. An elected official or designee.

   b. A Department Director.
A Resolution to Establish the Kitsap County Employee Suggestion Award Program
Resolution No. 060-2001, Adopted April 9, 2001

c. A supervisory/management.
d. Two representatives from unions.
e. A non-represented employee of County.
f. A Personnel and Human Services employee will serve as the Suggestion Award Board Coordinator (non-voting member)

RESPONSIBILITIES OF BOARD OF COMMISSIONERS
1. Approve annual budget for Suggestion Award program.
2. Appoint Suggestion Award Board
3. Review and act upon all recommendations submitted by Suggestion Award Board.

RESPONSIBILITIES OF DEPARTMENTS RECEIVING SUGGESTIONS
1. Assign person(s) to be responsible for reviewing and evaluating suggestions submitted.
2. Review, evaluate, and return Suggestion Evaluation Form to the Suggestion Award Board within 30 days of receipt.
3. Initiate implementation of suggestion, if acceptable.
4. Maintain records of first year fiscal impact of adopted suggestions and submit to Suggestion Award Board and Kitsap County Board of Commissioners.

AWARDS
1. To be eligible for an award, a suggestion must be implemented or a commitment made to implement it.
2. Tangible suggestions, ideas that result in benefits with measurable monetary savings, will receive a cash award equal to 10% of the estimated first-year savings, not to exceed $500.00. The Suggestion Award Board may recommend a “bonus” day off in addition to the cash award for suggestions resulting in substantial savings.
3. Intangible suggestions, ideas that result in benefits that cannot be measured in terms of monetary savings, may receive a cash award of up to $500.00. These suggestions result in improved procedures, safety, working conditions,
or betterment of public information and relations.

4. Any cash award shall be at full net value. (Announced award amount plus required tax) For example, an employee awarded a cash award of $100 will receive the full amount based on a total gross award of $133.37.

5. The Suggestion Award Board may also recommend the award of items provided through the Employee Service Recognition Program.

SUGGESTION PROCEDURE

1. Suggestions must be submitted on prescribed forms to the Suggestion Award Board Coordinator. The forms must be signed, but names will remain undisclosed until consideration of the suggestion has been complete.

2. The Suggestion Award Board Coordinator shall receive, record and acknowledge receipt of suggestions, inform the employee of any delay in the process and of any action taken.

3. Each suggestion shall be referred to the affected County department for evaluation and recommendation. Within 30 days the department shall return the findings and recommendations to the Suggestion Award Board. The established timeline may be extended by the Suggestion Award Board Coordinator to accommodate departmental request.

4. The Board shall evaluate each suggestion and formulate an official recommendation covering the merits of the suggestion, recommending type and amount of award.

5. The awards will be presented to the employee at a regular public meeting of the Board of County Commissioners.

6. Employees whose suggestions were not recommended for acceptance shall receive a letter of appreciation.

ADMINISTRATIVE RECORDS AND FILES

The Suggestion Award Board Coordinator shall maintain the following records:

1. Log all suggestions received, including name, department, subject, date received, numerical listing, and action taken on suggestions.

2. Files for each suggestion, consisting of suggestion form, evaluation form and all correspondence and action taken.
3. Minutes of all meetings of the Suggestion Award Board.

4. Annual reports shall be prepared and submitted to the Suggestion Award Board and the Kitsap County Board of Commissioners.
POLICY PERTAINING TO EXTRA HELP POSITIONS

Section 1. Findings and Policy Statement

Kitsap County finds that both operational efficiency and fair and equitable employment practices are advanced by the use of regular employees. Therefore, it is the policy of Kitsap County that regular full-time or regular part-time employees will perform the ongoing, relatively stable, and predictable bodies of work needed to provide services to the public, and the use of extra help employees will be minimized.

Section 2. Definition of Extra Help Employee

“Extra help employee” means an employee who is not hired as a regular employee, is not entitled to employment-based benefits, and whose term of employment is limited to the hour limitations specified in Section 3.2.

Section 3. Limitations on Employment of Extra Help Employees

3.1 Extra help employees may be hired to address the following operational needs:

3.1.1 Limited Term. For specific and defined projects or for a continuing body of work of limited duration including grant-funded projects, capital improvement projects, other non-routine projects, during the absence of a regular employee, to perform work requiring specialized skills, or to fill a vacancy for a limited period during recruitment.

3.1.2 On Call. To address short-term operational needs, for intermittent work during peak periods, or in the event of an emergency.

3.1.3 Seasonal. For specific times of year to meet departmental needs during the identified season or peak workload time periods.

3.2 Extra help employees may not be used to perform work that is ongoing, relatively stable, and predictable. The duration of employment is limited to the following terms:

3.2.1 Limited Term. The term of employment shall be limited to the term of the particular project, regular employee absence, work requiring specialized skills, or position vacancy, but in no event shall the term exceed 2080 hours.

3.2.2 On Call. The term of employment shall not exceed 1213 hours in a calendar year.

3.2.3 Seasonal. The term of employment shall not exceed seven consecutive months, 1213 hours in a calendar year.
3.3 An employing official who has terminated an extra help employee because the employee reached one of the thresholds listed in Section 3.2 may not re-employ the employee or another extra help employee to perform the same classification work for a period of six months following the last work day of the terminated extra help employee.

3.4 Extra help employees are not guaranteed a minimum number of work hours.

3.5 An employing official who seeks to hire an extra help employee must submit a request for authorization to the Human Resources Manager. A request for authorization must include, at a minimum, a description of the body of work to be performed, the regular designation of a classification that most closely resembles the work to be performed, the proposed wage that will be paid, the funding source, the anticipated hire date, and the number of hours the employee is anticipated to work.

3.6 The wage for extra help employees should be within the wage grade established for the classification they are entering.

3.7 Two or more employees may perform the work of a particular classification concurrently as a job share or sequentially; however, the cumulative service of the two or more employees shall not exceed the applicable threshold listed in Section 3.2. This section does not apply to seasonal workers or employees of a 24 hour, 7 day facility.

3.8 Employing officials are responsible for ensuring that extra help employees are official shall take one of the following actions in sufficient time to ensure that an extra help employee is not employed beyond the threshold:

(a) Discontinue the work performed by the extra help employee and terminate the employment of the extra help employee;

(b) Reassign the work performed by the extra help employee to an existing regular employee(s) and terminate the employment of the extra help employee; OR

(c) Request creation of a regular position to perform the work.

3.9 Specific procedures for submitting requests for authorization to employ extra help employees will be developed and maintained by the Director of Personnel and Human Services or designee.

3.10 When the elected official or department head submits the annual budget estimate, he or she will also submit a report documenting the use of extra help employees during the calendar year and make a recommendation to the County Administrator (or in the absence, the Chair of the Board of County
Commissioners) as to whether an ongoing, relatively stable and predictable body of work on an annualized basis has been identified. If the County Administrator determines that such a body of work exists, a recommendation may be made to create a new part-time or full-time regular position(s), reassign the work to an existing regular position, or cessation of the work.

Section 4. Employment Agreement

As a condition of employment an extra help employee shall sign an agreement acknowledging his or her status as extra help and the terms and conditions of extra help employment. If a change occurs affecting the terms and conditions of employment, a new agreement shall be signed by the employing official and extra help employee.

Section 5. At-Will Employment

The employment of an extra help employee may be terminated at will. Nothing in this policy shall be construed to create a right to continued employment.

Section 6. Hiring Process

6.1 All individuals selected for employment as extra help shall complete a Kitsap County Employment Application.

6.2 Each person selected for employment as extra help should meet the minimum qualifications of the position.

6.2.1 If the employing official hires an extra help employee at a classification level that is lower than authorized for the extra help position, the minimum qualifications applicable to the lower classification will apply.

6.2.2 The Personnel Division should review applicant qualifications prior to hire and, in cases of emergency, no later than the second week of employment. Individuals hired on an emergency basis who do not meet minimum qualifications should not be retained in the position.

6.2.3 The Personnel Division will coordinate with the employing official to establish specific qualifications and review processes.

6.3 In the event that an extra help body of work is transitioned to a regular position, the Personnel Division will conduct a classification review and the competitive selection process applicable to the regular position shall be followed. Performing work as an extra help employee shall not confer any right or entitlement to appointment to a regular position.
Section 7. Retirement Benefits

Contributions to the Washington State Retirement System shall be paid for extra help employees who work at least 70 hours during five or more months of two consecutive calendar years to the extent required by law. Enrollment in the retirement system shall be a condition of employment at the time the employee becomes eligible for membership in the Washington State Retirement System.
RESOLUTION NO. 146 - 2003

A RESOLUTION PERTAINING TO
THE DEFERRED COMPENSATION
PLAN FOR KITSAP COUNTY

WHEREAS, by Resolution No. 59-1973 adopted on April 16, 1973, the Kitsap County Board of Commissioners (the “Board”) adopted plan of deferred compensation (the “Plan”) for employees;

WHEREAS, the Plan was amended and restated by Resolution No. 43-1974 on February 11, 1974;

WHEREAS, by Resolution No. 64-1980 dated February 25, 1980, the Board rescinded Resolution No. 59-1973 and Resolution No. 43-1974, and adopted a restatement of the Plan, providing for a continuation of the Plan in the amended form;

WHEREAS, the Plan was amended and restated on June 19, 1989 and October 21, 1996;

WHEREAS, pursuant to Section 5.3 of the Plan, the Board may amend the Plan at any time; and

WHEREAS, pursuant to Section 2.5 of the Plan, the Board has the authority to operate and administer the Plan; and

WHEREAS, the Deferred Compensation Committee has recommended that it is necessary to amend and restate the Plan to bring the Plan into compliance with the provisions of the Economic Growth and Tax Reduction Reconciliation Act of 2001, as amended (“EGTRRA”), the regulations thereunder, and other applicable law and guidance; and

WHEREAS, the primary purpose of amending and restating the Plan is to continue to provide a program under which employees of Kitsap County may defer a portion of their compensation to pay retirement benefits in accordance with the provisions of Section 457(b) of the Internal Revenue Code of 1986, as amended.

NOW, THEREFORE, THE KITSAP COUNTY BOARD OF COMMISSIONERS RESOLVES AS FOLLOWS:

1. The Deferred Compensation Plan for Kitsap County attached hereto is adopted effective on the first day of the month following thirty days after subscription by the Board.
2. This adopted and restated Deferred Compensation Plan amends the former Plan and is a continuation of the former Plan in this amended and restated form.

3. The Administrator of the Plan shall be the Kitsap County Deferred Compensation Plan Committee, which shall consist of the County Administrator, the Personnel Manager of the Department of Personnel and Human Services, the Financial Services Manager of the Auditor's Office, and Investment Officer of the Treasurer’s Office.

4. Additions and deletions of funding arrangements offered under the Plan shall be referred to the Board for approval.

5. The Director of Personnel and Human Services shall include the Deferred Compensation Plan for Kitsap County in the appendix to the Kitsap County Personnel Manual, and make copies of the Plan available to employees.

6. This resolution and the Plan shall be liberally construed to achieve their stated purposes and the purposes intended under 26 U.S.C. §457 and the laws of the State of Washington. If any provision of this resolution or the Plan or their application to any person or circumstance is held invalid or unconstitutional the remainder of the resolution and Plan or their application to other persons or circumstances shall not be affected.

DATED this 11th day of August 2003.

BOARD OF COUNTY
COMMISSIONERS
KITSAP COUNTY, WASHINGTON

JAN ANGEL, Chair

ATTEST:

Opal Robertson
Clerk of the Board

NOT PRESENT

CHRIS ENDRESEN, Commissioner

PATTY LENT, Commissioner
HIGHLIGHTS FOR 403(b) TAX SHELTERED ANNUITIES AND 457 PLANS: The Economic Growth and Tax Reconciliation Act of 2001 (EGTRRA)

THESE EGTRRA CHANGES ARE GENERALLY EFFECTIVE FOR TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 2001

<table>
<thead>
<tr>
<th>Tax Sheltered Annuity Issue Highlights</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Issue</strong></td>
</tr>
<tr>
<td>Limit on Plan Contributions</td>
</tr>
<tr>
<td>Elective deferrals limited to $10,500</td>
</tr>
<tr>
<td><strong>Prior Law</strong></td>
</tr>
<tr>
<td>Elective deferral limit increased to $11,000 in 2002; increased $1,000 each succeeding year to $15,000 in 2006, and indexed thereafter in $500 increments.</td>
</tr>
<tr>
<td><strong>EGTRRA of 2001 Changes</strong></td>
</tr>
<tr>
<td>Limit on employer allocations: Maximum contribution to defined contribution 403(b) arrangement is limited to the lesser of $35,000, or 25% of compensation</td>
</tr>
<tr>
<td>Increase to the lesser of $40,000 or 100% of compensation. However, the old definition of includable compensation applies for this purpose</td>
</tr>
<tr>
<td>Tax Sheltered Annuity plan contributions limited to lesser of IRC 402(g) elective deferral dollar limit, IRC 415(c) contribution limit [lesser of 25% of compensation or $35,000], or IRC 403(b) (2) Maximum Exclusion Allowance</td>
</tr>
<tr>
<td>• IRC 403(b)(2) Maximum Exclusion Allowance is repealed; no longer affects TSA contributions as a limit or allowance.</td>
</tr>
<tr>
<td>• For tax years beginning after 12/31/99 [&amp; before 1/1/2002], a plan may disregard the requirement that contributions to the employer’s defined benefit plan be treated as previously excluded amounts for purposes of the exclusion allowance calculation.</td>
</tr>
<tr>
<td>• Post retirement employer contributions to 403(b) plans permitted for up to five years after severance from employment. Contribution limits based on retiree’s compensation during final year of service.</td>
</tr>
</tbody>
</table>

March 27, 2002
## Tax Sheltered Annuity Issue Highlights

<table>
<thead>
<tr>
<th>Issues</th>
<th>Prior Law</th>
<th>EGTRRA 2001 Changes</th>
</tr>
</thead>
<tbody>
<tr>
<td>IRC 415(c)(4) Special election for section 403(b) Contracts Purchased by Educational Organizations, etc.</td>
<td>An employee of an educational institution, hospital and other specified organizations may make an irrevocable election to use one of three special limitations for contribution limits on 403(b) annuity contracts. These options were alternatives to the limit on employer contributions. The “A” limit permits a special election for the tax year in which the employee separates from service. The “B” election was an “any year” election. The “C” election permitted contributions up to the 415(c) limits, without regard to the Maximum Exclusion Allowance.</td>
<td>This section was repealed.</td>
</tr>
<tr>
<td>Purchase of Service Credits in Governmental Defined Benefit Plans</td>
<td>No prior provision in the Internal Revenue Code. Under various state laws, state and local government employees may have the option of purchasing credit for prior service. This credit would be for additional benefits in a defined benefit 401(a) plan which covers the employee.</td>
<td>State and local government employees may use funds from their 403(b) arrangements or 457(b) plans to purchase service credits under their defined benefit plans. This will be a trustee to trustee transfer of the actuarially determined amounts.</td>
</tr>
<tr>
<td>Rollovers Between IRC sections 401(a), 403(b), 457(b) and IRA arrangements.</td>
<td>IRC section 403(b) rollover provisions were very limited, consisting of only 403(b) to 403(b) or 403(b) to a conduit IRA. After tax contributions may not be rolled over.</td>
<td>Rollovers permitted from and to IRC 401(k), 403(b) and governmental 457(b) arrangements without restriction. Such distributions also become subject to 10% early withdrawal tax, if the distribution consists of amounts attributable to rollovers from another type of plan. After tax employee contributions can be included in an eligible rollover distribution to a qualified plan, or to an IRA or between 403(b) arrangements. Taxable IRA distributions can be rolled over to any of these plans.</td>
</tr>
<tr>
<td>Issues</td>
<td>Prior Law</td>
<td>EGTRRA 2001 Changes</td>
</tr>
<tr>
<td>---------------------------------------</td>
<td>-------------------------</td>
<td>--------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Catch-up Contributions for Workers Age 50 and Older</td>
<td>No provision</td>
<td>Individuals who are age 50 or older may make additional contributions to the plan.</td>
</tr>
<tr>
<td></td>
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<td>Year</td>
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<tr>
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<td>2002</td>
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<td>2005</td>
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<td>2006</td>
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<tr>
<td>Repeal of the &quot;Same Desk Rule&quot;</td>
<td>Under the &quot;same desk rule&quot;, a distribution to a terminated employee is not allowed if the employee continues performing the same functions for a successor employer.</td>
<td>The same desk rule is eliminated by replacing &quot;separation from service&quot; with &quot;severance from employment&quot;.</td>
</tr>
</tbody>
</table>
## 457 Issue Highlights

<table>
<thead>
<tr>
<th>Issues</th>
<th>Prior Law</th>
<th>EGTRRA 2001 Changes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Basic limit increases for 457(b) plans</td>
<td>Current 2001 limit is $8,500</td>
<td>- Primary 457(b) limit to $11,000 for 2002 to $15,000 in 2006</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Conforms to elective deferral limits of IRC 402(g), as amended</td>
</tr>
<tr>
<td>Catch up contributions</td>
<td></td>
<td>Last 3 years before retirement, deferrals of twice basic limit. (Underutilized limitation still applies)</td>
</tr>
<tr>
<td>Contribution coordination limits with tax sheltered</td>
<td>A maximum of $8,500 in compensation may be deferred per year in a 457(b) plan. This limit is generally reduced by elective deferrals under other types of arrangements.</td>
<td>The section 457 limit on deferred compensation is not reduced by elective deferrals under other types of arrangements.</td>
</tr>
<tr>
<td>annuities and 401(k) plans</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Age 50 or over catch-up contributions for</td>
<td>Individuals who are age 50 or older may make additional contributions to the plan.</td>
<td></td>
</tr>
<tr>
<td>governmental plan participants ONLY</td>
<td></td>
<td><strong>Year</strong></td>
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<td>2002</td>
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<td>2005</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2006</td>
</tr>
<tr>
<td>Purchase of permissive service credit</td>
<td></td>
<td>When a participant is eligible for regular IRC 457(b) catch up in the 3 years prior to normal retirement age the higher of the 2 limits (age 50 or pre-retirement catch up) will apply.</td>
</tr>
</tbody>
</table>

March 27, 2002
DEFERRED COMPENSATION PLAN

FOR KITSAP COUNTY

Amended and Restated

Effective October 1, 2003
DEFERRED COMPENSATION PLAN
FOR KITSAP COUNTY

ARTICLE 1. INTRODUCTION AND PURPOSE

Kitsap County established the Deferred Compensation Plan for Kitsap County ("the Plan") effective April 16, 1973. The Plan was previously amended and restated on February 25, 1980, January 1, 1989 and October 21, 1996. The purpose of this amendment and restatement is to bring the Plan into compliance with the provisions of the Economic Growth and Tax Reduction Reconciliation Act of 2001, as amended ("EGTRRA"), the regulations thereunder, and other applicable law and guidance. This amendment and restatement of the Plan is effective October 1, 2003.

The primary purpose of this Plan is to provide a program under which Employees of Kitsap County may defer a portion of their Compensation to pay retirement benefits in accordance with the provisions of Section 457(b) of the Internal Revenue Code of 1986, as amended ("the Code"). The Plan is a governmental plan within the meaning of Code Section 414(d). The Plan is maintained, and all assets are held in trust for the exclusive benefit of Plan Participants and their Beneficiaries (as defined in this Plan).

ARTICLE 2. DEFINITIONS

2.1 Account

"Account" or "Participant's Account" means the separate account maintained for each Participant to which Deferred Compensation shall be allocated. The Account shall be credited (or debited, as the case may be) with investment gains or losses attributable to the investment of the Account, amounts transferred from another governmental Eligible 457(b) Plan as permitted by this Plan, any distributions from the Account and any fees or expenses charged against the Account. The Account may include sub accounts, such as a Rollover Account.

2.2 Administrator

"Administrator" or "Plan Administrator" means the Kitsap County Deferred Compensation Plan Committee or its duly authorized designee for that purpose, who shall exercise the discretion and carry out the functions conferred upon it under the terms of the Plan.

2.3 Annuity Contract

"Annuity Contract" means an annuity contract or custodial arrangement qualified for sale in the State of Washington and approved by the Employer as a Funding
Arrangement under this Plan. Annuity Contracts shall be held in the name of the Employer and may be amended or replaced from time to time by action of the Employer. Annuity Contracts shall be deemed to be a trust for purposes of the Plan, as permitted by Code Section 457(g). Such action shall not necessitate the amendment of the Plan.

2.4 Beneficiary

"Beneficiary" means the person or persons designated by the Participant to receive a benefit from the Plan in the event of the Participant’s death.

2.5 Compensation

"Compensation" means all wages, salary and other amounts, as set forth in the annual salary regulations or ordinances of the Employer, that would be payable by the Employer to an Employee for services rendered if the Employee did not have a Deferred Compensation election in effect during the taxable year.

2.6 Deferred Compensation

"Deferred Compensation" means that portion of an Employee’s Compensation which the Employee, by agreement of the Employer, has elected to defer in accordance with the provisions of this Plan.

2.7 Disability

"Disability" means a physical or mental condition that permanently prevents a Participant from performing the essential functions of his or her position with Kitsap County, as determined by the Administrator in its sole discretion.

2.8 Dollar Limitation

"Dollar Limitation" means the applicable dollar amount within the meaning of Section 457(b)(2)(A) of the Code, as adjusted for the cost of living in accordance with Code Section 457(c)(15)(B).

2.9 Eligible 457(b) Plan

"Eligible 457(b) Plan" means a plan described in Code Section 457(b), other than this Plan.

2.10 Employee

"Employee" means any common law employee, officer, or elected official of the Employer who receives any type of Compensation from the Employer for services rendered, and excludes all other individuals.
2.11 **Employer**

“Employer” means Kitsap County.

2.12 **Funding Arrangement**

“Funding Arrangement” means any trust agreement, plan and trust, custodial account agreement or Annuity Contract entered into by the Employer or its designee from time to time pursuant to which Investment Funds are offered under the Plan.

2.13 **Includible Compensation**

“Includible Compensation” means the amount of a Participant’s Compensation that is includible in the Employee’s gross income for the taxable year, as defined in Section 457(e)(5) of the Code.

2.14 **Investment Fund**

“Investment Fund” means a separate investment option or vehicle that is offered under a Funding Arrangement, in which all or a portion of the Plan’s assets may be invested, and to which all or a portion of the Participant’s Account may be allocated in accordance with the Participant’s direction as provided in this Plan.

2.15 **Normal Retirement Age**

“Normal Retirement Age” or “Normal Retirement Date” means the Participant’s age on the last day of the month in which the Participant retires pursuant to the normal retirement practices of the Employer. For purposes of the special Section 457 catch up under Section 4.2.B., such age shall be no later than age 70½, and no earlier than the earliest age at which the Participant has the right to retire under the Employer’s basic pension plan, without consent of the Employer, and to receive immediate retirement benefits without actuarial or similar reduction. Except for purposes of Section 4.2.B, if the Participant continues to work beyond age 70½, the Participant’s Normal Retirement Age shall be the date selected by the Participant, provided that such date is no later than the date of the Participant’s Termination of Employment.

2.16 **Participant**

“Participant” means any Employee who elects to participate in the Plan by executing and delivering to the Administrator a completed Participation Agreement.

2.17 **Participation Agreement**

“Participation Agreement” means the written agreement by which the Employee and the Employer agree that a portion of the Employee’s Compensation will be deferred in accordance with the provisions of the Plan, and the Employee designates his
Beneficiary, investment choices and payment options as permitted by the Plan. The Participation Agreement may also provide for deferrals of accrued sick leave, accrued vacation, or back pay, as permitted by Section 3.4. The Participation Agreement shall contain a provision whereby the Participant, on behalf of himself and his heirs, successors and assigns, holds harmless the Employer and Administrator from any liability for losses due to the Participant’s investment choices, payment options, and to the extent permitted by law, all acts performed in good faith.

2.18 Percentage Limitation

“Percentage Limitation” means, after December 31, 2002, 100% of the Participant’s Includible Compensation for the taxable year. Prior to January 1, 2003, “Percentage Limitation” means the lesser of the Dollar Limitation in effect for the taxable year or 25% of the Participant’s Compensation.

2.19 Plan Year

“Plan Year” means the calendar year.

2.20 Rollover Account

“Rollover Account” means a separate subaccount of the Participant’s Account maintained to which Eligible Rollover Contributions (as defined in Section 6.10), if any, shall be allocated.

2.21 Termination of Employment

“Termination of Employment” means, after December 31, 2002, a severance of the Participant’s employment with the Employer, within the meaning of Code Section 457(d)(1)(A)(ii), including a severance of employment due to retirement, Disability or death. Prior to January 1, 2003, “Termination of Employment” means a separation from service, within the meaning of Code Section 402(e)(4)(D)(III), including a separation from service due to retirement, Disability or death. In the case of a Participant who is an elected official, a Termination of Employment shall be deemed to have occurred on the date the Participant’s term of office ended without the Participant being elected to a new term, provided that it is not anticipated that the Participant will again become an Employee of the Employer, or as otherwise permitted by the Code.

2.22 Trust Fund

“Trust Fund” means the aggregate of Plan assets, together with all earnings, income and increments thereon, that the Plan Administrator allocates to a separate Investment Fund under a Funding Arrangement.
2.23 Unforeseeable Emergency

"Unforeseeable Emergency" means a severe financial hardship to the Participant resulting from a sudden and unexpected illness or accident of the Participant or of a dependent (as defined in Code Section 152(a)), impending personal bankruptcy of the Participant, loss of the Participant's property due to casualty or any other major personal expense arising from extraordinary and unforeseeable events beyond the control of the Participant. "Unforeseeable Emergency" does not include foreseeable personal expenditures that may ordinarily be budgeted, such as a down payment on a house, the purchase of an automobile, or college or other school expenses. Only under extraordinary circumstances would the purchase of a home or the payment of college tuition constitute an "Unforeseeable Emergency." "Unforeseeable Emergency" also does not include any hardship which may be relieved (i) through reimbursement or compensation through insurance or otherwise, (ii) by liquidation of the Participant's own assets, to the extent that the liquidation of such assets would not itself cause severe financial hardship, or (iii) by cessation of deferrals under the Plan. The Plan Administrator shall determine in its sole discretion whether a hardship to a Participant constitutes an Unforeseeable Emergency.

2.24 USERRA

Notwithstanding any provision of this Plan to the contrary, contributions, benefits and service credits with respect to qualified military service (as defined in the Uniformed Services Employment and Reemployment Rights Act of 1994) will be provided in accordance with Section 414(u) of the Code.

ARTICLE 3. PARTICIPATION AND CONTRIBUTIONS

3.1 Participation

An Employee may elect to become a Participant of the Plan and to defer payment of part of his or her Compensation by executing a written Participation Agreement and submitting it to the Plan Administrator. In order for Compensation to be deferred for any calendar month, a Participation Agreement providing for such deferral must be executed by the Participant and approved by the Plan Administrator before the first day of the month in which the Compensation is paid or made available. A new Employee may defer Compensation payable in the first calendar month of employment if the Employee enters into a Participation Agreement providing for such deferral on or before the first day on which the Participant performs services for the Employer. By signing the Participation Agreement, the Participant elects to defer at least $20 per month, or such larger amount as the Employer may designate from time to time. The Participant’s deferrals under this Plan shall continue in effect until modified, disallowed or revoked in accordance with the terms of this Plan, or until the Participant’s Termination of Employment.
An Employee may also become a Participant by electing, in the form and manner required by the Plan Administrator, to transfer to this Plan amounts deferred by the Employee, and the earnings on such amounts, under another Eligible 457(b) Plan maintained by a previous governmental employer (as defined in Code Section 457(e)(1)(A)), or, commencing after 2002, Eligible Rollover Distributions as permitted under Section 6.10. Such amounts shall be treated as if they originally had been deferred under this Plan, and shall be governed by the applicable provisions of this Plan.

3.2 Amendment or Revocation of Participation Agreement

The Participant may at any time revoke his Participation Agreement or decrease the amount of Compensation to be deferred by filing a written revocation with the Administrator. A Participant may increase the amount of Compensation to be deferred or change his investment options during an enrollment period (as provided in Section 3.3) by executing and filing with the Administrator an amendment to his Participation Agreement, in a form approved by the Administrator.

3.3 Enrollment Periods

A new Employee shall have 30 days from the date of employment to make an election to participate in the Plan by completing a Participation Agreement. Any Employee may elect to participate during enrollment periods for the Plan, which shall be held during the months of March and September, and at such other times as the Plan Administrator may designate. Such elections shall be effective only for months subsequent to the date on which the Employee’s Participation Agreement is filed with the Plan Administrator.

3.4 Employer Nonelective Contributions

The Employer in its sole discretion may make nonelective contributions to the Plan on behalf of any Participant. Such nonelective contributions shall be treated as additional Deferred Compensation, provided that such additional Deferred Compensation, when added to all other Compensation deferred under the Plan, does not exceed the Maximum Deferral limitation of Section 4.1. Such nonelective contributions may be subject to such vesting provisions as the Employer, in its sole discretion, may impose. Any such vesting requirements shall be communicated to the Administrator in a writing filed with the records of the Plan.

3.5 Time of Remittances

The Employer shall remit a Participant’s Deferred Compensation for each payroll period to the authorized agent for the Funding Arrangement designated to receive such Deferred Compensation as soon as administratively feasible after the date such amounts would otherwise have been paid to the Participant.
ARTICLE 4. LIMITATION ON PARTICIPANT DEFERRALS

4.1 Maximum Deferral

A. Except as otherwise provided in Section 4.2 of this Plan, the maximum amount ("Maximum Deferral") that a Participant may defer during any taxable year under this Plan (other than rollover amounts under Section 6.10) shall not exceed the lesser of:

(i) The Dollar Limitation; or

(ii) The Percentage Limitation, reduced by any amount excluded from the Participant’s gross income under Code Section 457(a) for the taxable year other than such amounts attributable to elective deferrals made under this Plan.

B. For Plan Years prior to January 1, 2003, the Maximum Deferral under Section 4.1.A. shall also be reduced by any amount:

(i) excluded from the Participant’s gross income under Code Section 403(b) for the taxable year, and

(ii) except in the case of a Participant in a rural cooperative plan (as defined in Code Section 401(k)(7)), excluded from the Participant’s gross income under Code Section 402(e)(3) or Section 402(h)(1)(B) or (k) for the taxable year, or with respect to which a deduction is allowable by reason of a contribution to an organization described in Code Section 501(c)(18).

4.2 Catch-Up Deferrals

A. Age 50 Catch Up. Effective for Plan Years after 2002, a Participant who has attained age 50 before the close of the Plan Year, and who are prohibited by the Maximum Deferral limitation under Section 4.1 from making other elective deferrals to the Plan for the Plan Year, may elect under the Participation Agreement to make elective deferrals in addition to those permitted by Section 4.1 in an amount not to exceed the lesser of:

(i) The applicable dollar amount as defined in Code Section 414(v)(2)(B), as adjusted for the cost of living under Code Section 414(v)(2)(C), or

(ii) The excess (if any) of (a) the Participant’s compensation (as defined in Code Section 415(c)(3)) for the year, over (b) any
other elective deferrals of the Participant for such year which are made without regard to this Section 4.2.A.

Any additional contribution made pursuant to this Section 4.2.A shall not be subject to any otherwise applicable limitation contained in Code Section 402(g) with respect to the year in which the contribution is made, or be taken into account in applying such limitation to other contributions or benefits under the Plan or any other plan. The provisions of this Section 4.2.A. of the Plan shall not apply in any year to which Section 4.2.B. applies.

B. Special Section 457 Catch Up. For one or more of a Participant’s last three taxable years ending before the Participant’s Normal Retirement Age, the Maximum Deferral under the Plan shall be the lesser of:

(i) For Plan Years after 2002, twice the Dollar Limitation (for years prior to 2003, $15,000), or

(ii) The sum of:

(a) the Maximum Deferral determined under Section 4.1 for the taxable year (determined without regard to this Section 4.2), plus

(b) so much of the Maximum Deferral determined under Section 4.1 hereof, or determined under any other Eligible 457(b) Plan sponsored by an entity located in the same state as the Employer, for any prior taxable year or years (beginning after December 31, 1978 and during all or any portion of which the Participant was eligible to participate in this Plan or such other plan) as has not previously been used under Sections 4.1 and 4.2 hereof, or under such other plan.

This Section 4.2.B. shall not apply with respect to any Participant who has previously utilized in whole or in part the special 457 catch up under this subsection B. or under any other Eligible 457(b) Plan. For purposes of determining the Participant’s underutilized Maximum Deferral under subsection (b) for any taxable year prior to 2003, the Maximum Deferral shall be reduced by amounts excluded from the Participant’s gross income for such taxable year by reason of a salary reduction or elective contribution under any other Eligible 457(b) Plan, Code Section 401(k) qualified cash or deferred arrangement, Section 402(h)(1)(B) simplified employee pension, Section 403(b) annuity contract, and Section 408(p) simple retirement account, or any plan for which a deduction is allowed because of a contribution to an organization described in Code Section 501(c)(18).
4.3 Excess Deferrals

Any excess deferrals resulting from a failure of the Plan to apply the limitations of this Article 4 to a Participant’s deferrals under the Plan will be distributed to the Participant, with net income attributable to such deferrals, as soon as administratively practicable after the Administrator determines that the amount is an excess deferral. For purposes of determining whether there is an excess deferral, all plans in which the Participant participates by virtue of his relationship with the Employer are treated as a single plan.

ARTICLE 5. ADMINISTRATION AND PARTICIPANTS’ ACCOUNTS

5.1 Administration

The Administrator shall administer this Plan and shall prescribe such rules and regulations as are necessary to carry out the purposes of the Plan. The Administrator shall have full power, discretion and authority to interpret the provisions of the Plan, to decide all questions of eligibility and benefits, and to adopt, modify or revoke rules and regulations for the administration of the Plan. The Administrator may delegate any or all of its powers and duties to another person, persons or entity, and may pay reasonable compensation for such services as an administrative expense of the Plan, to the extent that such compensation is not otherwise paid by the Employer.

5.2 Participant Accounts

A separate Account shall be maintained for each Participant. The Participant’s Deferred Compensation for each payroll period shall be credited to the Account, together with earnings or losses on investment of the account and any funds transferred from another eligible plan as permitted under Section 6.11.

All interest, dividends or market changes applicable to each Participant’s Account shall be credited or debited to the Account as they occur. A written report of the status of the Participant’s Account shall be furnished to the Participant at least quarterly. The written Account statement shall show the amount of any contributions to or distributions from the Account since the date of the preceding Account statement, and the Investment Funds to which the Account is allocated.

5.3 Claims Procedures

The Plan Administrator may establish a claims and appeal procedure for resolution of disputed claims for benefits.
ARTICLE 6.  PAYMENT OF BENEFITS

6.1 Commencement of Distributions

Effective for Plan Years after 2002, unless the Participant elects a different distribution date pursuant to Section 6.3, distribution of a Participant’s Account to the Participant shall commence on or before April 1 following the close of the Plan Year in which the Participant’s Termination of Employment occurs, or, if applicable, such other date selected by the Administrator and permitted under Code Section 401(a)(9) and the regulations thereunder. Prior to 2003, distribution of the Participant’s Account to the Participant shall commence on the first day of the month following 45 days after the occurrence of the distributable event (Termination of Employment) unless deferred pursuant to Section 6.3.

6.2 Payment of Small Amounts

Notwithstanding Section 6.1, a Participant may elect payment of his Account (or the Administrator may distribute the Account without the Participant’s consent) in one lump sum on any date before or after his Termination of Employment, provided that the Account (exclusive of any amount attributable to rollover contributions from another plan) does not exceed $5,000 (or the dollar amount limit under Code Section 411(a)(ii), if greater). Such amount may be distributed only if no amount has been deferred under the Plan with respect to such Participant during the two-year period ending on the date of the distribution, and there has been no prior distribution under the Plan to such Participant to which this Section 6.2 applies.

6.3 Deferred Distribution Date

Notwithstanding Section 6.1, a Participant may elect to defer payment of his Account until a fixed or determinable date after the commencement date specified in Section 6.1, but in no event later than the required beginning date, as described in Section 6.6.

6.4 Normal Form of Payment

The normal form of distribution to a Participant for Plan Years after 2002 shall be (i) one lump sum distribution if the Participant’s Account balance is less than $10,000 on the date payment is required to commence, or (ii) 120 monthly installments if the Participant’s Account balance is equal to or greater than $10,000 on the date payment is required to commence. Benefits will automatically be paid in the normal form unless the Participant elects an optional form of payment in accordance with Section 6.5. For Plan Years before 2003, if the Participant fails to select an optional form of payment, he will be deemed to have elected payments over a period of 10 years as provided in Section 6.5(ii).
6.5 Payment Options

Notwithstanding Section 6.4, a Participant or the Participant’s Beneficiary after the death of the Participant (but prior to the commencement of distribution) may select one of the following payment options:

(i) One lump sum cash payment;

(ii) Annual or more frequent equal installment payments (monthly, quarterly or semiannually) over a period of 3 to 30 years; provided that the period shall not exceed the life expectancy of the Participant or the joint life expectancies of the Participant and the Participant’s Beneficiary; and provided further that (effective after 2002), such installment distribution may (as permitted by the Administrator) be revised or terminated and followed by a full distribution of the Account on a specified date that is permissible under the Code;

(iii) A life annuity payable during the lifetime of the Participant or his Beneficiary;

(iv) A life annuity with period certain guaranteed: the annuity is payable during the lifetime of the Participant, or his Beneficiary, with the guarantee that if at his death payments have not been made for the guaranteed period as elected, benefits will continue to the Beneficiary. The guaranteed period must be 10, 15 or 20 years;

(v) A joint and survivor annuity, payable during the lifetimes of the Participant and the Participant’s Beneficiary; or

(vi) For distributions commencing after 2002, any other payment option elected by the Participant and agreed to by the Employer and Administrator.

The election of an optional payment form may be made or modified until the date 30 days prior to the time that payments are to commence.

6.6 Minimum Distribution Requirements

All distributions under this Plan will be made in accordance with Code Sections 401(a)(9) and 457(d) and regulations thereunder, which provisions are hereby incorporated in this Plan. Notwithstanding any other provision of this Plan, distribution of a Participant’s Account shall begin not later than April 1 of the calendar year following the later of (i) the calendar year in which the Participant attains age 70½ or (ii) the calendar
year in which the Participant retires. Payment of benefits shall be made over a period not to exceed the life or life expectancy of the Participant or the joint lives or life expectancies of the Participant and the Participant’s designated Beneficiary.

6.7 Designation of Beneficiary

The Participant may file with the Administrator a written designation of Beneficiary form (provided by the Administrator) signed by the Participant, designating the person or persons who shall receive the benefits payable under this Plan in the event of the Participant’s death. The Participant may also change his Beneficiary designation from time to time by filing a subsequent signed designation of Beneficiary form with the Administrator, and such subsequent designation of Beneficiary shall be effective to revoke any prior designation of Beneficiary. No designation of Beneficiary shall be binding on the Administrator unless it is signed, filed with the Administrator and accepted by the Administrator. If the Participant dies without designating a Beneficiary and has no surviving spouse, payments under this Plan shall be made to the properly appointed fiduciary of the Participant’s probate estate. If no such fiduciary has been appointed and qualified within 120 days after the Participant’s death, however, the payment may be made first, to a surviving spouse; second, to a surviving child or children; and third, to a surviving parent or parents.

By participating in this Plan, the Participant accepts and acknowledges that he has the burden of executing and filing with the Administrator a Beneficiary designation, in a form acceptable to the Administrator.

6.8 Payments to a Beneficiary

A. In the event of the Participant’s death prior to commencement of benefits under the Plan, the Participant’s designated Beneficiary may select payment options (i) or (ii), or in the case of a surviving spouse, options (i), (ii) or (iii) under Section 6.5. Such selection shall be made within 60 days after the close of the Plan Year in which the Participant’s death occurs. If the Beneficiary fails to make such an election, payments shall be made to the Beneficiary in accordance with Section 6.5 (ii) over a 10-year period.

B. Notwithstanding any other provision of this Plan to the contrary, if the Participant dies before payment of his or her Account has begun, the Account (or any portion thereof) shall be distributed as follows:

(i) If there is no designated Beneficiary: Distribution must begin no later than one year after the Participant’s death, and the entire Account must be distributed within five years after the Participant’s death.
(ii) If there is a designated Beneficiary other than the surviving spouse: Distribution must begin no later than one year after the Participant’s death (or at such later date as may be permitted under the Code Section 401(a)(9) regulations), and the entire amount of the Beneficiary’s portion of the Account must be distributed over a period that does not exceed the life or life expectancy of such Beneficiary.

(iii) If the Beneficiary is the Participant’s surviving spouse: If the Beneficiary is the Participant’s surviving spouse, distribution of such Beneficiary’s portion of the Account shall begin no later than one year after the Participant’s death, except that payment may be delayed until no later than the year in which the Participant would have attained age 70½. If the surviving spouse dies before distributions to such spouse begin, the provisions of this Section 6.8 shall be applied as if the spouse were the Participant.

C. If the Participant dies after distribution of his or her Account has commenced, any portion of the Account that is not distributed during his or her lifetime shall be distributed to the Participant’s Beneficiary at least as rapidly as under the method of distribution to the Participant in effect as of the date of his or her death.

D. Notwithstanding any other provision of this Plan, all distributions to a Beneficiary shall be made in compliance with the requirements of Code Sections 401(a)(9) and 457(d) and the regulations thereunder, which are hereby incorporated into this Plan.

6.9 Unforeseeable Emergency Payments

Notwithstanding any other provision herein, a Participant may apply to the Plan Administrator for distribution of all or a portion of his or her Account under the Plan in the event of an Unforeseeable Emergency. Such a request shall be treated as a request for revocation of deferrals under the Participation Agreement. If the application or withdrawal is approved by the Plan Administrator, payment shall be made as soon as it is administratively feasible following such approval. Payment shall be limited to that amount necessary to meet the Unforeseeable Emergency situation constituting the financial hardship and may include any amounts necessary to pay income taxes or penalties that are reasonably anticipated to result from the distribution.

6.10 Eligible Rollover Distributions

A. Rollovers To Another Plan.
Effective January 1, 2002, notwithstanding any provision of the Plan to the contrary that would otherwise limit a Distributee’s payment election under this Plan, a Distributee may elect, at the time and in the manner prescribed by the Administrator, to have any portion of an Eligible Rollover Distribution paid directly to an Eligible Retirement Plan specified by the distributee in a Direct Rollover.

B. Rollovers To This Plan.

Effective January 1, 2003, the Plan may accept an Eligible Rollover Distribution from an Eligible Retirement Plan maintained by another employer, and credit such distribution to the Participant’s Account under this Plan. The Administrator may require such documentation from the distributing plan as it deems necessary to effectuate the rollover in accordance with Code Section 402 and to confirm that such plan is an Eligible Retirement Plan. Any Eligible Rollover Distributions from an Eligible Retirement Plan other than an Eligible 457 Plan maintained by an eligible government employer described in Code Section 457(e)(1)(A) shall be credited to the Participant’s separate Rollover Account.

C. Definitions.

As used in this section, the following terms have the following meanings:

(i) “Eligible Rollover Distribution” means any distribution of all or any portion of the balance to the credit of the distributee, except that an eligible rollover distribution does not include: any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life and/or life expectancy of the Distributee or the joint lives (or joint life expectancy) of the Distributee and the Distributee’s designated beneficiary, or for a specified period of 10 years or more; any distribution to the extent such distribution is required under Code Sections 401(a)(9) and 457(d)(2); and any distribution made upon the hardship of the employee. For purposes of distributions from other eligible retirement plans rolled over into this Plan, the “Eligible Rollover Distribution” shall not include the portion of any distribution that is not includible in gross income (determined without regard to the exclusion for net unrealized appreciation with respect to employer securities).

(ii) Eligible Retirement Plan means an individual retirement account described in Code Section 408(a), an individual retirement annuity described in Code Section 408(b), an annuity plan described in Code Section 403(a), an annuity contract described in Code Section 403(b), a qualified trust
described in Code Section 401(a), or an eligible deferred compensation plan described in Code Section 457(b) maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state described in Code Section 457(e)(1)(A) that accepts the distributee’s eligible rollover distribution.

(iii) “Distributee” includes an employee or former employee. In addition, the employee’s or former employee’s surviving spouse and the employee’s or former employee’s spouse or former spouse who is the alternate payee under a qualified domestic relations order, as defined in Code Section 414(p), are Distributees with regard to the interest of the spouse or former spouse.

(iv) “Direct Rollover” means a payment by the Plan to the Eligible Retirement Plan specified by the Distributee.
6.11 Plan to Plan Transfers

A. Transfers Between Governmental 457(b) Plans.

A Participant who incurs a Termination of Employment (other than by death, Disability or retirement) may elect to transfer his Account under this Plan to another Eligible 457(b) Plan maintained by a governmental employer (as defined in Code Section 457(e)(1)(A)), provided that:

(i) The receiving plan provides for such transfers;

(ii) The Participant would (if the plan then terminated) receive a benefit under the transferee plan immediately after the transfer which is equal to or greater than the benefit the Participant the Participant would have been entitled to receive immediately before the transfer (if the Plan had then terminated); and

(iii) The Participant is performing services for the entity maintaining the receiving plan; provided, however, that this subsection (iii) need not be satisfied if all of the assets of this Plan are transferred to a plan maintained by a state entity within the State of Washington, and the Participants whose Accounts are being transferred are not eligible for additional deferrals under the receiving plan unless they are performing services for the entity maintaining the plan.

This Plan shall accept transfers of an Employee’s deferred compensation under the Eligible 457(b) Plan of a prior governmental employer, and the provisions of (ii) and (iii) shall apply to such transfers.

B. Transfers to a Qualified Plan.

All or a portion of a Participant’s Account under this Plan may be transferred directly to the trustee of a defined benefit governmental plan (as defined in Code Section 414(d)) if such transfer is (i) for the purchase of permissive service credit (as defined in Code Section 415(n)(3)(A)) under such plan, or (ii) a repayment to which Code Section 415 does not apply by reason of subsection (k)(3) thereof.
ARTICLE 7. INVESTMENT OF PLAN ASSETS

7.1 Investment Funds and Funding Arrangements

The Employer shall in its sole discretion determine the number and type of Investment Funds to be offered under a Funding Arrangement and may change the Investment Funds from time to time. All assets of the Plan invested in the Investment Funds shall be held and administered as a separate Trust Fund.

7.2 Participant Direction of Investments

In accordance with the procedures and requirements established by the Plan Administrator, each Participant shall designate one or more Investment Funds established under the Plan for the investment of the funds held in his or her Account. Amounts credited to a Participant’s Account for each payroll period shall be allocated by the Plan Administrator among the Investment Funds in accordance with the Participant’s election. Under procedures and requirements established by the Plan Administrator, and subject to the terms and conditions of any affected Investment Fund, a Participant may elect to change his or her investment designation with respect to future contributions under the Plan or to elect to transfer investments from any Investment Fund to any other Investment Fund. The Employer shall not be responsible for any investment results from Participant’s investment choices.

7.3 Funding Arrangements

The Employer shall enter into one or more Funding Arrangements for purposes of holding and investing the assets maintained under the Plan. Any Funding Arrangement shall constitute a trust under this Plan, and the person or entity holding assets of this Plan under the Funding Arrangement shall be deemed the trustee thereof for the exclusive benefit of the Participants and their Beneficiaries within the meaning of Code Section 457(g). In the event of a conflict between the terms of this Plan and the terms of any Funding Arrangement, the terms of this Plan shall control.

ARTICLE 8. AMENDMENT OR TERMINATION

The Employer may at any time modify, amend or terminate this Plan. Except as may be required to maintain the status of the Plan under Code Section 457(b), no amendment or termination of the Plan shall divest any Participant of any rights with respect to Compensation deferred before the date of the amendment or termination.

ARTICLE 9. GENERAL PROVISIONS

9.1 Nonassignability

Neither a Participant nor his or her Beneficiary may assign, transfer, sell, hypothecate or otherwise dispose of any or all of his or her Account or the right to receive...
any payments under the Plan, and any attempt to do so shall be null and void, except as provided below in Section 9.2 with respect to a qualified domestic relations order, or as may be required by applicable law.

9.2 Qualified Domestic Relations Orders

A distribution or payment from this Plan shall be treated as made pursuant to a qualified domestic relations order if it is made pursuant to a domestic relations order which creates or recognizes the existence of an alternate payee’s right to, or assigns to an alternate payee the right to, receive all or a portion of the benefits payable with respect to a Participant, as authorized under Code Section 414(p). A “domestic relations order” means any judgment, decree or order (including approval of a property settlement agreement) which

(i) relates to the provision of child support, alimony payments, or marital property rights to a spouse, former spouse, child or other dependent of a Participant; and

(ii) is made pursuant to a state domestic relations law (including a community property law).

An “alternate payee” means any spouse, former spouse, child or other dependent of a Participant who is recognized by a domestic relations order as having the right to receive all, or a portion of, the benefits payable under the Plan with respect to such Participant.

The Plan Administrator may adopt additional rules and regulations as it deems necessary or appropriate to provide for distributions under this section 9.2.

9.3 Leave of Absence

A Participant’s participation in the Plan will continue during a paid leave of absence from the Employer. If the Participant takes an unpaid leave of absence, and such leave continues for more than six months, the Participant’s Participation Agreement under this Plan will be deemed to have terminated automatically at the end of such six-month period. Such termination of participation will not cause a distribution of benefits. Upon the Employee’s return from leave, his full compensation on a non-deferred basis will be restored. The Employee may again become a Participant by completing a Participation Agreement as provided under this Plan.

9.4 Retirement System Integration

Benefits payable by, and deductions for Employee contributions to any retirement system maintained by the Employer shall be computed without reference to amounts deferred pursuant to this Plan, and shall instead be based upon gross compensation that the Participant would receive if he or she had not elected to defer Compensation under this Plan.
9.5 No Employment Rights Created

Participation in this Plan shall not be construed as giving the Participant any right to continue his or her employment with the Employer.

9.6 Controlling Law

This Plan is created and shall be administered and interpreted in accordance with Code Section 457 and the laws of the State of Washington.

9.7 Entire Agreement

This Plan and the Participation Agreement, and any subsequently adopted amendment thereof, shall constitute the entire agreement or contract between the Employer and the Participant regarding the Plan. No oral statement regarding the Plan may be relied upon by the Participant.

9.8 Successors and Assigns

The Plan shall be binding upon and shall inure to the benefit of the Employer, its successors and assigns, all participants and beneficiaries and their heirs and legal representatives.

9.9 Gender

As used herein, the masculine shall include the neuter and the feminine where appropriate.

9.10 Written Notices

Any notice or other communication required or permitted under the Plan shall be in writing, and if directed to the Employer or the Administrator shall be sent to the designated office of the Employer and, if directed to a Participant or to a Beneficiary, shall be sent to such Participant or Beneficiary at his last known address as it appears on the Employer’s records.

9.11 Disclaimer

The Employer and the Administrator make no representation or guarantee of, and shall not be liable to any Participant or to the Plan for, the tax consequences of an Employee’s participation in this Plan, or the financial soundness, investment performance, or suitability of any investment option or vehicle offered pursuant to this Plan.
KITSAP COUNTY SOCIAL MEDIA USE POLICY

1. PURPOSE

Social media can enhance communication, collaboration, information exchange, and transparency, streamline processes, and foster productivity. Kitsap County endorses the secure use of social media to enhance and support County program goals and objectives.

2. APPLICABILITY

This policy applies to Kitsap County employees and contractors who create or contribute to social networks, blogs, wikis, or any other kind of social media on and off the kitsap.gov domain for work purposes.

3. DEFINITIONS

Blog. A self-published diary or commentary on a particular topic that may allow visitors to post responses, redactions, or comments. The term is short for “Web log.”

Page. The specific portion of a social media website where content is displayed, and managed by an individual or individuals with administrator rights.

Post. Content that an individual shares on a social media site or the act of publishing content on a site.

Profile. Information that a user provides about himself or herself on a social networking site.

Social Media. A category of Internet-based resources that integrate user-generated content and user participation. This includes, but is not limited to social networking sites (Facebook, MySpace), microblogging sites (Flickr, YouTube), wikis (Wikipedia), blogs, and news sites (Digg, Reddit).

Social Networks. Online platforms where users can create profiles, share information, and socialize with others using a range of technologies.

Speech. Expression or communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, photographs, videotape, or related forms of communication.

Wikis. Web page(s) that can be edited collaboratively.

3. IMPLEMENTATION

Three steps are needed to authorize use of social media: (1) approval by the department head; (2) approval by Director, Information Services; and (3) where applicable, compliance with the County’s contract review procedures.¹

3.1 Department Considerations for Establishing and Maintaining Social Media Presence. The decision to use social media is a business decision, not a technology-based decision. It is incumbent upon each department to weigh its mission, objectives, and capabilities, and potential benefits and risks, when considering use of specific social media tools, including the following:
• What goals or objectives will social media use achieve?
  o The social media site should include an introductory statement that specifies
    the purpose and scope of the department’s presence on the website.
• Is the social media proposal designed for the target audience?
• What type of records or information will be used on the site, and will it be original or
  secondary?
• How will public records retention and public disclosure requirements be managed?
• Will any sensitive, confidential, or personal information be distributed in the media?
• Will the information be assessable to employees and customers on a
  nondiscriminatory basis?
  o Consider Title II of Americans with Disabilities Act as Amended and Section
    508 of the federal Rehabilitation Act.
• Will the social media proposal affect employee productivity?
• Who will manage the tool and ensure that information is updated and accurate?
• Who will monitor social media pages and who is authorized to respond to posts?

3.2 Information Services Considerations. The Information Services Department will
  collaborate with the Department seeking to establish and maintain a social media site. Elements
  that Information Services will consider include the following:

• Does the proposal affect network bandwidth requirements?
• Are sufficient financial resources available to support appropriate access, backup,
  storage, and additional capacity if needed?
• What is the potential for exposure or leakage of sensitive or protected information
  such as copyrighted material, personally identifying information, or confidential
  information?
• Can content from social media sites be immediately edited or removed upon direction
  from the department head or elected official?
• Content posted to social media sites should link to the County’s or department’s
  official websites for in-depth information, forms, documents, or online services
  necessary to conduct business with the County.
• Content must be managed, stored, and retrieved to comply with public records laws
  and e-discovery laws and policies.
• Content posted to social media sites must be maintained in appropriate retention
  formats so that it can be maintained in accordance with record retention schedules.
• Page(s) must include the following notices:
  o A disclaimer of endorsement of advertising which may appear on third-party
    social media websites.
  o Opinions expressed by visitors to the page(s) do not reflect the opinions of
    Kitsap County.
  o Posted comments will be monitored and the County reserves the right to
    remove obscenities, off-topic comments, and personal attacks.
  o Content posted or submitted for posting is subject to public disclosure.
The following guidelines must be displayed to users or made available by hyperlink, and any content removed based on these guidelines must be retained, including the time, date and identity of the poster when available:

- Kitsap County social media site articles and comments containing any of the following forms of content shall not be allowed:
  - Comments not topically related to the particular social medium article being commented upon;
  - Comments in support of or opposition to political campaigns or ballot measures;
  - Profane language or content;
  - Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability or sexual orientation;
  - Sexual content or links to sexual content;
  - Solicitations of commerce;
  - Conduct or encouragement of illegal activity;
  - Information that may tend to compromise the safety or security of the public or public systems; or
  - Content that violates a legal ownership interest of any other party.

- The County reserves the right to restrict or remove any content that is deemed in violation of this social media policy or any applicable law.

### 3.3 Contract Review

Typically a Terms of Service (TOS) is associated with the use of third-party media tools. If implementing social media entails opening an account with a third-party provider and agreeing to TOS (executing a contract via “click through” agreement), then agreeing to the TOS and associated use of third-party social media tools is effectively a contract between the County and the third-party and the County’s contract review procedures apply. In addition, if the TOS contradicts County policy, the County Administrator or Chair of the Board of County Commissioners should be made aware of it and a decision made about whether the use of such media is appropriate.

### 4. ACCEPTABLE AND PROHIBITED USE

#### 4.1 Social networking will be used only for official Kitsap County business purposes.

- Personnel representing the County via social media outlets must conduct themselves as representatives of the County. Accordingly, personnel shall adhere to standards of conduct that are consistent with public service and trust and conduct County business in a manner that contributes to the overall business integrity and organizational effectiveness of Kitsap County.²

- Employees speaking on behalf of the County via social media outlets will identify themselves as a member of the County, by full name, title, agency, and contact information.
Appendix X

4.1.3 Any employee who observes or has knowledge of prohibited use of social networking technology should report it to a supervisor, the Personnel Division, or another appropriate supervisor/manager. Employees reporting such actions will be protected from retaliation.³

4.2 Social networking is subject to County policies. Departments and employees using social media are generally subject to County policies, standards, and procedures, including but not limited to the following:

4.2.1 Non-discrimination. The County prohibits any form of unlawful discrimination, including harassment, based on race, color, religion, gender, sexual orientation, national origin, age, disability, marital status, or veteran status. This applies at any location that can reasonably be considered an extension of the workplace such as a customer location, an off-site business function, a social networking site, or any place where County business is being conducted or discussed.⁴

4.2.2 Private Use of County Resources. Employees are prohibited from using County time or equipment for personal or political purposes on any social networking site.⁵

4.2.3 Public Records Act. County social media sites are subject to State of Washington public records laws. Any content maintained in social media format that is related to County business, including a list of subscribers and posted communication, may be a public record. The department maintaining the site is responsible for responding completely and accurately to any request for public records on social media. Wherever possible, such sites must clearly indicate that any articles and any other content posted or submitted for posting are subject to public disclosure, and users must be notified that requests for public records must be directed to the relevant departmental public disclosure officer.⁶

4.2.4 Records Retention Rules. Audit trails or any available reports used to log employee use of social networking sites remain the property of the County, and may be accessed or reviewed to monitor compliance with this policy, conduct investigations, or for other operational purposes. Washington state law and relevant County records retention schedules apply to social media formats and social media content. Unless otherwise addressed in a specific social media standards document, the department maintaining a site shall preserve records required to be maintained pursuant to a relevant records retention schedule for the required retention period on a County server in an easily accessible format that preserves the integrity of the original record.⁷

4.2.5 Compliance with Copyright Laws. Employees are expected to understand and follow laws pertaining to the use and duplication of copyright-protected materials when conducting County business on social networking sites.

4.2.6 Teleworking or Alternative Worksites. Employees must comply with County standards for social networking when teleworking or working at an alternate worksite.⁸

4.2.7 Electronic Communications. While on social networking sites, employees must comply with standards for using electronic communications including Information Service’s security policies and standards.⁹
4.2.8 Confidential Information. Employees may not divulge confidential, sensitive, proprietary, or personally identifiable information gained by reason of their employment with the County.\(^{10}\)

4.2.9 Campaign Activities. Employees may not engage in political activities on social media sites or make any statements, speeches, appearances, endorsements, or publish materials that could reasonably be considered to represent the views or positions of the County without express authorization.\(^{11}\)

4.2.10 Privacy. Most technology usage is recorded and therefore available for review by both internal and external sources. Employees have no expectation of privacy in information stored on County computers or devices.\(^{12}\)

4.2.11 Employees’ use of social media sites for gathering information for business purposes must be approved by their manager or supervisor.

4.3 Risks. Improper or unlawful use of County technology resources is prohibited because of the potential risks to the County and the individual employee. These risks include, but are not limited to:

- loss of public trust in County services;
- service and performance interference;
- financial loss;
- unlawful activity;
- loss of network or operational integrity; and
- charges or other legal consequences related to sexual harassment, discrimination, or improper access to or dissemination of information.

4.4 Off-Duty, Personal Use of Social Media.

4.4.1 When using social media, employees should be mindful that their speech becomes part of the worldwide electronic domain. Employees are free to express themselves as private citizens on social media sites, but an employee’s exercise of expression is balanced against the County’s interest in the effective and efficient fulfillment of its responsibilities to the public. Thus, employees must not engage in off-duty conduct which harms the County’s reputation, mission, or functions, renders the employee unable to perform his/her duties, results in other employees being unwilling or unable to work with the employee, or undermines the County’s ability to direct the workforce.

4.5 Penalties. The violation of this Social Media Use Policy is regarded by Kitsap County as a serious offense and is subject to corrective or disciplinary action, up to and including termination, as appropriate.\(^{13}\)

\(^{1}\) See Chapter 3.56 Kitsap County Code.
\(^{2}\) See RCW 42.23.070; and Kitsap County Personnel Manual, Chapter 10, Sections C and F.
Appendix X

3 See Chapter 3.68 Kitsap County Code; and Kitsap County Personnel Manual, Appendix O.
4 See Kitsap County Personnel Manual, Appendix I.
5 See RCW 42.23.070; and Kitsap County Personnel Manual, Chapter 10, Sections C and F.
6 See Chapter 42.56 RCW; and Chapter 3.76 Kitsap County Code.
7 See Chapter 40.14 RCW (Preservation and Destruction of Public Records).
8 See Kitsap County Personnel Manual, Appendix K.
9 See Kitsap County Personnel Manual, Appendix F.
10 See RCW 42.23.070; and Kitsap County Personnel Manual, Chapter 10, Section F.
12 Id., at Appendix F.
13 See Kitsap County Personnel Manual, Chapter 12 and any applicable Collective Bargaining Agreement.