Kitsap County Personnel Manual

Amended January 1, 2019
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CHAPTER 1 - SCOPE AND PURPOSE

SECTION A  PURPOSE OF THIS HANDBOOK

This policy handbook is provided as a reference source of general guidelines relating to the hiring, compensation, working conditions, promotions, transfers, discipline, and other matters affecting the status of employees covered by these guidelines. Employees’ suggestions for change to the Manual can be submitted at any time to the Human Resources Department. Additionally, this Manual will be reviewed on a periodic basis to ensure that the purpose of the Manual is being met, the contents are current, and that it is consistent with the stated mission of the County. These guidelines shall not be interpreted as promises of specific treatment, and these guidelines shall not be deemed to create a vested contractual right in any employee. The County may amend, modify, delete, alter, supplement, suspend, or terminate any statements or policies in this handbook and any employee benefits at any time, with or without notice. The County also reserves the right to deviate from the statements or policies in this handbook in individual situations to avoid disruptions in the public employer function, or to achieve its primary mission.

SECTION B  SCOPE OF THIS HANDBOOK

1. **Employees of Departments that Report to the Board of County Commissioners.** The policies in this handbook apply to all employees of departments that report to the Board of County Commissioners, except as provided in Appendix C applicable to at-will employees, Appendix M applicable to Extra Help Employees, County ordinances, and policies adopted by individual departments.

2. **Employees of the Assessor, Auditor, Clerk, Coroner, Prosecuting Attorney, Sheriff, Treasurer, and judges of the Superior and District Courts.** For the purposes of this handbook, employees employed by Elected Officials other than the Board of County Commissioners have a dual status. They are employees of the Board of County Commissioners for wage-related matters, and they are employees of the Elected Official for non-wage related matters. The wage-related provisions of this handbook apply to employees employed by the Assessor, Auditor, Clerk, Coroner, Prosecuting Attorney, Sheriff, Treasurer, and judges of the Superior and District Courts. The non-wage related provisions of this handbook do not apply to employees of the Assessor, Auditor, Clerk, Coroner, Prosecuting Attorney, Sheriff, Treasurer, and judges of the Superior and District Courts unless expressly adopted by those Elected Officials.

3. **Employees Represented by a Union.** Whether the policies in this handbook apply to employees represented by a union or guild will depend in part on the collective bargaining agreement between the County and the particular union or guild. Employees should consult the applicable collective bargaining agreement for additional information. In the event of a conflict between a collective bargaining agreement and this handbook, the collective bargaining agreement will take precedence, regardless of which is more or less restrictive. The most recent versions of collective bargaining agreements can be viewed at www.kitsapgov.com.
SECTION C    ABOUT KITSAP COUNTY

Kitsap County was founded in 1857 and is a subdivision of the State of Washington. Although it is not an administrative agency of the state, Kitsap County often functions as an administrative arm of the state by maintaining records, providing courts and law enforcement, building roads, assessing property, collecting taxes, and conducting elections. In Kitsap County these functions, as well as others, are governed by full-time Elected Officials including a board of three County Commissioners, a Sheriff, Superior Court and District Court Judges, an Assessor, Treasurer, Prosecutor, Auditor, Clerk, and Coroner. The number of independent, elected County officers provided for in the constitution and state law is a distinguishing feature of County government.

SECTION D    ORGANIZATIONAL STRUCTURE

The independent nature of County elected officers makes County government quite different from traditional municipal government forms with distinct legislative and executive branches. The Board of County Commissioners establishes the budget and functions as both the legislative and executive body. The Commissioners share administrative and, to some extent, legislative functions with the independently Elected County Officials: Assessor, Auditor, Clerk, Coroner, Prosecuting Attorney, Sheriff, Treasurer, and the judges of the Superior and District Courts. In addition to the various offices directed by independently Elected Officials, Kitsap County Government functions through various departments headed by appointed officials. The Department of Community Development, Department of Human Services, Department of Public Works, and the Department of Parks and Recreation report directly to the Board of County Commissioners. The Human Resources Department, Department of Administrative Services, Information Services and the Facilities Division report to the Board of County Commissioners through an appointed County Administrator. (See Appendix A)

SECTION E    KITSAP COUNTY VISION STATEMENT

A unique and growing community, widely known for:

Safe and Healthy Communities
People are protected and secure, care about their neighborhoods and are proud of where they live, work and play.

Protected Natural Resources and Systems
Education, land use planning and coordinated efforts assure that the forests, clean air and water that Kitsap is known for are sustained for the benefit of current and future generations.

Thriving Local Economy
A well-educated workforce and strategic investment in County infrastructure prompt businesses to expand or locate in Kitsap County, creating well-paying jobs and enhancing our quality of life.

Inclusive Government
County government conducts all activities in a manner that encourages citizen involvement, enhances public trust, and promotes understanding.
Effective and Efficient County Services
County government continuously assesses its purpose, promotes and rewards innovation and improvement, fosters employee development, and uses effective methods and technologies to produce significant positive results and lasting benefits for citizens.

SECTION F KITSAP COUNTY MISSION STATEMENT

Kitsap County government exists to protect and promote the health, safety and welfare of our citizens in an efficient, accessible and effective manner.

SECTION G FUNCTION OF COUNTY GOVERNMENT

Through elected representatives, the public determines the desired level of services and establishes the standards that it demands of public employees in providing these services. In its representative capacity, Kitsap County strives for an effective balance between accountability for the expenditure of public funds and responsiveness to the needs of the public. In its capacity as an employer, Kitsap County must balance the interests of the public employee with the interests of the public. Achieving this balance requires the County to maintain an effective and efficient governmental operation, including the efficient management of personnel, maintaining close internal working relations, enforcing adherence to standards of competence, and avoiding disruptions in the workplace and interference with work. Employees, in fulfilling their dual roles as citizens and public employees, have a unique personal stake in ensuring effectiveness, efficiency, and integrity in public service. Particularly in the performance of duties that are a matter of public concern, public employees must balance their interests as private citizens with their responsibilities and obligations as public representatives.

SECTION H STANDARDS

1. As an employer, Kitsap County strives for an environment in which all individuals can reach their full potential as efficient and effective employees so that the County can reach its full potential for public service. To achieve full potential, the County and its employees must strive to create a work environment that encourages attributes such as creative and independent thinking, inventiveness, and innovation. Work/life policies are important to that environment because the County recognizes the needs of its employees to balance both work and home in order for the employee to reach their full potential and the County to provide superior services to its citizens. The County and its employees must continuously examine, evaluate, challenge, streamline their methods and processes, and identify new ways of providing the best possible public services. The County and its employees must also maintain certain standards of conduct, including the following:

   a. Conducting County business ethically, professionally, with pride, and with enthusiasm.

   b. Providing quality services within available resources.

   c. Treating the public and co-workers with dignity, respect, courtesy, fairness, and sensitivity.
d. Providing timely and accurate information.

e. Responding promptly to requests.

SECTION I SEVERABILITY

If any provision of this Manual or its application to any person or circumstance is held invalid, the remainder of this Manual or the application of the provisions to other persons or circumstances shall not be affected.

SECTION J REVISIONS, ADDITIONS, AND DISTRIBUTIONS

As changes occur, departments shall receive electronic notification of the revisions and additions to this Manual. A copy of the Personnel Manual shall be maintained in the Office of the Board of County Commissioners, the Human Resources Department, and in each department. The Personnel Manual will be available online.
CHAPTER 2 GENERAL POLICIES AND EMPLOYMENT GUIDELINES

SECTION A EQUAL EMPLOYMENT OPPORTUNITY POLICY

STATEMENT

1. Kitsap County is an equal opportunity employer. The County believes the participation of employees of diverse ages, races, religions, cultures, abilities, genders, gender identity, abilities, and backgrounds, shall 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, gender, national origin, age, disability, veteran’s status, marital status or sexual orientation, HIV status, genetic information, or sensory, mental or physical disability. This policy extends to all areas of employment and to all relations with employees 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.

2. If County employees believe they are being discriminated against on the basis of race, color, religion, gender, national origin, age, disability, veteran’s status, marital status or sexual orientation, HIV status, genetic information, or sensory, mental or physical disability they may follow the complaint procedure set forth in Appendix H to this Manual.

SECTION B POLICY PROHIBITING DISCRIMINATION, HARASSMENT AND INAPPROPRIATE CONDUCT

Kitsap County is committed to eradicating discrimination and harassment of County employees in the workplace because of an employee’s race, color, religion, religious affiliation, creed, sex, sexual orientation, gender identity or expression, national origin, ancestry, age, disability, veteran’s status, marital status, HIV status, genetic information, or presence of a sensory, mental or physical disability. The Kitsap County Board of Commissioners has established a policy prohibiting discrimination, harassment and other inappropriate conduct based upon a person’s protected status. (See Appendix H)

SECTION C REASONABLE ACCOMMODATION OF INDIVIDUALS WITH DISABILITIES (ADA)

Kitsap County is committed to complying fully with the Americans with Disabilities Act (ADA) and other applicable federal, state, and local laws. The County is also committed to ensuring equal opportunity in employment for qualified persons with disabilities. The County makes employment decisions based on the merits of the situation in accordance with defined criteria, not the disability of the individual. Further, the County is committed to not discriminating against any qualified employee because the person is related to or associated with a person with a disability. (See Appendix N)
SECTION D  WASHINGTON STATE HEALTHY STARTS ACT

Pregnant workers have the right to the following accommodations without written certification from a health care professional:

1. Frequent, longer, or flexible restroom breaks;
2. Modifying a no food or drink policy;
3. Providing seating or allowing the employee to sit more frequently; and
4. Limit lifting to 17 pounds or less.

In addition, pregnant employees may request additional accommodations, as such:

1. Job restructuring, including modifying a work schedule, job reassignment, changing a work station, or providing equipment;
2. Providing a temporary transfer to a less strenuous or hazardous position;
3. Scheduling flexibility for prenatal visits;
4. Providing any further accommodation the employee may need.

The County may request medical documentation regarding the need for these additional accommodations.

SECTION E  EMPLOYMENT GUIDELINES

1. EMPLOYER RIGHTS
The County reserves all legal rights with respect to matters of general legislative or managerial policy, which include, but are not limited to:

a. Determine the mission of its constituent departments and commissions.
b. Select standards for employment and promotion.
c. Direct its employees.
d. Take disciplinary action.
e. Relieve its employees from duty because of lack of work or other legitimate reason.
f. Contract out work.
g. Maintain the efficiency of governmental operation.
h. Determine the methods, means and personnel by which government operations are to be conducted.
i. Take all necessary actions to carry out its mission in an emergency.

j. Exercise complete control and discretion over its organization and the technology of performing its work.

The County also reserves the right to deviate from the statements or policies in this handbook in individual situations to avoid disruptions in the public employer function, or to achieve its primary mission.

2. **EMPLOYEE RIGHTS AND RESPONSIBILITIES**

   a. Employees have the right and shall be protected in the exercise of such right, freely and without fear of penalty or reprisal, to form, join and assist any employee organization.

   b. Employees shall be protected from discrimination and harassment on the basis of gender, race, color, religion, national origin, age, disability, marital status, veteran status and sexual orientation.

**SECTION F  JOBS PERFORMANCE AND ATTENDANCE**

In order to allow for a variety of employee needs, Kitsap County has established a number of leave policies, which are detailed in the chapter on “Employee Benefits.” These policies are balanced by employee responsibility. Kitsap County expects all employees to assume diligent responsibility for the reliable, predictable performance of their job functions. The ability to perform job functions requires predictable and reliable attendance and the prompt notification of the supervisor, or other appropriate person, in the event of an illness or personal emergency that interferes with the ability to attend work. Performance and productivity problems stemming from a lack of attendance, including failure to follow proper call in procedures, may result in disciplinary action up to and including termination.

1. An authorized absence requires the employee to comply with all the reporting requirements specified in this Manual and in accordance with individual department procedure.

2. An unauthorized absence occurs if an employee fails to notify the supervisor or designee of the reason for not reporting to work prior to or at the beginning of the work shift in the method as established by the Employing Official, or if the employee leaves work during his/her shift without permission from a supervisor. The employee shall not be compensated for unauthorized absences. Such absences may be grounds for disciplinary action, up to and including termination. An Employing Official may establish different notification standards for various work units.

3. Three consecutive work days of unauthorized, unjustified absence shall constitute job abandonment and the employee shall be terminated. Termination for job abandonment is not grievable.
SECTION G  DRUG AND ALCOHOL POLICY

Kitsap County performs a vital public service to our community. To ensure that this service is delivered safely, we are dedicated to providing and maintaining a drug and alcohol-free working environment. It is Kitsap County's policy to:

- Assure that employees have the ability to perform assigned duties in a safe, healthy and productive manner;
- Create a workplace free from the adverse effects of drug and alcohol abuse or misuse; and
- Prohibit the unlawful distribution, possession or use of controlled substances.

All Kitsap County employees are responsible for reading and following the requirements of the complete Drug and Alcohol Policy.

Kitsap County cares about the health and well-being of its employees. We urge employees who believe they are having an alcohol or chemical dependency problem to seek treatment before job performance and employment is endangered. (See Appendix E)

For detailed information regarding Commercial Driver’s License testing procedures see KITSAP COUNTY DRUG AND ALCOHOL POLICY AND PROCEDURES on the Human Resources Intranet page.

SECTION H  SMOKING POLICY

In the interest of the health and well-being of all employees, and in compliance with the Clean Indoor Air Act and Kitsap Public Health District regulations, smoking is not allowed inside, or within twenty-five feet of, any Kitsap County facility or vehicle. This includes the use of “e-cigarettes” and/or “vaping.” Employees who wish to smoke must use designated smoking areas and dispose of their smoking materials properly in designated cigarette receptacles/outdoor ashtrays.

SECTION I  WHISTLEBLOWER POLICY

The Washington State Legislature has enacted legislation, referred to as the Whistleblower Act, to protect local government employees who, in accordance with the provisions of the Act, report improper governmental actions. Kitsap County has adopted a policy based on the provisions of the Whistleblower Act. For full details regarding the protections afforded by the County’s Whistleblower policy as well as the procedures to be followed when reporting improper governmental actions, employees should refer to Appendix P.
SECTION J  NEPOTISM POLICY

Employment of Relatives: Employees’ relatives (“relatives” include an employee’s parent, child, spouse, brother, sister, in-laws and step relationships) shall not be employed by the County under any of the following circumstances:

a. Where one of the parties would have authority (or practical power) to supervise, appoint, remove, or discipline the other;

b. Where one party would be responsible for auditing the work of the other;

c. Where both parties would report to the same immediate supervisor;

d. Where other circumstances might lead to potential conflict among the parties or conflict between the interest of one or both parties and the best interests of the County; or

e. Where one of the parties is a policy level official of the County.

f. If two employees marry, become related or are in a romantic relationship and begin sharing living quarters with one another, and in the County’s judgment, the potential problems noted above exist or reasonably could exist, only one of the employees shall be permitted to stay with the County, unless reasonable accommodations, as determined by the Employing Official, can be made to eliminate the potential problem. The decision as to which employee shall remain with the County must be made by the two employees within thirty (30) calendar days of the date they marry, become related, or begin sharing living quarters with each other. If no decision has been made during this time, the County reserves the right to terminate either employee.

SECTION K  MEDIA CONTACT

Only designated personnel are authorized to represent the County to the media. Employees contacted by the media should refer media personnel to an appropriate spokesperson.

SECTION L  WORKPLACE VIOLENCE POLICY

It is Kitsap County’s policy to promote a safe environment for its employees. The County is committed to working with its employees to maintain a work environment free from violence, threats of violence, harassment, intimidation, and other disruptive behavior.

Violence, threats, harassment, intimidation, and other disruptive behavior in our workplace will not be tolerated; that is all reports of incidents will be taken seriously and will be dealt with appropriately. Such behavior can include oral or written statements, gestures, or expressions that communicate a direct or indirect threat of physical harm. Individuals who commit such acts may be removed from the premises and may be subject to disciplinary action, criminal penalties, or both.

Every employee is responsible for implementing this policy effectively and for maintaining a safe working environment. Do not ignore violent, threatening, harassing, intimidating, or other disruptive
behavior. Any person who observes or experiences any such behavior on County premises, whether he or she is a County employee or not, should report it immediately to a supervisor or director. Supervisors and directors who receive such reports should seek advice from the Human Resources Department regarding investigation of the incident and appropriate action. (See Appendix L)

**PLEASE NOTE:** *Threats or assaults that require immediate attention by police should be reported first to police by calling 911.*
CHAPTER 3 – RECRUITMENT, EXAMINATION AND APPOINTMENT

SECTION A  AGE REQUIREMENTS

The minimum employment age at Kitsap County is 18 years of age for regular employment. Minors between 16 and 18 years may be considered for employment, primarily internships or extra help, subject to job requirements and state regulations. See Extra Help Policy for more information. (See Appendix M)

SECTION B  RECRUITMENT

1. The Human Resources Department shall develop and conduct a recruitment program designed to meet current and projected employment needs. It is the policy of Kitsap County to select qualified applicants to fill job openings based solely on job qualifications. Discrimination in selection because of race, color, religion, gender, national origin, age, disability, veteran’s status, marital status or sexual orientation, HIV status, genetic information, or sensory, mental or physical disability is prohibited.

2. Types of Job Postings

   a. Outside Posting: An Employing Official may authorize Human Resources to post a notice of job vacancy to the general public. Applications are accepted from qualified persons who wish to apply. The notice is usually posted at least ten (10) working days before filling a job vacancy. The posting period may be reduced to five (5) working days at the discretion of the Employing Official.

   b. Departmental Only Posting: An Employing Official may authorize Human Resources to post a vacancy to employees of their department. Applications are restricted to employees who have been hired through an open competitive process in the County within the employing department. The notice is to be posted a minimum of five (5) working days prior to filling a job vacancy.

   c. County Wide Posting: An Employing Official may authorize Human Resources to post a vacancy internally to employees of Kitsap County. Applications are restricted to employees who have been hired through an open competitive process in the County. The notice is to be posted for a minimum of five (5) working days prior to filling a job vacancy.

   d. Transfer Posting: An Employing Official may authorize Human Resources to fill a vacancy from the transfer list. The transfer posting is only available to employees in regular, budgeted positions. The transfer posting can only be used for positions on an equal or lower pay rate than the candidate’s current pay rate. Transfer posting may not be used for promotional positions. An employee transferring to a different position shall possess the minimum qualifications for that position. The right to return, if provided, must be in writing by the affected Employing Official at the time of transfer.
e. Continuous Posting: An Employing Official may authorize Human Resources to post a notice of job vacancy to the general public for an unspecified period of time. Applications are accepted on a continuous basis without a designated closing date. Periodically, applications are screened and proceed to the next step in the recruitment process. Those who successfully pass the exams shall be placed on the employment list. Positions may be filled at any time during the recruitment from the employment list. This posting may be closed at any time by the Human Resources Department or the Employing Official.

f. Use of Other Recruitments: In lieu of one of the postings noted above, the Employing Official may elect to fill a position using a recruitment for the same job classification conducted in the prior six months.

3. Recruitment Procedures will be established by the Director of Human Resources.

4. Applications
   a. Filing of Applications: Openings are posted on the Kitsap County website, and only electronic applications are accepted. Applicants may request assistance from the Human Resources Department. Applications for employment will be filed on such forms as may be prescribed by the Human Resources Department.

5. Rejection of Applicants: The Director or designee may reject any applicant from further consideration for specific reasons, which may include but are not limited to:
   a. The applicant does not meet the minimum qualification/eligibility requirements established for the position.
   b. The applicant, through examination, does not successfully meet the minimum established passing score to be considered further for the position.
   c. The applicant has made a false statement of material fact in the application process.
   d. The applicant has used or attempted to use illegal means to secure an advantage in the application process.
   e. The applicant has improperly obtained and used information regarding the examination to which he/she was not entitled.
   f. The applicant has failed to reply to a letter of inquiry sent to his or her last address, e-mail address, and/or phone messages left at numbers designated on the application form.
   g. Within the past ten (10) years the applicant has been convicted of a crime, and the conviction is directly related to the requirements of the job.
   h. The applicant does not meet the minimum age requirement specified in the current class specification.
   i. The applicant has declined an interview, arrived late or failed to appear for a scheduled test or interview or expressed lack of interest in the position.
j. The applicant failed to provide a completed application packet as required by the
designated closing date.

k. Improper conduct on the part of the applicant during the examination or interview
process.

l. Kitsap County employees who apply for promotional opportunities may be excluded
from eligibility if they have a current performance improvement plan, are on extended
probation, or have received discipline at Written Reprimand or above within the past 6
months.

SECTION C    EXAMINATIONS

Once the recruitment period is closed, all completed applications are screened using a selection process
specifically designed for that recruitment. Each step in the selection process is designed to test the
knowledge, skills, and experience required to successfully perform the essential functions for the specific
position. Examinations may include written, oral, physical or performance exercises, evaluations of
training and experience, reference checks, review of the application and supplemental questionnaire, or
other valid examination processes. Such factors as experience, education, aptitude, knowledge, skill,
ability, character or any other job-related qualifications may be taken into consideration. The Human
Resources Department specifies the nature and content of examinations based upon the advice and
information of Employing Officials and subject matter experts.

1. Veterans Preference: Veterans qualifying under the provisions of RCW 41.04 shall have added to
their passing score an appropriate preference in accordance with State law. In order to claim
Veteran’s Preference, applicants must complete a Veteran’s Preference Declaration form to
submit with their application packet and a copy of their DD214 or other official documentation to
verify military service. According to established criteria, either five or ten percent will be added
one time to the applicant’s score in the selection process.

2. Pre-Employment Examination: Applicants selected for employment for certain positions may be
required to successfully pass a pre-employment physical examination, which may include, but is
not limited to physical, psychological, hearing, polygraph, drug testing, voice stress analysis
exams, or other exams as deemed appropriate.

3. Current regular employees are not required to use annual leave to participate in Kitsap County
recruitment testing or interviewing. Employees will provide supervisors with reasonable notice
of time needed for County recruitment testing or interviewing. If employees wish to maintain
confidentiality, they may request annual leave to participate in the recruitment process.

4. If an applicant is a PERS retiree, from Kitsap County or from any other employer covered by one
of the Washington State retirement systems, there may be impacts to the applicant’s retirement
benefits. Before considering returning to work with Kitsap County, applicants should contact the
Department of Retirement Systems to discuss any possible impacts to their retirement income.
The amount of hours offered to the applicant seeking the job will not be altered due to any
potential impact to their PERS retirement. If offered employment, the applicant must inform
Kitsap County that they are a retiree for proper reporting of hours. They must also acknowledge
that Kitsap County will not adjust the amount of working hours of the job they are seeking.
SECTION D  EMPLOYMENT LISTS

1. Each appointment to fill a budgeted position in the County service is made from an employment list. An employment list contains the names of candidates who are qualified for appointment to the classification. The Director or designee shall refer candidates from one or more of the following lists.

2. Types of Employment Lists
   a. Department Recall List: Names of employees who have been laid off in the affected department shall be placed on a current department recall list. When vacancies occur in the employee’s same classification within the employing department, the department shall first attempt to rehire those employees who are eligible and qualify for the vacant position.
   b. Re-Employment List: Names of employees who have been laid off by the County and want to be considered for other County positions. Qualified employees shall receive consideration by other departments for positions that are within the classification from which laid off, classifications within the same pay grade, or classifications within pay grades with lower maximum salary ranges.
   c. Employment List: Names of top candidates who have successfully completed the examination process.
   c. Transfer List: Names of employees in regular County positions who have submitted their applications for consideration for transfer postings.

SECTION E  TYPES OF APPOINTMENTS

1. Regular Appointment (Full-Time and Part-Time): Regular appointment is any appointment to a budgeted position vacancy in the Kitsap County service. Appointments are made from an employment list in accordance with this Manual. Such appointments include initial appointments to the County service, promotions, transfers and recalls. A regular appointment is tentative pending successful completion of a probationary period.

2. Appointment Following Reorganization or Transfer of Function: Whenever there is a transfer or reorganization of functions within the County, and provided that the employee's position, duties and responsibilities are not changed substantially, the employee continues in the status previously held prior to such transfer or reorganization. Where there is a transfer of function within the County, any incumbent employee is appointed without examination provided the duties, responsibilities, and qualifications of the affected position are not changed substantially.

3. Extra-Help (Temporary/On-call) Employees: Extra help employees are not regular County employees and are considered “At-Will”. (See Appendix M).
SECTION F REIMBURSEMENT OF TRAVEL EXPENSE FOR 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 for 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. (See Appendix K)

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.

SECTION G REIMBURSEMENT FOR MOVING EXPENSES

1. Reimbursement will be limited to the actual, reasonable, and necessary moving expenses, which may include the cost of travel directly to the place of new residence following appointment. Allowable expenses include moving of household goods and personal effects (including in-transit expenses) and traveling (including lodging but not meals) to Kitsap County.

2. The reimbursement to a particular employee may not exceed a total of seven thousand, five hundred dollars. Employees will be paid upon submittal of actual receipts and will be reimbursed for actual expenses.

3. The reimbursement will not create a need for a supplemental appropriation to the department or office in which the individual is employed.

4. Before the appointment, the appointing authority and the appointee will agree to the reimbursement in writing.

5. The written agreement provides that if the appointee leaves county employment, either voluntarily or involuntarily, less than two years after the appointment, the appointee shall repay to the county within thirty days after leaving county employment, the entire amount of the reimbursement.

6. Reimbursement is limited to persons appointed to “at-will” or appointed positions, as set forth in the Personnel Manual, Appendix C and those positions determined by the Director of Human Resources in advance of the recruitment as difficult to fill within the local market. In all cases, reimbursement is limited to those candidates whose relocation meets the IRS distance test.
CHAPTER 4 - PROBATIONARY PERIOD

SECTION A  PURPOSE

The probationary period is an essential part of the selection process and is a continuing evaluation of the candidate prior to granting regular employee status. During the probationary period, an employee is required to demonstrate suitability for the position by actual performance of the work.

SECTION B  PROBATIONARY PERIOD

1. **Duration:** The probationary period for a new employee, a newly promoted employee, an employee who voluntarily demotes, or a transferred employee is a period of six months unless otherwise determined by the Employing Official. The probationary period may be extended by the Employing Official for reasons including but not limited to:
   
   a. A disciplinary problem has developed which is correctable with more time, and it is in the best interests of the County to do so.
   
   b. Additional training is required to achieve satisfactory performance.
   
   c. The Employing Official determines that there has been an insufficient or inadequate opportunity to evaluate the probationer's performance.
   
   d. Other reasons determined to be appropriate by the Employing Official.

2. **Notification:** Notification, in writing, which states the reason for the extension and the employee's obligation during the extension period shall be provided to the probationer, with a copy to the Human Resources Department.

3. **Conditions of Probation:** During the probationary period an evaluation shall be performed approximately two weeks prior to the end of the six (6) month probationary period. During the probationary period, the Employing Official may, with or without cause, dismiss or demote an employee. The probationary employee is at-will and does not have the right to appeal or the right of access to the grievance process upon demotion, dismissal or disciplinary action.

4. **Paid Time off During Probation:** New and transferred probationary employees may use accrued leave during the probationary period.

5. **Conditions of Probation for Promoted Employee:** During the probationary period for a new promotion, the Employing Official may, with or without cause, demote the employee to his or her prior position or an equivalent position to the same wage grade and at the step previously held.
CHAPTER 5 - CLASSIFICATION

SECTION A     APPLICABILITY

The Board of County Commissioners has the sole authority to approve or modify classifications for all positions within elected and appointed departments. This section applies to positions established within the budgets of elected offices and appointed departments.

SECTION B     CLASSIFICATION PLAN

Development and Maintenance:
The Human Resources Department maintains a classification plan for all positions of employment within the County subject to preliminary approval by the County Administrator, and final approval by the Board of County Commissioners. The placement of each position in the classification plan is determined in accordance with the qualifications required, difficulty and responsibility of its designated duties.

SECTION C     CLASS SPECIFICATIONS

The Human Resources Department maintains a class specification for each class of positions and may add, combine, abolish or revise the class specifications. Each class specification includes the class title, a description of representative duties and responsibilities of positions included in the class, and a statement of the required, desirable and/or preferred qualifications for positions in the class.

Vested Rights: Kitsap County may review and revise the classification of any position. While a classification may attach to a position, an employee filling the position has no vested right in any existing job classification. Modification or abolishment of a classification description is not a personnel action subject to the grievance procedure described in this Personnel Manual.

SECTION D     NEW POSITIONS AND RECLASSIFICATION OF EXISTING POSITIONS

1. New positions or reclassification requests can be submitted under the following circumstances:
   a. In preparation for submission of the annual budget
   b. Initiation of position changes during the budget year due to changes in service demands, funding, legal, technical, organizational or programmatic requirements
   c. As a result of a need to reorganize departmental functions or a gradual accretion of higher-level duties to an existing position; and
   d. Pursuant to collective bargaining agreements
2. Whenever an Employing Official has a need to either add a new position or reclassify an existing position to a higher level job classification within the County’s classification system, the Employing Official shall submit to the County Administrator, through Human Resources, a request to reorganize, or to request a classification study, in the format as established and maintained by the Human Resources Department. The information submitted shall include documentation explaining the need for the requested change and an analysis of the immediate and long-term budget impact. The County Administrator will submit the request to the Board of County Commissioners for preliminary approval. Upon preliminary approval by the Board, the Human Resources Department will complete a formal review and submit recommendations regarding the proper classifications to the County Administrator.

   a. If the proposed new position or reclassification is due to a prospective reorganization, the Employing Office/Department will absorb both the current year’s increased costs and subsequent years’ costs through other personnel reductions or increased revenues. In the event the office/department is unable to absorb the increased costs, the reorganization will be submitted as part of the next year’s budget request and will not be considered in the current year.

   b. If changes are due to the gradual assumption of new duties and the employee is in fact performing higher-level duties, the reclassification may go forward, provided the department/office can absorb through other salary/benefit reductions or new revenues, the increased costs associated with the reclassification. If the department/office cannot absorb the increased costs, the department may request working out-of-class compensation, in accordance with Chapter 6 Section C, to compensate the employee for the higher-level duties. Compensation will be equal to the rate they would receive if reclassified (set forth in Section E (3) of this Chapter) and the department/office will put forward the request for the longer-term reclassification as part of the next year’s budget request. If the out of class compensation or the reclassification is not approved, the higher-level duties must be reassigned and the working out-of-class wages will cease.

3. Effective Date of Compensation Change: Any change in classification or compensation will become effective on the first day of the first full pay period following the date that the study is given preliminary approval from the Board of County Commissioners. No retroactive pay will be given unless action has been taken by the Board of County Commissioners prior to the date the increases become effective.

4. Final Approval: A County Resolution relative to creation and reclassification of positions shall be prepared and submitted by the Human Resources Department for final approval.

SECTION E    CLASSIFICATION STUDIES

1. Classification Upgrade: A classification upgrade is the result of an increase in the scope of responsibilities and duties of a position which changes the level of influence and consequences of actions required in the current position. The reclassification of a job involves an analysis of the essential functions of the position and the appropriate placement in the County's classification/pay scale.
a. A classification upgrade may not be used as a merit raise, or as a reward for employment
longevity, or as a means to recognize excellent employees. An increased volume of work
at the same level of responsibility that the incumbent is currently performing is also not a
classification issue.

As a result of reclassification, and due to an overall increase in the responsibilities of a
position, compensation for the position may increase.

2. Classification Downgrade: A classification downgrade is the result of a decrease in the scope of
responsibilities, tasks, and duties of a position which changes the level of influence and the
consequences of actions required in the current position.

a. A position may be reclassified to a lower level if the responsibilities of the job are
determined to be less than originally indicated, or if essential responsibilities are removed
from the job. The Employing Official may request a formal review and recommendation
by the Human Resources Department.

b. All classification downgrade reviews affecting an incumbent employee shall be discussed
with the employee before implementation. The employee will be offered the opportunity
to meet with the Director of Human Resources or the Employing Official to discuss the
results of the review, prior to approval and adoption by the Board of County
Commissioners.

c. An incumbent affected by a classification downgrade shall not be paid less than his/her
present salary, but any future salary increases are pursuant to County policies for
employees whose wages are considered frozen. A classification downgrade is not
considered a demotion.

3. Effect of Classification Changes on Employees: Whenever a position is reclassified to another
class, the employee shall maintain the credit for service as he/she had prior to reclassification,
except as noted below:

a. Whenever a position is reclassified to a higher class, the incumbent shall be promoted.
Promotions that result from a classification review that concludes the position’s duties
have evolved to a higher level over time are not subject to a promotional probation.

b. If a position is reclassified up to a higher classification, see Chapter 6, Section C.6 for
compensation guidelines.

c. The date of reclassification becomes the new anniversary date for future step increases,
unless the employee has been in an Out-of-Class assignment pending approval during
budget cycle. Under the Out-of-Class assignment process, the date for future step
increases becomes the date that the employee was approved for Out-of-Class pay.
CHAPTER 6 - COMPENSATION ADMINISTRATION

SECTION A   GENERAL INFORMATION

The Human Resources Director is responsible for developing, implementing, and maintaining a classification and compensation plan for each position in Kitsap County, based, in part on the principles of public accountability. Only the Board of County Commissioners may approve the compensation assigned to classifications for all positions within elected and appointed departments. This section applies to positions established within the budgets of elected offices and appointed departments.

SECTION B   PAY PLAN

1. Kitsap County has a responsibility to be accountable for public funds. By maintaining an equitable pay structure and accurate time records, the County can provide accurate cost information and ensure compliance with state and federal laws and regulations. The Human Resources Department maintains a pay plan for all positions of employment within the County subject to the preliminary approval of the County Administrator and final approval of the Board of County Commissioners. The County recognizes providing adequate compensation through a consistent pay plan attracts and retains qualified employees. Comparisons of salaries with comparable agencies will take into consideration total compensation.

2. The pay plan is comprised of the following two salary structures:

   a. Exempt from State and Federal overtime laws: Includes Executive, Professional, Administrative and Computer Professional Employees as defined by the Fair Labor Standards Act and the Washington State Minimum Wage Act. Exempt employees shall not accrue overtime or compensatory leave. Partial deductions from an exempt employee’s salary for absences of less than one day will generally not be made, provided the employee has worked at least one half of their workday and leaves work with supervisory permission. Due to principles of public accountability, an exempt employee’s salary may be reduced or such employee may be placed on leave without pay for absences for personal reasons or because of illness or injury of less than one work-day when accrued leave is not used by an employee because:

      (i) Permission for its use has not been sought or has been sought and denied;

      (ii) Accrued leave has been exhausted; or

      (iii) The employee chooses to use leave without pay.

See Resolution 170-2005 for exempt employee pay when classified as an Emergency Worker in a declared disaster. See Appendix G, Family and Medical Leave Policy for partial day deductions for FMLA absences when exempt employees are intermittent FMLA.

   b. Nonexempt: Includes all other classifications. Nonexempt employees shall have any absence deducted from accrued leave balance for reasons such as sick leave, vacation
leave, bereavement leave, civil leave, military leave, etc. If leave is not available, wages shall be reduced by the amount of the leave without pay.

SECTION C  RATES OF PAY

1. **Pay Grade**: A pay grade identifies a pay range which comprises a series of steps through which employees in classifications assigned to the particular pay grade may progress. (See Chapter 5 on Classification for information regarding the assignment to classifications).

2. **Minimum and Maximum Pay Rates**: No employee shall be paid at a rate of pay less than the minimum nor more than the maximum amount on the pay grade established for his/her classification as set forth in the pay plan unless otherwise provided for in this Manual (see #12 below—Frozen Pay Rate). Annual pay rates in the pay plan are based upon full-time employment at the normal working hours for the position. Placement at compensation levels, which are not in accordance with this Manual, shall require the written approval of the Board of County Commissioners.

3. **Starting Pay Rate Upon Initial Employment**: Employees are normally appointed to the minimum step of the pay range in effect for the classification to which the appointment is made. If the Employing Official has determined that it is not possible to hire the most qualified and/or desirable candidate at the entry level step, a salary offer not to exceed Step 6 of the pay grade may be made. Appointment at step 7 or above must be approved in writing by the County Administrator. To prevent importing an unfair wage gap, Employing Officials should compare the salary and experience level of current staff performing similar work to the candidate’s current salary and experience level.

4. **Starting Pay Upon Promotion**: For promotional appointments, the employee’s hourly rate for the position into which the employee is promoted shall be at least 2.5% greater than the employee’s hourly rate at the formerly held position. If the employee was to receive a step increase within 90 days, that hourly rate shall be considered into the hourly rate for the new position. Appointment upon promotion at Step 7 or above on the pay grade must be approved in writing by the County Administrator if the increase is more than 5%.

5. **Pay Rate Upon Transfer**: When an employee transfers to a different position with the same pay grade, the employee will maintain their existing step placement and retain their previous step increase date upon transfer. If an employee transfers to a position at a lower pay grade and there is not a corresponding equal pay rate, the employee will be placed on the step closest to, but not below, their current pay rate. If an employee transfers to a lower pay rate and is currently making above step 14 of the new pay rate, the employee will be placed at step 14, even if this results in a decrease. If the transfer results in a pay increase, the step increase date will change to the anniversary date of the effective date of transfer.

6. **Pay Rate Upon Reclassification to a Higher Pay Grade**: When an employee is reclassified from one classification to another within their department of current employment, the employee’s actual salary for the position into which the employee is reclassified shall be greater than the employee's salary at the formerly held position and/or greater than the salary the employee would have been entitled to had the employee retained the formerly held position for ninety (90) additional days. The incumbent will move to step 1 of the new pay scale OR to the step that provides a minimum of 2.5% but is no more than a 5% increase, unless the incumbent is reclassified under Section 15.c. Incumbents reclassified under 15.c will maintain the same step as
the Out-of-Class assignment pay. Such approval is not required when the placement is at step one of the pay range of the new position.

7. **Pay Rate Upon Demotion**: An employee who is demoted to a lower classification may be paid at any rate assigned to the lower classification as determined by the Employing Official, not to exceed the wage closest to the employee’s pay rate prior to the demotion.

8. **Pay Rate Upon Recall**: An employee who is recalled back to the same department and into the same classification shall be reinstated to the same step in the pay grade as held prior to the break in service.

9. **Pay Rate Following Reclassification to a lower classification**: If a position is reclassified to a class with a lower pay grade, the employee's rate of pay shall be placed at the step closest to, but not below, the salary before reclassification. If the employee’s pay is above the pay grade, the employee’s pay rate will be frozen until the pay grade catches up to the employee’s pay rate, at which time, the employee will be placed at the step closest to, but not below, their pay rate.

10. **Pay Rate Following a Change in Classification Pay Rate (outside of a County-Wide Classification Study)**: If a classification is assigned to a different pay range, with no change in duties or responsibilities, the employee shall be placed on the step closest to, but not below, their pay rate on the previous pay range.

11. **Pay Rate Upon Re-employment**: For employees who have been laid off and rehired within twelve (12) months or for employees who are separated within twelve (12) months or less and rehired into the same classification, the employee shall be placed on the step in which the employee left employment.

12. **Frozen Pay Rate**: Employees whose pay rates are frozen due to exceeding the maximum step of the pay range of their assigned classification do not receive a pay increase until their pay rate is within the pay rate for their classification. They are then placed on the step closest to, but not below, their pay rate.

13. **Standby Pay Rate**: Employees who are placed on “Standby Status” by the Employing Official or designee for periods up to one week, which requires that the employee be available on a twenty-four (24) hour basis during that period for emergency work and are required to respond by telephone within fifteen (15) minutes to any summons at any time during the twenty-four (24) hour period, shall receive $15.00 per day.

14. **Shift Differential Pay Rate**: Regular employees whose positions require them to work shifts shall receive an additional twenty-five (25) cents per hour for each hour worked on swing shift and an additional thirty-five (35) cents per hour for each hour worked on graveyard shift. Shift differential pay shall be paid for each hour of swing or graveyard shifts actually worked or sick leave taken. The Employing Official, or designee, shall designate the hours assigned to swing and graveyard shifts.

15. **Pay Rate for Temporary Working Out-of-Class**: Temporary Working Out-of-Class Upgrades may be granted when an employee is assigned significant additional responsibilities for a minimum of five (5) consecutive working days. Prior to assigning out-of-class duties, departments must obtain the approval of the Employing Official and the County Administrator. The Employing Official shall submit to the County Administrator, through Human Resources, the information
regarding the out-of-class request on the form as maintained by Human Resources. The County Administrator may require the Human Resources Department to complete a review and submit its recommendation regarding the request by the Employing Official. The Department of Human Resources shall review and approve such requests pursuant to the compensation guidelines established in this chapter.

An employee who performs work in a higher classification, for a period in excess of five (5) working days, may be paid wages of the higher classification pursuant to one of the three (3) following conditions:

a. At the request of the Employing Official, and as approved by the County Administrator, the employee is temporarily assigned to perform significant additional responsibilities for a designated period of time. Special work projects or unanticipated work demands resulting from legal, programmatic or operational changes are examples wherein a temporary working out-of-class upgrade may be granted.

b. The employee is temporarily assigned by the Employing Official to perform the full scope of duties principally ascribed to a higher classified budgeted position, which is currently vacant, or the higher classified employee is on extended leave.

c. The employee has gradually assumed higher level duties and is receiving temporary out of class pay pending Board approval of the next year’s budget. See Chapter 5, Section D.

The employee must meet the Minimum Qualifications for the position to which he/she is being assigned. The employee’s wages, including leave taken, shall be paid at the out-of-class wage for the duration of the assignment. Non-exempt employees assigned to work out of class in an exempt position will not receive overtime for any hours worked in excess of the regular work week.

The temporary upgrade will be the step on the pay scale of the higher classification that is closest to providing at least a five percent increase, or the minimum step of the salary range for the approved classification, whichever is greater, unless the temporary upgrade falls under 15.c above, in which case the compensation will follow reclassification guidelines. Once the temporary assignment is completed, the out of class pay will cease. Employees receiving out-of-class wages for an overtime exempt level position will be treated as exempt from overtime for all hours worked in the exempt level position. Employees in a represented position assigned to work out-of-class in a non-represented position will still be considered part of the bargaining unit and eligible to continue to pay union dues for their regular represented position.

SECTION D      ADVANCEMENT WITHIN A PAY GRADE

If the employee’s current pay rate is below the mid-point (Step 7) of the new pay grade, the employee will receive a two (2) step increase (5%), effective on the employee’s anniversary date in the position or the anniversary date of their last step increase, whichever is later. If the employee’s current pay rate is at step 7 or above, the employee will receive a one (1) step increase (2.5%), effective on the employee’s anniversary date in the position or the anniversary date of their last step increase, whichever is later. Step increases for all employees in a regularly budgeted position will be received annually until the top step is reached, provided the employee achieves the minimum performance score on their evaluation that entitles them to the step increase pursuant to the County evaluation system:
<table>
<thead>
<tr>
<th>Step</th>
<th>Required Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 - 6</td>
<td>3.0</td>
</tr>
<tr>
<td>7 - 11</td>
<td>3.5</td>
</tr>
<tr>
<td>12 - 14</td>
<td>4.0</td>
</tr>
</tbody>
</table>

Effective January 1, 2017, part-time employees hired prior to January 1, 2017, will be eligible for a step increase after reaching 2080 compensated hours since their date in position or last step increase date. The date that they reach 2080 hours will become the anniversary date for their next step increase and they will then be eligible to receive annual step increases as stated above.

All part-time employees hired on or after January 1, 2017 will be eligible for annual step increases effective on the employee’s anniversary date in the position. Part time employees no longer have to work 2080 hours to be eligible. Part time employees will be eligible to receive a step annually.

**ADJUSTMENT TO STEP INCREMENT DATE**

1. Upon promotion, reclassification, voluntary demotion, or transfer which results in a pay increase, the step increment date shall be changed based on the effective date of such action.

2. The step increment date shall be adjusted when an employee returns from leave without pay in excess of thirty (30) calendar days to reflect the period of unpaid leave.

**SECTION E    LONGEVITY BONUS**

1. PERS I employees hired before January 1, 1985. Upon completion of the following years of employment, employer shall pay eligible employees an annual longevity bonus on the 2nd pay period of the anniversary month of employment effective January 1, 1997. The longevity amount is paid based on the employee continuous service date.

   - Completed five years of employment: $200.00
   - Completed ten years of employment: $280.00
   - Completed fifteen years of employment: $400.00
   - Completed twenty years of employment: $500.00
   - Completed twenty-five years of employment: $680.00

2. PERS I employees hired on or after January 1, 1985 and prior to January 1, 1998, and PERS II Employees hired prior to January 1, 1998: Upon completion of the following years of employment, employer shall pay eligible employees an annual longevity bonus, on the 2nd pay period of the anniversary month of employment. The longevity amount is paid based on the employee’s continuous service date and is paid out based on the salary at the time of payment.

   - After 5 thru 9 years’ service: 1.5% of annual salary
   - After 10 thru 14 years’ service: 2% of annual salary
   - After 15 thru 19 years’ service: 2.5% of annual salary
   - 20+ years’ service: 3% of annual salary
Employees who were receiving a higher longevity rate than that prescribed above shall continue at their current rate. Provided, affected employees shall not receive any further increase unless such increases are provided in accordance with the above guidelines.

3. Employees hired on or after January 1, 1998, and prior to January 1, 2013: Upon completion of the following years of employment, Employer shall pay eligible employees an annual longevity bonus on the 2nd pay period of the anniversary month of employment. The longevity amount is paid based on the employee’s continuous service date and is paid out based on the salary at the time of payment.

<table>
<thead>
<tr>
<th>Years of Service</th>
<th>Longevity Bonus</th>
</tr>
</thead>
<tbody>
<tr>
<td>After 5 thru 9</td>
<td>1.0% of annual salary</td>
</tr>
<tr>
<td>After 10 thru 14</td>
<td>1.5% of annual salary</td>
</tr>
<tr>
<td>After 15 thru 19</td>
<td>2.0% of annual salary</td>
</tr>
<tr>
<td>20+ years</td>
<td>2.5% of annual salary</td>
</tr>
</tbody>
</table>

4. In the event that an eligible employee terminates employment for any reason, the employee shall receive a longevity bonus in a prorated amount, which is computed as follows: the number of months between the employee’s anniversary date and termination date shall be divided by twelve, and the result multiplied with the appropriate annual longevity bonus. Any month must be considered a full calendar month of employment in order to receive longevity credit for that month.

5. The longevity bonus shall be based upon continuous employment, exclusive of those periods wherein an employee is placed upon a leave without pay status. Provided, when an employee is laid off and rehired, and the separation does not exceed twelve (12) months, the longevity bonus shall be computed from the initial employment date excluding the lay-off period; Provided further, when an employee separates from employment and is subsequently rehired, the longevity bonus shall be computed from the date of reemployment; Except, the longevity bonus shall be computed from the date of initial employment, if the period of separation does not exceed twelve (12) calendar months.

6. Employees hired on or after January 1, 2013 shall not receive a longevity bonus.

SECTION F     COMPENSATION FOR TRAVEL AND TRAINING

1. Travel Time Compensation - Nonexempt Employees: The following explains which hours compensable and which hours are not when traveling for County business purposes:

   a. Normal commute time to and from work is not compensable.

   b. Travel during regular work hours

      i. Travel between job sites is compensable time.

      ii. Travel from remote job site to regular job site is compensable time.

      iii. Out of town travel is compensable.
iv. Authorized travel time outside of regular work hours and/or on non-work day is compensable.

2. Compensable Time for Training: Computation of work time for nonexempt employees while attending training or traveling to and from training shall be in compliance with the Fair Labor Standards Act (FLSA). Time spent in training is usually considered work time. Training which is mandated by the state or federal government as a condition of practice in the profession shall not be considered work time if attended outside of regular work hours. Time spent studying for training classes shall not be considered work time. Employees whose positions are exempt from the FLSA shall be compensated for all time in training during normal work hours (e.g. 8:00 am to 4:30 pm).

3. Reimbursement of expenses incurred by employees for lodging, meals, and travel will be made in accordance with Appendix K.

SECTION G  OVERTIME – NON-EXEMPT EMPLOYEES

1. Overtime and Compensatory Time: Nonexempt employees performing work in excess of eight (8) hours in a day or in excess of forty (40) hours in one work week shall be paid overtime at the rate of one and one half times the employee's regular rate of pay; Except, that an employee may request compensatory time off at the rate of one and one half hours off for each hour of overtime earned in lieu of overtime pay if the compensatory time is used within ninety (90) days of the date it is earned. An employee cannot accrue more than forty (40) hours of compensatory time. If the compensatory time is not used within ninety (90) days or exceeds forty (40) hours, the employee will be paid overtime at the rate when it was earned. Overtime compensation is earned on hours actually worked. Sick leave, annual leave, compensatory time off, and any other compensable absence are not included in the calculation of the overtime thresholds of 8 hours per day or in excess 40 hours per week.

2. Authorization of Overtime: Before an employee works overtime the overtime hours to be worked must be authorized in advance by the Employing Official.

3. Agreement Prior to Performance of Work: Compensatory time may be used in lieu of overtime compensation only if such an agreement or understanding has been arrived at between the Employing Official and the individual employee before the performance of work.

4. Overtime Hours Worked on Holidays and Sundays: Hours worked on holidays and Sundays will only be overtime if it results in an excess of 40 hours actually worked in the work week. Nonexempt employees shall be paid overtime compensation at the rate of twice the regular rate of pay; except, that an employee may choose to receive compensatory time off at the rate of two hours off for each hour of overtime earned in lieu of overtime pay. Compensatory time earned under this section must be used within ninety (90) days of the date it is earned. This section does not apply to non-exempt employees scheduled to work shifts in seven day a week, twenty-four hours per day operations/divisions. See #1 for explanation of calculation of overtime.

5. Computation of Overtime: For the purpose of computing overtime compensation, fractional parts of an hour shall be rounded to the nearest fifteen (15) minute increment.
6. **Compensable and Non-Compensable Working Time:** Questions regarding compensable and non-compensable time should be referred to the Human Resources Department.

**SECTION H OVERTIME – EXEMPT EMPLOYEES**

1. Overtime exempt employees shall not be eligible for overtime pay or compensable time (comp time) accruals.

2. Overtime exempt employees are compensated on a salary basis for all hours worked and shall not be charged for absences involving time off that is less than a scheduled full work day. Provided, employees work at least one-half of their scheduled work day and the employee has obtained the approval of their Employing Official (or designee).

3. It is expected that full time, overtime exempt work schedules will normally consist of approximately 40 hours per week; however, emphasis is placed on meeting the responsibilities assigned to the position rather than on working specific number of hours. The nature of responsibilities associated with overtime exempt positions often requires greater than a 40-hour work week including evening and weekend work and considerable flexibility in work scheduling to accommodate meetings and functions on weekends and evenings.

4. Overtime exempt employees are required to fill out time records to account for daily attendance and to support required federal, state or other grant or contract requirements or when such reporting is required to support fees or charges for county services or to document project or program expenditures. The normal workday is defined in terms of hours that the exempt employee is generally expected to be at work. Time away from the exempt employee’s normal workday, as determined by the supervisor, is tracked to the appropriate leave accrual and is to be reported in no less than half-day increments.

5. Although their work hours are not tracked, overtime exempt employees may be granted flexible and compressed work week schedules as appropriate to complete their duties and responsibilities. Granting flexible work schedules does not alter the overtime exempt status, nor does it alter the expectation that work may be assigned beyond scheduled work hours.
CHAPTER 7 - CONTINUOUS SERVICE

Continuous service in a regular position with the County determines eligibility for annual leave accruals, sick leave accruals, and longevity. Continuous service begins on the first day of employment or rehire into a regular position, whichever is later, and may be adjusted as indicated below.

SECTION A  CONTINUOUS SERVICE RETAINED

Continuous Service Shall be Retained under the Following Situations:

1. Periods of paid authorized leave or, paid or unpaid protected leave of absence.
2. Transfers, demotions, and promotions with no break in service.
3. Military Leave paid or unpaid in accordance with state and federal laws.
4. Time off while on Time Loss due to an on-the-job injury.

SECTION B  CONTINUOUS SERVICE LOST

Continuous Service is Lost OR Ended under the Following Situations:

1. Resignation.
2. Termination.
3. Retirement.

SECTION C  ADJUSTMENT TO CONTINUOUS SERVICE DATE

Continuous Service Date is Adjusted Based on Unpaid Calendar Days for the Following:

1. Unpaid leave of over thirty (30) calendar days
2. Separation and re-employment within twelve (12) months.
3. Layoffs and rehire within twelve (12) months.
CHAPTER 8 - EMPLOYEE BENEFITS

SECTION A  GENERAL POLICY

1. Kitsap County provides eligible employees with a comprehensive benefits program. An employee benefit is anything of value received in addition to salary to help the County attract and retain quality employees. The County retains sole discretion to review and modify its benefits program.

2. All employees in positions budgeted at .50 FTE and above are eligible for benefits offered by Kitsap County.

3. It is the policy of Kitsap County to administer employee benefits in compliance with applicable Washington State and federal law. This interpretation does not apply to federally mandated employee benefits which do not recognize domestic partnerships eligibility, and which are not otherwise covered under Washington State law or Kitsap County policy.

SECTION B  ORIENTATION

1. New Employee Orientation is a responsibility that is shared by the Human Resources Department, Risk Management and the hiring department.

2. Attendance at orientation for new employee(s) is mandatory and includes information on Human Resources and Risk Management policies, procedures and safety related requirements. Employees are also provided information regarding their available employment-based benefits.

3. It is the responsibility of the hiring department to provide information to the new employee regarding specific job requirements, duties, responsibilities, hours of work and departmental policies and procedures.

SECTION C  INSURANCE AND MEDICAL BENEFITS

1. Medical, vision, dental and life insurance coverage for eligible employees and designated legal dependents commences the first day of the month following hire date; except, employees hired on the first day of a calendar month are eligible for benefits for that month. Employees may be enrolled at time of hire, during annual open enrollment as designated by the County or according to special enrollment and eligibility guidelines for County plans. Documentation will be required for enrollment changes outside the annual open enrollment period. Upon separation from employment, coverage ends the last day of the month of separation. At that time, the employee and/or covered dependents may elect to continue their coverage at their own expense under the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) as amended.

2. Insurance Premiums: Eligible employees receive County contributions towards medical, vision, dental and life insurance coverage established through the current County benefit plans. The County’s contribution towards insurance premiums will be prorated as follows, according to the employee’s full-time equivalent (FTE) status, as established and approved by the Employing Official and the Kitsap County Budget Office:
a. For employees with an established and approved FTE status of .75 and above, the Employer’s medical contribution shall be at the full-time contribution level. Employees will pay the remaining balance through payroll deduction.

b. For employees with an established and approved FTE status less than .75, but at least .50, the Employer’s medical contributions shall be pro-rated at 65% of the Employer’s contribution for a full-time employee. Employees will pay the remaining balance through payroll deduction.

c. For employees with an established and approved FTE less than .75, but at least .50, the Employer’s vision, dental, life, and long-term disability contributions shall be at the full-time contribution level. Employees will pay the remaining balance through payroll deduction.

3. Employees may cover legal dependents on the County plans, with applicable payroll deductions based on enrollment. Dependents may be enrolled at time of hire, during annual open enrollment as designated by the County or according to special enrollment and eligibility guidelines for County plans. Documentation will be required to verify dependent eligibility.

4. The County may make available optional or supplemental insurance plans. Premiums for these plans are paid by the employee through payroll deduction.

5. The County will continue to make contributions under County insurance plans in accordance with and as required by applicable laws during job-protected leave, and the Affordable Care Act.

SECTION D  RETIREMENT SYSTEM

Employees who are eligible to participate in a Washington State Employees' Retirement System will be enrolled upon employment or verification of eligibility. Contributions by the employee and the County are based upon a percentage of the employee's salary.

SECTION E  HOLIDAYS

1. Paid holidays begin at the date of hire. Employees who are on leave without pay for more than one-half of their scheduled shift the working day before or the working day after a holiday shall not receive compensation for that holiday.

2. Non-worked Holidays: Regular full-time employees receive eight hours of holiday pay, regardless of their regular work schedule. Regular part-time employees receive holiday pay on a pro-rated basis, based on FTE status. If the holiday falls on an employee’s regularly scheduled day off, that employee accrues annual leave based on the employee’s established FTE status.
3. Holiday Observance:

   a. Kitsap County observes the following as paid holidays:

<table>
<thead>
<tr>
<th>Holiday</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Year's Day</td>
<td>January 1</td>
</tr>
<tr>
<td>Martin Luther King Day</td>
<td>Third Monday in January</td>
</tr>
<tr>
<td>President's Day</td>
<td>Third Monday in February</td>
</tr>
<tr>
<td>Memorial Day</td>
<td>Last Monday in May</td>
</tr>
<tr>
<td>Independence Day</td>
<td>July 4</td>
</tr>
<tr>
<td>Labor Day</td>
<td>First Monday in September</td>
</tr>
<tr>
<td>Veterans Day</td>
<td>November 11</td>
</tr>
<tr>
<td>Thanksgiving Day</td>
<td>Fourth Thursday in November</td>
</tr>
<tr>
<td>Day after Thanksgiving</td>
<td>Fourth Friday in November</td>
</tr>
<tr>
<td>Christmas Day</td>
<td>December 25</td>
</tr>
<tr>
<td>Two Floating Holidays</td>
<td>Employee’s choice</td>
</tr>
<tr>
<td>Two unpaid holidays</td>
<td>Employee’s choice (AS DEFINED IN #5)</td>
</tr>
</tbody>
</table>

   b. If a holiday falls on a Sunday, it is observed on the following Monday. If a holiday falls on a Saturday, it is observed on the preceding Friday. Employees that work in a seven-day per week and/or twenty-four hour per day programs shall observe the holiday on its actual date.

4. Non-exempt employees required to work on an observed holiday shall receive holiday pay based on the employee’s established FTE (Full Time Equivalent) status plus their regular rate of pay for the hours worked on the holiday, OR in lieu of holiday pay, the employee may choose to receive their regular rate of pay for the hours worked on the holiday plus annual leave based on the employee’s established FTE.

   a. Work on Premium Holidays: Non-exempt employees who work on New Year’s Day, Independence Day, Thanksgiving Day or Christmas Day, shall receive holiday pay based on the employee’s established FTE (Full Time Equivalent) status plus receive pay for all hours actually worked in an amount equal to one and one-half times the regular hourly rate in pay or compensatory time at a rate of one and one-half times.

   b. Exempt employees required to work on an observed holiday receive annual leave equivalent to the hours worked on the holiday.

   c. The floating holiday is in effect and is available for use on January 1 of each year. The floating holiday may be taken by an employee at any time during the calendar year with prior approval of the Employing Official. The floating holiday shall not accumulate from year to year.

      1) Floating holiday.

         i. Upon resignation or retirement with two weeks’ notice, layoff, involuntary termination or death, the employee or beneficiary shall receive payment for an unused floating holiday.
ii. The floating holiday is to be used in full increments (i.e. 8 hours for 1 FTE, 4 hours for .50 FTE). The floating holiday is not to be split over more than one day.

5. Employees may take two unpaid holidays at any time during the calendar year for reasons of faith or conscience or an organized activity conducted under the auspices of a religious denomination, organization, or church, with prior approval of the Employing Official, in accordance with RCW 1.16.050(3). The unpaid holidays are in effect and available for use on January 1 of each year. The unpaid holidays must be taken in full work day increments, may not be supplemented with paid accrued leave time, and shall not accumulate from year to year. Unpaid holidays taken under this law will not result in adjustments to employee’s seniority or continuous service dates.

SECTION F    SICK LEAVE

1. Accumulation of sick leave is allowed primarily for the purpose of providing the employee with an economic cushion to be used in the event of a major illness or absence from work for medical reasons or to provide medically necessary care for an eligible family member.

2. Sick Leave Accrual:
   a. Sick leave is accrued each month of employment. Sick leave is not accrued after an employee has been in a leave without pay status for a full calendar month. The employee will be provided with an Employee Paid Sick Leave Notification at the start of employment. It contains information regarding: authorized use of paid sick leave, the County’s paid sick leave accrual year, carryover of paid sick leave, eligibility for use, and information about retaliation.
   b. Accrued sick leave may be used only after it has been accrued.
   c. Eligible full-time employees hired on or after December 1, 2004, accrue 8 hours of sick leave per month.
   d. Eligible full-time employees hired on or after October 1, 1985 and prior to December 1, 2004, accrue 10 hours of sick leave per month.
   e. Eligible full-time employees hired before October 1, 1985, accrue 12 hours of sick leave per month.
   f. Eligible employees who were receiving a higher sick leave accrual rate at the time the above plans were amended shall continue at the higher rate.
   g. Eligible part-time employees’ sick leave accrual will be pro-rated based on the employee’s FTE status as established and approved by the Employing Official and the Budget Office.
   h. As a minimum under RCW 49.46.210, effective January 1, 2018, FLSA non-exempt (hourly) employees will accrue at least (1) hour for every 40 hours worked.
   i. No more than 150 days (1200 hours) of sick leave may be carried from one calendar year to the next.
j. Full-time employees hired on or after January 1, 2018 will be advanced six months’ accrual of sick leave for immediate use. Part-time employees will have their sick leave advanced at a prorated amount equal to their budgeted FTE status. Additional sick leave hours will accrue beginning the 7th month of employment. As a condition for the advancement of sick leave, if employment ends prior to the last day of the sixth month of employment, the employee will reimburse the County for sick leave hours used in excess of 8 hours for full-time employees, or the amount that they would have accrued as a prorated amount for each month of employment. The advancement of leave only applies to initial hire.

k. An employee rehired within 12 months of separation will also have their accrued, unused sick leave reinstated as required by law.

l. If an employee is hired from extra help status they will maintain any sick leave balance that they have accrued and will be advanced hours that will result in an amount equal to 6 months’ accrual.

m. The accrual year for purposes of paid sick leave is January 1 – December 31.

3. **Paid sick leave may be used for the following:**

   a. An employee’s mental or physical illness, injury or health condition;

   b. Preventive care such as a medical, dental or optical appointments and/or treatment;

   c. Care of a family member with an illness, injury, health condition and/or preventive care such as a medical/dental/optical appointment;

   i. “Family member” is defined as:

      a. A child, including a biological, adopted, or foster child, stepchild, or a child to whom the employee stands in loco parentis, is a legal guardian, or is a de facto parent, regardless of age or dependency status;

      b. A biological, adoptive, de facto, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child;

      c. A spouse;

      d. A registered domestic partner;

      e. A grandparent;

      f. A grandchild; or

      g. A sibling

   ii. Accrued sick leave may be used for bereavement leave as provided in this manual under the section related to “Bereavement Leave.”
d. Closure of the employee’s place of business or child’s school/place of care by order of a public official for any health-related reasons;

e. If the employee or the employee’s family member is a victim of domestic violence, sexual assault, or stalking.

i. Authorized use of paid sick leave for domestic violence, sexual assault or stalking includes:
   • Seeking legal or law enforcement assistance or remedies to ensure the health and safety of employee’s and their family members including, but not limited to, preparing for, or participating in, any civil or criminal legal proceeding related to or derived from domestic violence, sexual assault or stalking.
   • Seeking treatment by a health care provider for physical or mental injuries caused by domestic violence, sexual assault, or stalking.
   • Attending health care treatment for a victim who is the employee’s family member.
   • Obtaining, or assisting the employee’s family member(s) in obtaining, services from: a domestic violence shelter; a rape crisis center; or a social services program for relief from domestic violence, sexual assault or stalking.
   • To obtain, or assist a family member in obtaining, mental health counseling related to an incident of domestic violence, sexual assault or stalking in which the employee or the employee’s family member was a victim of domestic violence, sexual assault or stalking.
   • Participating, for the employee or for the employee’s family member(s), in: safety planning; or temporary or permanent relocation; or other actions to increase the safety from future incidents of domestic violence, sexual assault, or stalking.

4. Application

a. Paid sick leave hours will be compensated at an employee’s regular rate of pay. Paid sick leave hours will not count towards the calculation of overtime.

b. All sick leave taken shall reduce the sick leave most recently accrued. Employees will be notified of their paid sick leave balances each month on their pay stub or electronic statement, including:

   i. Accrued paid sick leave since the last notification
   ii. Used paid sick leave since the last notification
   iii. Current balance of paid sick leave available for use
   iv. If applicable – donations via the shared leave program

5. Sick Leave Reporting

a. Employees shall report to their immediate supervisor or designee their need to use sick leave prior to the start of their shift each day of their absence unless otherwise arranged.
If the leave is foreseeable, employees shall give 10 days’ notice, or as early as practicable.

b. Use of sick leave by non-FLSA exempt employees longer than 3 consecutive work shifts may require verification within 10 calendar days following the first day of leave, with the exception of leave for domestic violence. For FLSA exempt employees, use of sick leave may require a certificate from the employee’s health care provider, if requested by the Employing Official.

c. Employees may not use or substitute sick leave when an injury or illness occurs while on previously approved leave or compensatory time. Employees may request a change of pre-approved time off prior to the beginning of that leave period if circumstances change.

Any discrimination or retaliation against an employee for lawful exercise of paid sick leave rights is not allowed. Non-exempt Employees will not be disciplined for the lawful use of paid sick leave. If an employee feels they are being discriminated or retaliated against, the employee may contact the Human Resources Department.

6. Sick Leave Usage for Volunteer Activities

a. Each calendar year, any regular employee may use two days of sick leave to volunteer in either their child’s (including grandchild’s) school, regardless of location, or in a recognized 501(c)(3) nonprofit organization that provides services to Kitsap County residents.

b. All regular employees who have at least 40 hours of accrued sick leave may utilize this volunteer benefit. Employees must maintain a balance of 40 hours. Sick leave for volunteer purposes may be used in half day increments.

c. See Appendix R for the complete policy.

7. Sick Leave Cash Payment Upon Retirement or Death:

a. Upon retirement with the Washington State Retirement Systems, the employee shall receive payment for 50% of all their sick leave balance accrued prior to January 1, 1984, based upon the rate of pay at the time of retirement. If, at any time, the balance of an employee’s sick leave bank as of January 1, 1984 is reduced, it may not be replenished for the purposes of sick leave payout.

b. Upon an employee's death, the beneficiary shall receive payment for all of the employee’s sick leave balance accrued prior to January 1, 1984, based upon the rate of pay at the time of death. If, at any time, the balance of an employee’s sick leave bank as of January 1, 1984 is reduced, it may not be replenished for the purposes of sick leave payout.

c. Employees separated from employment for reasons other than retirement from the Washington State Retirement Systems or death, do not receive sick leave pay.

d. No cash payment shall be made for sick leave accrued and not used after January 1, 1984.
8. **Conversion of Sick Leave**

Each January, an employee may, at their option, convert their previous calendar year’s accumulated and unused sick leave to annual leave on a 10 to 1 ratio provided that the request for conversion is submitted to the Employing Official or designee on or before January 31. Under no circumstances shall an employee carry over to the following year or receive cash payment for converted leave on the books.

**SECTION G ANNUAL LEAVE**

1. **Annual Leave Accrual**:

   a. Annual leave is accrued each month of employment provided, however, the employee is not in a leave without pay status for more than a full calendar month.

   b. Annual leave may be used only after it has been accrued.

   c. Full-time employees hired on or after January 1, 2018 will be advanced an amount equal to six months accrual of annual leave for immediate use. Part-time employees will have their annual leave advanced at a prorated amount equal to their budgeted FTE status. Additional annual leave hours will accrue beginning the 7th month of employment. As a condition for the advancement of annual leave, if employment ends prior to the sixth month of employment, the employee will reimburse the County for annual leave hours used in excess of 8 hours for full-time employees, or the amount that they would have accrued as a prorated amount, for each month of employment.

   d. Effective, January 1, 2017, all eligible, full-time, non-represented employees shall earn annual leave as follows:

   | Upon Hire | 12 days/yr | 8.00 hrs/mo |
   | Upon completion of 3 years | 15 days/yr | 10.00 hrs/mo |
   | Upon completion of 5 years | 20 days/yr | 13.33 hrs/mo |
   | Upon completion of 10 years | 25 days/yr | 16.67 hrs/mo |

   e. Any non-represented employee currently receiving a higher accrual rate will not have their accrual rate reduced. Those employees shall not receive any further increases unless such increases are provided in accordance with the above guidelines.

2. Eligible part-time employees accrued annual leave will be pro-rated based on the employee’s FTE status as established and approved by the Employing Official and the Budget Office.

3. No more than 360 hours annual leave may be carried from one calendar year to the next.

4. The County Administrator, or in the Administrator’s absence the Chair of the Board of County Commissioners, may approve annual leave accrual rates up to 20 days per year in order to fill positions requiring special experience, training and education. The Director of Human Resources shall review all requests by Employing Officials and submit a recommendation to the County...
Administrator/Chair of the Board of County Commissioners. The employee shall be eligible to earn additional annual leave in accordance with subsection 1.c. above.

5. As an inducement for the acceptance of employment into a position identified by the Director of Human Resources as a critical labor market skill position, the County Administrator, or in the Administrator’s absence the Chair of the Board of County Commissioners, may approve a request by an Employing Official to grant the advancement of up to 80 hours of annual leave on the first day of employment. The employee shall begin accruing annual leave upon completion of the employment period required for the advanced annual leave hours. As a condition for the advancement of annual leave, if employment ends prior to the employment period required for the advancement, the employee will reimburse the County for annual leave hours used in excess of the employee’s accrual rate for each month of employment.

6. **Annual Leave Cash Payment upon Termination of Employment:** Upon termination of the employment relationship due to resignation with two-week notice, layoff, dismissal or death, the employee or beneficiary shall be paid for unused accrued annual leave at the rate being paid at the time of separation. Employing Officials may waive the two-week notice requirement in consultation with the Human Resources Director. Cash payment for unused accrued annual leave upon termination due to retirement with the Washington State Retirement System shall not exceed 240 hours. However, if an employee has accrued annual leave in excess of 240 hours, the employee may be continued on the payroll for the time equivalent to the amount of excess annual leave.

7. **Use of Annual Leave:**
   
a. Employees should attempt to use annual leave during the year in which it is earned.

   b. Requests for leave must be approved in advance by the Employing Official or designee. If circumstances warrant, Employing Officials may waive advance notice. Annual leave must be taken at times mutually agreeable to the employee and the Employing Official. In the event of conflicts between employees in requests for leave, the employee first requesting prevails. In the event of concurrent requests or conflicting requests for which the sequence of request is unknown, the Employing Official shall make the final determination with consideration towards seniority and prior requests for leave. If an employee is prevented by the Employing Official from taking annual leave and, as a result, the employee has more than 360 hours annual leave accumulated on December 31, then the employee is paid for such leave in excess of 360 hours at the salary rate then being paid to the employee.

8. **Annual Leave Donation Policy:** Annual Leave Donation Policy allows 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. (See Appendix B — Kitsap County Annual Leave Donation Plan.)

**SECTION H SOCIAL SECURITY**

Social Security (Federal Insurance Contributors Act) provides employees and/or their dependents with an income in the event of disability, death or retirement under the Act. Under federal law, a joint contribution by the employee and the County, based upon a percentage of the employee’s salary, is paid into the fund.
SECTION I  WORKERS COMPENSATION (Industrial Insurance)

1. The County is self-insured for employee injuries suffered during work hours. Compensation is made for medical expenses and time lost from work due to the injury as determined by Washington State Industrial Insurance Regulations.

2. All on-the-job injuries must be reported to the employee's supervisor and the Risk Management Division. The Risk Management Division shall provide the employee with the required forms to be filed.

3. Family Medical Leave (FMLA) runs concurrently with time loss for up to twelve (12) weeks per leave year.

4. Whether or not the time off is eligible under FMLA, the County will continue to pay the County’s contribution toward medical, dental and life insurance for an employee who is currently employed in a regular, budgeted position and receiving time loss, for up to six (6) months from date of injury. Employees who supplement time loss benefits with accrued leave(s) to maintain full time pay and status will pay the employee contributions toward coverage through normal payroll deduction. Employees who do not supplement time loss with accrued leave(s) or whose paycheck will not cover the contribution must remit payment to the County for the employee contributions in order to keep benefit coverage intact during the six (6) month period from each date of injury. Employees may be eligible for additional County provided health care contributions under federal law.

5. Employees who supplement time loss with accrued leave to equal their normal FTE paid hours will be considered to be in a paid status for a period up to six (6) months, and will be eligible to receive all benefits employees on paid status receive, including, but not limited to, health insurance contributions, holiday compensation, and annual or sick leave accruals. An employee who is receiving time loss compensation and is not supplementing to their normal FTE with accrued leave shall be considered to be on leave without pay status, and shall not accrue annual, sick leave or holiday hours.

6. Employment dates, including but not limited to the continuous service date and step increase date, will not be adjusted for periods of unpaid leave for work-related injuries.

7. Employees who receive time loss in excess of six (6) months from the date of injury and are not otherwise entitled to health insurance continuation under federal law will be offered COBRA as an option to maintain health and dental insurance coverage. The full cost of COBRA insurance continuation, including a two (2) percent administrative fee is the employee’s responsibility.

8. See Appendix Q for the County policy regarding Transitional Duty Assignments.

SECTION J  LEAVES OF ABSENCE

1. Civil Leave:

a. Civil leave with pay shall be allowed to permit an employee to serve as a juror or to testify in any federal, state or municipal court when a subpoena compels such testimony.
An employee must notify the immediate supervisor prior to taking civil leave and provide proof of compulsion.

b. Civil Leave with pay shall only apply to regularly scheduled work hours. The County does not reimburse for mileage, per diem, meals, etc. Employees placed on juries or subpoenaed as witnesses may request to have a temporary schedule change to coincide with jury duty or court hours, provided that the jury duty placement or subpoenaed testimony requirement is for full day increments. Approval of a schedule change for this purpose is at the discretion of the employing authority. Employees subpoenaed as witnesses shall provide a copy upon request.

2. Bereavement Leave:

Bereavement leave with pay is allowed when an employee experiences a death in the employee's immediate family. Bereavement leave is allowed for up to three shifts per occurrence and is not cumulative. Additional time off required for grieving may be authorized as sick leave. An employee must obtain approval of the Employing Official or a designee when taking such leave.

1. For the purposes of bereavement leave, immediate family members shall include the following, whether related by blood or marriage:

   i. Spouse/Register Domestic Partner (RDP)
   ii. Child, Grandchild, Great-grandchild
   iii. Sibling
   iv. Parent, Grandparent, Great-grandparent
   v. Aunt, Uncle, Niece, Nephew

3. Military Leave:

a. Any employee who is a member of the Washington National Guard or of the Army, Navy, Air Force, Coast Guard or Marine Corps of the United States or of any organized reserve of the Armed Forces of the United States, shall be entitled to military leave with pay for a period not to exceed twenty-one (21) days from October 1st – September 30th in order that the employee may take part in active duty training. Such military leave shall be granted pursuant to the provisions of RCW 38.40.

b. Any employee who enters active duty service or training in the Washington National Guard, the Armed Forces of the United States, or the United States Public Health Service may seek a leave of absence as set forth within this Manual and, upon return, shall be entitled to re-employment pursuant to the provisions of RCW 73.16.031 - 73.16.061 and Title 38 U.S.C. § 4301 et seq. An employee is entitled to unpaid military leave for a cumulative length of up to five years, and may be entitled to more time under certain circumstances. Upon returning from a military leave of absence, the employee’s seniority, vacation, health, retirement, and other rights and benefits are generally restored as if the employee had never taken a military leave of absence; provided, statutorily mandated National Guard and Reserve training requirements are excluded from the cumulative five-year limit, pursuant to the provisions of Title 38, U.S.C. § 4301 et seq.
c. Employees with military orders are not required to use or exhaust accrued leave while on military leave.

4. Leaves of Absence Without Pay:

a. A leave of absence without pay may be granted to County employees at the discretion of the Employing Official.

b. If the leave of absence exceeds five (5) consecutive working days, the following conditions shall be met before granting the leave:

i. A written request for a leave of absence without pay must be submitted to the Employing Official on forms prescribed by the Director. The written request must include the reason for leave, the length of time requested and the expected date of return to service.

ii. All earned compensatory time, accrued annual or general leave must be exhausted prior to going into a leave without pay status. If the leave is for medical reasons, accrued sick leave must be exhausted also.

iii. Use of the floating holiday before going into a leave without pay status is at the employee’s option.

iv. The Employing Official must be assured that the granting of leave shall not operate to the detriment of the department.

v. Arrangements must be made in advance by the employee to pay for insurance premiums if continued coverage is desired for the duration of the leave.

vi. The Employing Official must be reasonably assured that the employee shall return to work after the agreed leave time is exhausted.

vii. The granting of leave without pay is discretionary. The employee must have demonstrated his/her ability and value to the County work force before the leave is considered.

viii. If during the authorized leave of absence, the Employing Official determines that the absence of the employee is causing a hardship to the department, the employee may be required to return to work. The Employing Official shall send a written notice by certified mail (and/or by electronic mail if address is known), return receipt requested, through U. S. Mail, requiring the employee to return to work. An employee who fails to return to work within three (3) work days of receipt of the notice shall be considered to have abandoned the position. Termination for job abandonment is not grievable.

ix. All leave without pay in excess of 30 consecutive calendar days results in a suspension of accruals for seniority, vacation, sick leave, longevity, and other benefits except as provided herein during the time of leave.

5. Family and Medical Leave:
The Family Medical Leave Act (FMLA) entitles an employee who has been employed with the County for fifty-two weeks and has worked at least 1,250 hours during the twelve-month period immediately preceding the commencement of the FMLA leave, up to twelve work weeks of FMLA leave during the twelve-month period following the date the employee’s first FMLA leave begins for the following reasons:

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

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

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

d. Because of a serious health condition that prevents the employee from performing the essential functions of the employee’s job.

e. Veteran’s Leave and Exigency Leave

FMLA leave may be paid or unpaid; however, all accrued paid leaves must be exhausted before unpaid FMLA leave commences, with the exception of Workers’ Compensation (L&I) leaves that run concurrently with FMLA. (See Appendix G. Kitsap County Family and Medical Leave (FMLA) Policy)

6. Washington Family Leave Act (WFLA)

- The WFLA generally runs concurrently with FMLA. The exceptions are that the WFLA provides additional leave to care for a new born, and the WFLA provides up to 12 weeks of unpaid leave per 12-month period to care for a registered domestic partner with a serious health condition. The FMLA does not cover domestic partners (See Appendix G).

Under the law, during a leave covered by the WFLA but not the FMLA (e.g., during the 12 additional weeks of bonding with a new child following exhaustion of FMLA/Pregnancy Disability Leave), health insurance will not be automatically continued unless the employee elects continuation of coverage at his/her expense or is otherwise entitled under the Affordable Care Act. This does not affect the ability of the employee and eligible family members to participate in the County’s group health insurance plan during FMLA and/or WFLA.

7. Washington Family Care Act (WFCA)

Under the Washington Family Care Act, employees with accrued annual leave, floating holidays, sick leave, or compensatory time may use their leave to take care of a sick family member. Employees do not have to meet minimum service requirements to be eligible for FCA leave but will have to comply with all notice and document requirements under the applicable policy for the type of leave used.

8. Domestic Violence Leave Act
Pursuant to chapter 49.76 RCW, employees who are victims of domestic violence, sexual assault, and stalking are guaranteed “reasonable leave.” The law protects victims of domestic violence, as well as their family members. Family members include children, spouses, registered domestic partners, parents, parents-in-law, grandparents, and individuals with whom the employee has a “dating relationship.” Employees are entitled to leave in order to participate in legal proceedings, receive medical treatment and mental health counseling, or obtain support from social services programs. Family members can take leave to assist victims in their endeavors to obtain help or secure safety.

- Employees in need of leave under this law may use annual leave, compensatory time if available, or may take unpaid leave. Employees are required to provide advance notice of the need for leave to their Employing Official when predictable. Where advance notice is not possible, notice must be given no later than the end of the first day that the employee needs the leave. Kitsap County may request that the employee provide timely verification that the employee or the employee’s family member is a victim of domestic violence, sexual assault or stalking. This verification may be in the form of a police report, a court document, or a statement from an advocate for victims of domestic violence, an attorney, a member of the clergy, a medical professional, or a statement from the employee. Kitsap County may require proof of familial relationship, in the form of a birth certificate, court document, or other statement. Except where disclosure is authorized or required by law, Kitsap County will maintain confidentiality of all information provided by the employee in conjunction with this leave.

9. Washington Paid Family and Medical Leave Program

Washington paid family and medical leave is a statewide insurance program that offers employees the opportunity to receive partial wage replacement while on leave to care for themselves and their family members. The program will take effect January 1, 2020 and will be funded by premiums paid by employees and employers through payroll deduction effective January 1, 2019. It may be used for while on leave to recover from an illness or injury, bond with a new child, to care for a sick or injured family member, and certain military-related events. Eligibility and compensation are determined by the Washington State Employment Security department. For more information, visit www.esd.wa.gov.

SECTION K COUNTY EMPLOYEE LEARNING AND DEVELOPMENT PROGRAM

1. Kitsap County seeks to offer County employees training to increase skills, knowledge and abilities directly related to County employment. Training opportunities may include, but are not limited to:

   On-the-job training
   In-house classes
   Academic classes, or
   Workshops/seminars/conferences sponsored by professional organizations

2. The Kitsap County Training Coordinator is responsible for the implementation of the County-wide training plan and serves as the chair for the Training Committee. (See Appendix J)
SECTION L    EMPLOYEE ASSISTANCE PROGRAM (EAP)

Kitsap County offers a free Employee Assistance Program to all employees and their legal dependents. This program provides confidential and professional assistance to help employees and their families resolve problems that affect their personal lives and job performance. Use of the Employee Assistance Program is voluntary.
CHAPTER 9 – EMPLOYEE RELATIONS

SECTION A    EMPLOYEE RESPONSIBILITIES

1. **Purpose**: The orderly and efficient operation of the County government requires that employees accept certain responsibilities. Work rules covering personal standards of conduct as well as standard operating procedures are necessary to protect the health and safety of all employees, to maintain uninterrupted service and to protect the County’s property.

2. **Work Rules**: The following work rules are applicable to all County employees. This Manual is not intended to be all-inclusive and Employing Officials may establish additional rules which are unique to their department/organization. It is the expectation that all employees shall abide by these work rules and any other work rules/departmental policies and procedures. Failure to do so may result in disciplinary action up to and including termination.

   a. Employees shall be at their designated work area on time and ready to work at the start of their shift. Employees shall remain at their work area, at work, except during lunch and rest periods, until the end of their shift, unless permission to leave is granted by the supervisor or the duties of the position require absence from the work area.

   b. Where operations are continuous, employees are not to leave the work area until replaced by the next shift employee or until relieved by the supervisor.

   c. Employees are required to follow all safety regulations to include the wearing of safety articles and the use of protective equipment. Employees are required to immediately report safety hazards, accidents or injuries to their supervisor.

   d. Employees are responsible for and shall not misuse County property, records or other materials in their care, custody or control.

   e. Employees are required to deal with the public, County officials and other County employees in a courteous and professional manner.

   f. Employees are required to immediately report to their supervisor their inability to report to work and the reason thereof in accordance with the rules set forth in Chapter 9 - Sick Leave Reporting.

   g. Employees are required to notify the Human Resources Department whenever there is a change in their personal data affecting their personnel or payroll records.

   h. Employees shall not restrict or interfere with the work of others.

   i. Employees are required to report for and remain at work only in a fit physical and mental condition which shall enable them to perform their regular duties.

   j. Employees shall not engage in political activity while on duty. An employee shall at no time use their position title or represent their employment with the County in making political endorsements.
k. Employees shall not use their position for personal gain, to solicit or conduct personal business or to coerce others.

l. Employees shall not audio record any meeting without the knowledge and permission of all persons being recorded, in accordance with RCW 9.73.030.

3. Dress and Grooming: An important part of the image presented to citizens is the appearance of Kitsap County employees. It is the County’s policy to require staff members to dress and groom in a manner that inspires confidence and conveys professionalism to our customers. The manner of dress may vary according to the amount and nature of public contact. It is the responsibility of the Employing Official to establish the appropriate dress standards for the positions under their supervision. It is the employee’s responsibility to maintain a neat and businesslike appearance.

SECTION B PERFORMANCE EVALUATIONS

1. Policy: Employee performance evaluation is intended to promote productivity and strengthen employer/employee relations. The performance evaluation system provides employees and supervisors with a tool for establishing communication regarding performance standards and expectations, identification of problems and concerns, identification of training needs, and the provision of positive reinforcements for areas of excellence. Evaluations are used for wage step increases, promotional considerations, employee discipline, reduction-in-force actions, and other employment decisions.

2. Evaluation System:

   a. The Director may develop and maintain performance evaluation systems for all groups of employees.

      i. The performance evaluation system should be based on standards related to an employee's individual work assignments.

      ii. The performance evaluation system provides the employee with an opportunity to submit a written response to the contents of his/her evaluation.

3. Performance Evaluation Process:

   a. Employing Officials shall evaluate all new employees after 180 calendar days, or six (6) months of employment. Employing Officials may evaluate new employees after the 90th day, or third (3) month at their discretion. Probationary employees may be evaluated at any time during their probationary period. A performance evaluation shall be completed on a probationary employee prior to termination. Every regular full-time or regular part-time employee should be evaluated annually prior to the month the employee is eligible for a step increment or the anniversary of the step increment date or at an additional date set by the Employing Official. Additional personnel evaluations may be used when deemed appropriate by the Employing Official. An employee may also request an additional evaluation if a work-related problem exists that may be resolved through the formal evaluation process. Evaluations are used as a factor in granting regular status, promotions, merit increases, transfers, demotions, layoffs and terminations. For further
information on evaluation procedure, see the "Performance Evaluation Guidelines for Employees and Supervisors" in the Human Resources Department.

b. The employee may file a rebuttal statement. The statement becomes a permanent part of the employee's personnel file.

c. Employees are encouraged to be active participants in the evaluation process.

d. The performance evaluation, together with related correspondence, is forwarded to the Human Resources Department for placement in the employee's official personnel file. A copy shall be provided to the employee upon request.

4. Retroactive Step Increases: Step increases are retroactive to the date of eligibility if delays in granting of the step increases are due to the lack of a current evaluation or failure to submit to the Human Resources Department the required paperwork within designated time frames.

5. Does Not Meet Score Requirements for a Step Increase: If an employee receives an evaluation score that does not meet the score requirements to be eligible for a step increase, at the discretion of the Employing Official, the employee may be re-evaluated in 60-90 days. If the employee receives an evaluation score that meets the score requirements at a later date, the employee shall be granted the step increase effective on the date that they become eligible.

SECTION C  HEALTH AND SAFETY

It is the policy of Kitsap County to provide safe and healthful work environments. This can be accomplished if every employee observes all rules for health and safety, which is both a protection for himself/herself as well as for co-workers and the public.

1. Kitsap County Risk Management Guidelines: The Kitsap County Risk Management Guidelines have been prepared to provide supervisors and employees of Kitsap County with written accident prevention program policies. Included in the Guidelines are such topics as: Accident Prevention and Safety; Fundamentals of Accident Prevention; Hazard Communication Program; Blood borne Pathogens Control Program; Fire Safety; Bomb Threats; Security; and Vehicle Use Policies. A copy of the Guidelines shall be available in every County department and is also available on the County Intranet.

2. Orientation: In addition to the Guidelines, all new employees receive a required orientation on many of the topics covered in the Guidelines. This training, along with a supervisory orientation, shall allow new employees to perform their new work responsibilities safely and efficiently.

3. Responsibilities: Employees are responsible for their own safety at Kitsap County. Questions regarding safety issues should be directed to the employee’s supervisor. Other resources for safety information include: the Risk Manager and members of the Risk Manager’s staff; the Central Safety Committee; Employing Officials, and department heads, managers, supervisors; and departmental safety teams. Check the County website or your department’s copy of the Kitsap County Risk Management Guidelines for more information on safety and accident prevention responsibilities.

4. Procedure for Reporting Employee Injuries: All occupational injuries must be reported to the employee’s supervisor and Risk Management within 24 hours.
a. The following items must be reported:
   i. Name of employee.
   ii. Date and time of accident or illness.
   iii. Nature of injury.
   iv. Did employee receive medical care?
   v. Was employee hospitalized?
   vi. Was the accident preventable?
   vii. Description in detail of how the accident occurred.
   viii. Did accident involve a third party?
   ix. Witnesses name, addresses, telephone numbers and a statement of what they witnessed.

5. Anytime an accident causes illness or injury requiring treatment by a health care provider, the employee must inform his/her supervisor and the following two forms must be completed:
   a. Self-Insurer Accident Report (SIF-2)
   b. Supervisor’s Report of Accident

These forms are available from the employee’s supervisor or from Risk Management, and are completed by the employee and his/her supervisor. For more information on completing these reports, refer to the Kitsap County Risk Management Guidelines.

SECTION D       CONFLICT OF INTEREST

1. **Purpose:** Public confidence of the citizens of Kitsap County in the operation of their County government is built on integrity. Accordingly, each employee must maintain high standards of personal conduct in his/her relationships with the public and with working associates.

2. **Confidential Information:** Many of the operations of the County are considered public information, but some are not. The confidential business of the County should not be discussed with anyone who does not need to be consulted with or made aware of the confidential information to further the County’s interests. Providing confidential information to unauthorized persons may be grounds for disciplinary action. If you are unsure, contact your supervisor. Even if the information is subject to public disclosure, employees may not independently disclose such information. See RCW 42.23.070.

3. **Loans, Gifts, Gratuities, Etc.:** Kitsap County employees must not directly or indirectly give or accept or agree to accept any compensation, gift, reward or gratuity in the course of their work responsibilities from any source other than Kitsap County. See RCW 42.23.070
4. **Outside Employment:**

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

      i. Prevents the employee from being available for work beyond normal working hours, such as emergencies or peak work periods, when such availability is a regular part of the employee’s job.

      ii. Is conducted during the employee’s work hours.

      iii. Utilizes County telephones, computers, supplies or any other resources, facilities or equipment.

      iv. Is employment with a firm which has contracts with or does business with the County.

      v. May reasonably be perceived by members of the public as a conflict of interest or otherwise discredit public service.

      vi. Which might require or induce the employee to disclose confidential information acquired by reason of the employee’s official position.

      vii. An employee who chooses to have an additional job, contractual commitment or self-employment, may do so provided he/she obtains prior written approval from their Employing Official.

5. **Political Activities:** Kitsap County employees have the same right to campaign in support of, or in opposition to, a candidate or a ballot proposition as any other citizen. However, since the County receives federal funds, employees whose compensation is derived in part from those funds are subject to the Hatch Act, which places restrictions on their political activities. Regardless of funding source, no public funds and facilities may be used, nor may an employee campaign on County time or while representing the County in any way.

   a. Examples of prohibited activities include, but are not limited to:

      i. Using County stationery, letterhead, postage or copying equipment to prepare and mail campaign literature.

      ii. Publishing a statement supporting a candidate in the County newsletter or other departmental newsletters, or including such a statement on or with any utility billing.

      iii. Campaigning by County employees on County time.

      iv. Using County telephones to make calls in support of a candidate at any time.
v. Using County vehicles to attend rallies, drop off mailers at a printer or distribute campaign materials.

vi. Holding campaign meetings in any County building or office.

vii. Wearing a County uniform or badge while campaigning.

6. The use of County facilities for non-county business is prohibited.

SECTION E  ELECTRONIC COMMUNICATIONS AND SOCIAL MEDIA USE POLICIES

Kitsap County provides telephones, voice mail systems, e-mail, faxes, and access to the Internet for internal and external business communication purposes. Kitsap County’s electronic communications are for official business and are not to be used for employee personal gain or to support or advocate for non-County related business. The County reserves the right to monitor the use and content of electronic communications. Electronic communications are not private or confidential.

The Kitsap County Board of County Commissioners have adopted policies for the use of Electronic Communications and Social Media. The Electronic Use 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. Employees and contractors using social media are subject to County policies, standards, and procedures including but not limited to non-discrimination, personal use of County resources, public records retention and disclosure, electronic communications privacy and confidentiality, campaign activities and conduct unbecoming a County employee. (See Appendix F and Appendix O).

SECTION F  EXPECTATION OF PRIVACY

Although Kitsap County maintains a high degree of respect for the personal privacy of its employees, each employee should be aware that the following guidelines may affect their privacy in the workplace. The communication systems, as well as the equipment, data, messages, and files stored, are and remain at all times the property of the County. The County thus has the right to monitor their use.

The County reserves the right to review, audit, intercept, access and disclose all messages created, received or sent over the email system for any purpose. At any time and without prior notice, Kitsap County’s management reserves the right to examine any and all types of electronic communication methods provided by Kitsap County, including but not limited to email, personal file directories, and other information stored on its computers. Internet messages are public communication and are not private. All communications, including text and images, may be disclosed to law enforcement or other third parties without prior consent of the sender or the receiver.

No employee should consider his or her messages or files to be private or confidential. It should be noted that even if a message is erased, it is still possible to retrieve and read that message. The use of passwords for security does not guarantee confidentiality. It is also possible for messages to be retrieved and viewed by someone other than the intended recipient. Aside from performance of normal job duties, employees
are not permitted to modify, copy, remove, or destroy any County equipment, data, or files, unless specifically authorized or directed by the Information Technology Director or department Director.

PERSONAL USE

Equipment provided to employees by Kitsap County is County property and is provided for County business purposes. County property includes, but is not limited to, computers, phones, and office equipment (e.g., copiers, faxes, etc.), offices, lockers, desks, cars, and cell phones. Kitsap County employees should have no expectation of privacy in regards to County owned property. The County reserves the right to monitor and/or search the workplace with reasonable suspicion of workplace policy violation.

Email and Internet access through Kitsap County’s network are also provided for business purposes. Limited personal use is permitted; however, it must not interfere with County operations or with the individual employee’s job responsibilities, nor should it cause any harm or embarrassment to Kitsap County or its employees. Sending chain emails is strongly discouraged. Furthermore, personal use is subject to the appropriate use guidelines above.
CHAPTER 10 - WORKING CONDITIONS

This chapter covers work week definitions and special pay provisions for Kitsap County employees.

SECTION A  WORK WEEK

1. Kitsap County pays employees every other Friday, for the prior two weeks ending on the previous Sunday. The work week, unless otherwise agreed upon in writing by the Employing Official and the employee, begins on a Monday and ends on a Sunday.

2. Departments and Offices have the ability to redefine the work week within the parameters of the Fair Labor Standards Act.

SECTION B  WORK SCHEDULE

1. The department may adjust an employee’s normal work schedule provided that the total scheduled work hours do not exceed 40 hours per week.

2. The department may accommodate the desires of the employees with respect to the assignment of shift and days off.

3. Office hours are determined by the Board of County Commissioners. Rest periods and meal breaks shall be coordinated so as to provide continuous service to the public during such office hours.

4. Flex hours, job sharing, or other alternative work arrangements may be made by mutual written agreement between the Employing Official and the affected employee.

SECTION C  REST PERIODS/BREAKS

The department shall provide each employee with a fifteen (15) minute paid rest break during the first four (4) hour period of the work day, and a second fifteen (15) minute paid rest break during the second four (4) hour period of the work day. Employees scheduled to work 8 hours per day shall be provided with an unpaid thirty (30) minute period for a meal between the third (3rd) and fifth (5th) hour of each shift. Employees scheduled to work 10 hours per day shall be provided with an unpaid thirty (30) minute period for a meal between the fourth (4th) and fifth (5th) hour of each shift. Employees working three or more hours longer than a normal work day shall be allowed at least one thirty-minute unpaid meal period prior to or during the overtime period. No employee shall be required to work more than three hours without a rest period.

An employee may request and the supervisor may agree to a variance from these rules in accordance with WAC 296-126-130. A variance of rest breaks and/or meal periods are permitted only if: (1) it is completely voluntary by the employee, and (2) it is set forth in writing upon a form issued by the Human
Resources Department. The variance is discretionary and either the employee or the department may terminate the agreement at any time. Termination shall be in writing.

SECTION D  ALTERNATIVE WORK ARRANGEMENTS

Kitsap County recognizes that there are circumstances where alternative working arrangements can be of a benefit to both Kitsap County and the employee. Alternative work schedules may result in increased services to the public, may increase employee morale and productivity, reduce commuter trips, and eliminate work space congestion in County buildings. Alternative work schedules are subject to the discretion of the Employing Official and shall be agreed upon, in writing, by the requesting employee and the Employing Official, or their designee. Alternative work schedules may include:

1. Flexible Work Schedule: Flexible work schedules are alternative work schedules with agreed upon work hours with different starting and quitting times for employees other than the standard work day.

2. Compressed Work Schedule: A compressed work schedule is an alternative work schedule that permits employees to increase the length of each work day so as to provide one day off every one or two weeks. (Examples include a 4/10 whereby the 40 hours in one-week period are scheduled in four 10-hour working days. Or, 9/80 whereby the 80 hours in a bi-weekly pay period are scheduled over nine working days.)

3. Telecommute Work Schedule: The use of telephones, computers, or similar technology to permit an employee to work from home, or alternative work location for one or more days per scheduled work week. (See Appendix I)

4. Upon agreement by the Employing Official and the employee, a job-sharing arrangement may be established. All rights, terms and conditions of the job sharing agreement shall be in writing and agreed upon by the Employing Official and the employee.

SECTION E  EMERGENCY COUNTY FACILITY CLOSURE

In the event of an official closure of county facilities and/or late opening due to severe weather conditions or other extraordinary events (earthquake, power outage, pandemic events, etc.), the closure or late opening shall be announced on the Kitsap County telephone information line on courthouse closure, specified radio stations and television channels, kitsappgov.com, and through the Kitsap Electronic Notification System for electronic alerts. (See Appendix D)

SECTION F  EMERGENCIES AND DISASTERS

Employees registered as an “Emergency Worker” as defined in RCW 38.52.010(7), and employees designated as “Emergency Essential” or “First Responders” may be assigned to any disaster service activity that promotes the protection of the public health and safety. The assignment might require serving at a particular location, and/or at times and/or under conditions that significantly differ from employee’s normal work assignments; this may include assignments to perform work outside of the bargaining unit. Other employees of Kitsap County, not previously registered as an “Emergency Worker”
may be called on to perform services as an “Emergency Worker” as defined in RCW 38.52.010(47), subject to the provisions of chapter 38.52 RCW. An employee’s rate of pay will not be reduced as a result of such assignments.
CHAPTER 11 - DISCIPLINE AND TERMINATION

SECTION A  DISCIPLINE

1. Employees shall accept personal responsibility for maintaining high standards of conduct and job performance, including adherence to rules, standards, and policies. Rules, standards, and policies are needed to help everyone get the job done efficiently, safely, and effectively. Disciplinary action may be required to enforce established rules, standards, and policies. The purpose of discipline is to provide the employee with information and guidance needed to make the required improvements to continue their employment with the County.

2. Employing Officials will consult with the Human Resources Department or the Civil Division of the Prosecutor’s Office for assistance and to maintain consistency in the discipline process throughout the County.

SECTION B  CAUSES FOR DISCIPLINARY ACTION

The following is a non-exclusive list provided for illustration of "cause" for disciplinary action:

1. Failure to meet the requirements set forth in the job classification or failure to meet reasonable work performance standards.

2. **Neglect of Duty or Dereliction of Duty**: Engaging in any activity or personal business which causes the employee to neglect or be inattentive to his/her job responsibilities.

3. **Conduct Unbecoming a County Employee**:
   a. Discourteous treatment or offensive conduct toward the public or fellow employees.
   b. The use of indecent, obscene, coarse, vulgar or offensive language, including but not limited to racist or sexist slurs, directed toward or in the presence of the public or fellow employees.

4. Assault or threat directed toward the public or fellow employees.

5. Misuse or abuse of power when dealing with members of the public for personal gain.

6. **Unauthorized Use of County Time, Property or Equipment**.

7. Deliberately destroying, damaging or defacing County property or records.

8. **Misappropriation or theft or the improper use of County property, funds or services; or the property/funds of co-workers in the workplace**.
9. **Bribery**: Making a bribe, accepting a bribe, or soliciting a bribe in the course of County business.

10. **False Statements**: False or fraudulent statements or fraudulent conduct by an employee or such actions by others with his/her collusion. Falsifying records or reports.

11. **Violation of laws, regulations, ordinances, policies or rules**: Violation of laws or regulations of State, County, or Departmental work rules, policies, or safety rules.

12. **Solicitation of Illegal Acts**: The attempt to induce an officer or employee of the County to commit an illegal act or violate any lawful and reasonable departmental regulation.

13. **The Commission of a Crime**: Any felony or misdemeanor crime committed, regardless of location or time, that is or may be work related which may impair the employee’s ability to perform his/her duties, or which is so disruptive to the work relationship between the County and the employee or the employee and their coworkers that the Employing Official feels compelled to terminate the employee rather than tolerate the disruptions and inefficiencies that continued employment may cause.

14. **Insubordination**: Disobedience, unwilling to submit to established authority, the refusal to perform assigned work unless such performance would constitute a safety hazard or illegal act.

15. **Absences Without Authorization**: Failure to report for work, failure to give actual reasons for an absence, leaving work during shift without permission, or failure to return to work upon the expiration of a vacation or authorized leave.

16. **Chronic tardiness or excessive absenteeism.**

**SECTION C  PROGRESSIVE DISCIPLINE**

The following is a list of disciplinary actions in order of increasing severity. It is not intended to be an all-inclusive list, nor is there any intent that discipline necessarily starts at the lowest level and be sequential. The level and sequence of discipline should be commensurate with the problem.

1. **Oral Warning**: Inappropriate conduct or performance may initially be brought to the attention of the employee by oral discussion or reprimand. The Employing Official is to take reasonable precaution not to embarrass the employee before other employees or the public. The Employing Official is encouraged to keep a record of the date and subject of oral warnings. An oral warning is not subject to the notice and hearing requirement set forth below or the grievance procedure set forth in Chapter 12.

2. **Written Reprimand**: When inappropriate conduct or performance is continual, or when in the judgment of the Employing Official the severity of such conduct or performance warrants it, a written reprimand may be issued to an employee. A copy of the written reprimand shall be kept in the employee’s confidential file in the Human Resources Department. The employee may be issued a document outlining areas of improvement that are required with a designated time frame. The employee’s supervisor will closely monitor the employee’s work performance and/or work behavior which may require...
frequent performance evaluations. A written reprimand is not subject to the notice and hearing requirement set forth below or the grievance procedure set forth in Chapter 12.

3. **Suspension Without Pay**: The Employing Official may remove an employee from work without pay for a specific period of time for continuing inappropriate conduct or performance or any one severe offense.

   a. Employees who are exempt from the overtime laws are not subject to unpaid disciplinary suspensions except in increments of full work weeks unless the infraction leading to the suspension is for a violation of a safety rule of major significance.

4. **Forfeiture of Leave**: The Employing Official may charge an employee annual leave, in lieu of suspension without pay. In the event that an employee does not have enough annual leave available, an employee may forfeit sick leave.

5. **Demotion**: The Employing Official may demote an employee to a classification which has a lower salary range.

6. **Termination**: The Employing Official may terminate an employee for cause. Termination is the involuntary end of the employment relationship for cause. Instances which warrant termination without prior written notice or suspension may include, but are not limited to, conduct such as insubordination, assault, theft, dishonesty, being under the influence of alcohol or drugs, and illegal or destructive acts on the job.

   a. Terminated employees shall be paid all accrued annual leave and compensatory time.

**SECTION D ** **DISCIPLINARY PROCESS**

1. **Administrative Leave**: An Employing Official, or their designee, may place an employee on leave with pay pending the resolution of an administrative investigation, a investigation for alleged misconduct, a pre-disciplinary/pre-termination hearing or for business necessity after consultation with the Human Resources Department. An employee placed on administrative leave shall be advised, in writing, of the reason for the leave.

2. **Hearing Required**: An Employing Official provides and arranges for a pre-disciplinary or pre-termination hearing prior to the imposition of a disciplinary action that may result in suspension without pay, demotion, forfeiture of leave, or discharge.

3. **Notice**: Notice of the hearing described above shall be initiated by the Employing Official by providing the employee with a written notice. The notice informs the employee of:

   a. The reasons for the disciplinary action or possible termination, including any specific policies and procedures which have been violated.

   b. A summary of the previous incidents or disciplinary actions, if applicable.
c. The date, time, location of the hearing.

d. The opportunity to respond to the reason discipline is being considered at the pre-disciplinary hearing.

4. **Pre-Disciplinary or Pre-Termination Hearing:** The hearing is informal. The purpose of the hearing is to allow the employee to present information which would assist the Employing Official in reaching a final determination.

5. **Final Disciplinary Action:** As a result of the pre-disciplinary or pre-termination hearing, the Employing Official shall issue a determination within a reasonable period of time and include the following:

   a. The discipline imposed, if applicable.
   
   b. The effective date and duration of the discipline imposed, if applicable.
   
   c. The required corrective action by the employee, if applicable.

6. **Placement in Personnel File:** It is recommended the employee acknowledge the disciplinary action by signature on the final notice of the disciplinary action. If the employee refuses to acknowledge the final disciplinary action notice, the Employing Official may fulfill this obligation by securing the signature of a witness. The disciplinary action notice is forwarded to the Human Resources Department for placement in the official Personnel file.
CHAPTER 12 - GRIEVANCE PROCEDURE

SECTION A   PURPOSE

The purpose of this procedure is to provide an orderly method for resolving grievances. The employee must make a determined effort to settle any such differences at the lowest possible level in the grievance procedure.

SECTION B   GRIEVANCE DEFINED

A grievance is a dispute or disagreement arising between the employee and the County in regard to the interpretation or application of County rules, policies, and procedures. Specifically excluded from further recourse to the grievance procedure are grievances that have been processed and decided; grievances not presented within the time limits that were previously established. Oral warnings, written reprimands, transfers, and job abandonment are not grievable.

SECTION C   WHO MAY GRIEVE

Any employee who believes he/she has a grievable dispute as defined above which directly affects the employee has the right to file a grievance. Probationary employees do not have the right to grieve dismissal or the imposition of continued probation.

SECTION D   TIME LIMITS

In order to maintain good employee relations and employee morale, it is important that grievances be handled promptly and fairly. If an employee fails to submit a grievance within the time schedule in the steps below, the employee waives his/her right to grieve. If the Employing Official fails to respond within the time limits established in the steps below, the next step in the grievance process shall apply. If mutually agreed upon, the time limits established in the steps below and any individual step in the grievance procedure may be waived. Where time limits are expressed in working days, “working days” means Monday through Friday, excluding holidays.

Note: The Employing Official should work with the Human Resources Department at Step 1 and Step 2 of the Grievance Procedure.

SECTION E   PROCEDURE

Step 1 - Oral Discussion: Within 10 working days of the occurrence which gave rise to the grievance, or within 10 working days after the employee becomes aware of the situation giving rise to the grievance, the employee is required to discuss the grievance with his or her immediate supervisor. The immediate supervisor shall notify the employee of his/her decision within 10 working days after the discussion with
the employee, or the grievance shall be deemed denied. The employee may elect to bypass step one, and proceed directly to step two within 10 working days.

**Step 2 - Written Grievance:** If the employee believes the matter has not been settled or cannot be adjusted to his/her satisfaction by the immediate supervisor, the employee is required to present his/her grievance in writing to his/her Employing Official within ten (10) working days after the receipt of the response or expiration of the time frame for response or if the employee elects to bypass step one. The written grievance is to include the following:

a. The facts upon which the grievance is based.

b. Reference to the rules, policies, or procedures alleged to have been violated.

c. The remedy sought.

Upon receipt of the grievance, the Employing Official shall review the grievance along with all documents and evidence provided, and may if deemed appropriate meet with the employee and supervisor. The Employing Official shall provide a written response within ten (10) working days of receipt of the employee's written grievance.

**Step 3 - County Administrator:** If the employee believes the matter has not been settled or adjusted to his/her satisfaction by the Employing Official, the employee may grieve the matter to the County Administrator. Provided, however, that in no case shall the County Administrator hear non-wage related grievances brought by employees in Elected Official departments. The employee is required to submit a written grievance to the County Administrator within ten (10) working days of the written response of the Employing Official. The County Administrator shall set a mutually agreed upon date for the hearing preferably within 15 working days of receipt of the grievance. The County Administrator shall hear the grievance and receive all documentation submitted during the grievance process from both parties. In addition, either party may submit oral or written evidence limited to the subject matter of the grievance as originally filed. The County Administrator shall issue a written decision within ten (10) working days of the hearing.

The County Administrator may appoint a hearing examiner to hear the grievance and render a decision on his/her behalf.
CHAPTER 13 - EXITING EMPLOYMENT

SECTION A  RESIGNATION

Employees may voluntarily terminate their employment at any time. To resign in good standing, a regular employee shall give the employer at least two weeks’ notice of termination, and give notice of resignation in writing. Management and professional staff are requested to give 30 days’ notice. Regular employees who terminate without two weeks’ notice forfeit up to ten (10) days of accrued annual leave, unless the two weeks’ notice requirement is waived by the Employing Official.

SECTION B  RETIREMENT – REGULAR or DISABILITY

Kitsap County employees are member of the Public Employees Retirement System (PERS) and the Washington State Department of Retirement Systems (DRS). Employees eligible to retire must file an application with the State. The application should be submitted at least 30 days prior to retirement date. Retiring employees and eligible dependents may have access to health coverage through COBRA or retiree plans. Contact Human Resources for more information.

SECTION C  REDUCTION IN FORCE - LAYOFF

1. The employing department may declare a layoff in the event that a reduction in force is necessary due to lack of work, lack of funds or reorganization.
   a. Procedure:
      i. No regular employee shall be laid off while another person within the department is employed in a temporary, extra-help, or probationary status.
      ii. For the purpose of layoff, seniority shall be defined as the employee’s length of continuous service within their classification, and in case of a tie, their length of continuous service with the County in a regular full-time or regular part-time status. In the event of a layoff, seniority, performance, and ability (including special skills needed to perform a particular assignment within a classification) shall be the factors in determining which employees, within the affected classification within a department will be laid off. When ability and performance are substantially equal, seniority shall be the determining factor. Performance shall be determined by the use of the employee’s performance evaluations within the last two years within the affected classification. Performance between affected employees shall be considered “substantially equal” if employees receive a satisfactory rating (3.0) and there is a one-half (1/2) rating point (or less) difference between two or more employees as measured by current performance evaluation system. Ability shall be determined by the existence of special skills, credentials, or other qualifications required in a particular job assignment as evidenced by the job description or announcement of hiring. Employees laid off shall be given two weeks’ notice in writing, or at the option of the Employing Official, two weeks’ severance pay.
iii. Laid off employees are eligible for recall or re-employment for a period of one year from their effective date of layoff.

2. Recall Within Department of Layoff:
   a. When the County rehires in a department after a layoff has occurred, the County shall first attempt to rehire those employees who were laid off from the affected classification within the department in the reverse order of layoff. Laid off employees shall also be considered, if available for work, for positions at the same pay range or lower classifications. Laid off employees must meet the minimum qualifications for the position to be considered for recall.
   b. Recalled employees shall return with credit for continuous service at time of layoff. See Chapter 7 for continuous service adjustment information.
   c. Notification of recall shall be by registered mail and employee response is required within ten days of notification.
   d. Laid off employees shall be eligible for recall for 12 months following the effective date of layoff.

3. Re-Employment in Other Departments:
   a. Laid off employees may request to be considered for reemployment in other County Departments for positions at the same pay range or lower classifications. The laid off employee must meet the minimum qualifications for the position to be considered for reemployment.
   b. Reemployed employees shall return with credit for continuous services at time of layoff. See Chapter 7 for continuous service adjustment information.
   c. Laid off employees are required to complete a layoff form identifying positions they are potentially qualified for and to submit the form to the Human Resources Department.
   d. Laid off employees shall be eligible for consideration for reemployment in other departments for 12 months following the effective date of layoff.
   e. Re-employment in other departments is at the discretion of the Employing Official.

SECTION D IN VOLUNTARY TERMINATION OF EMPLOYMENT RELATIONSHIP

Employees may be involuntarily terminated. A pre-termination hearing is required (see Chapter 11).

SECTION E RETURN OF COUNTY PROPERTY

All employees terminating employment with the County whether by resignation, retirement, discharge, or layoff are required to turn in all County property to their supervisor on their last day worked or on a day mutually agreed upon with the supervisor.
SECTION F        FINAL PAYCHECK

The employee shall receive in their final paycheck, if applicable, pay for wages due, accrued and unused annual or general leave, unused floating holiday, accrued compensatory time earned, prorated longevity bonus, etc.. If an employee received an overpayment of wages and/or benefit contributions in a previous paycheck in error, or the employee owes monies for any reason, the Kitsap County Auditor will provide, in writing to the employee, notification of the overpayment and payment requirements pursuant to Washington State Law (RCW 49.48.200 and 49.48.210).

SECTION G        INQUIRIES REGARDING CURRENT AND/OR SEPARATED EMPLOYEES

Verifications of employment must be referred to the Human Resources Department. Departments are asked not to complete forms prior to contacting the Human Resources Department. The County shall only verify an employee’s name, job title, salary, and employment dates, unless authorized in writing by the employee or required by federal law, state law, or a court order.

SECTION H        UNEMPLOYMENT CLAIMS

1. There are very restrictive time limitations for responding to claims from any State Employment Security office. In order to guarantee that information is processed quickly and accurately, departments must immediately submit the information requested to the Human Resources Department.

2. Kitsap County is a self-insured employer and a lack of response may cause unnecessary expenditures.
CHAPTER 14 - RECORDS AND REPORTS

SECTION A  PERSONNEL RECORDS AND FILES

The Human Resources Department shall establish and maintain a personnel records system, which are the County’s official records for each employee. Reporting procedures and forms are established by the Director. Information compiled and retained in the central personnel file consists of records and reports deemed pertinent which shall include, but is not limited to:

1. **Personal Data:** Legal name, mailing address, telephone number, date of birth; copies of Social Security Card, driver’s licenses (if required), certifications (if required); emergency contact information.

2. **Basic Employment Information:** Job title, department assignment, employee’s application, pay grade and step, dates of employment, benefit selection forms, retirement information.

3. **Personnel Actions:** Reports of personnel actions shall be reported to the Human Resources Department in writing in the manner, time, form and method as determined by the Director. Examples of personnel actions are:
   a. Appointments
   b. Transfers
   c. Promotions
   d. Demotions
   e. Resignations
   f. Dismissals
   g. Disciplinary actions
   h. Performance evaluations and other reports of work performance
   i. Commendations and Awards
   j. Leaves of absences
   k. Changes of pay grades and/or pay steps
   l. Temporary or permanent changes in an employee’s status
   m. Training records (optional)
   n. Employment history and other such records and reports as deemed pertinent

4. **Other Information:** Authorization to release information, and verifications of employment.

SECTION B  CONFIDENTIALITY AND PUBLIC DISCLOSURE

1. Each employee’s personnel records will be kept confidential to the maximum extent permitted by law, and will not be open to inspection by any person other than the employee, the employee’s supervisor, Employing Official or designee and the Human Resources staff, unless the written consent of the employee has been obtained.
2. Although personnel files are considered confidential, the County may be obligated to release certain personnel information to labor organizations or to other entities or individuals making a valid request under state or federal law, (e.g., Washington State’s Public Disclosure Act—Chapter 42.17 RCW). Except for routine verifications of employment, no information from an employee’s central personnel file is released to the public, including the press, without a written request for specific information. The decision to release or not release information is made by the Director.

3. Other personnel records and files that are specifically exempt from public disclosure by statute, such as test questions, scoring keys and other materials used in the preparation and administration of employment examinations, addresses, telephone numbers, social security numbers, names of dependents, resumes, or applications for employment, shall generally be considered confidential and shall not be subject to public disclosure unless specifically designated as subject to public disclosure by the Director, or by law. Any employee who fails to maintain the confidentiality of personnel records and files shall be subject to disciplinary action.

4. Medical and financial information relating to employees shall be maintained in a restricted-access file separate from the employee’s personnel file.

SECTION C EMPLOYEE ACCESS TO PERSONNEL FILES

1. Each employee may review the contents of his/her own central personnel file. Requests for inspection of personnel files are made to the Human Resources Department. An authorized staff member shall set aside a time and place for the employee to review the file during normal and customary office hours.

2. Central personnel files are not to be removed from the Human Resources Department without prior specific approval from the Director.

SECTION D CHALLENGES TO THE PROPRIETY OF DOCUMENTS IN PERSONNEL FILES

An employee may challenge the propriety of any document in the personnel file. If, after discussion, the County retains the material in the file, the employee shall have the right to insert contrary documentation into the file. If the affected employee believes that a deficiency has been corrected by later action, he/she may request in writing to have a review of this action included in the file.

SECTION E DEPARTMENTAL WORKING FILES

Departments may create and maintain working files for the convenience of the department. Department working files are not a part of and may not substitute for the employee’s central personnel file. Department working files should not contain any medical information, such as doctor’s notes or documentation that was not provided by Human Resources or Risk Management.
GLOSSARY - DEFINITION OF TERMS

ADMINISTRATIVE LEAVE

Paid time off the job allowed to employees for the following:

1. When an Employing Official, or their designee, after consultation with Human Resources, places an employee on leave with pay pending the resolution of an administrative investigation, an investigation for alleged misconduct, a pre-disciplinary/pre-termination hearing or, for business necessity. Any employee placed on administrative leave shall be advised, in writing, of the reason for the leave.

2. When the County Administrator, or in their absence the Chair of the Board of County Commissioners, determines it to be a business necessity and/or in the best interest of the County.

ANNIVERSARY DATE (DATE OF HIRE)

The date an employee is hired into a regular budgeted, full-time or part-time position. No credit is given for extra-help work when establishing an employee’s anniversary date. The anniversary date is not adjusted while continuously employed and differs from continuous service and seniority dates.

APPLICANT

An individual who, in accordance with this Manual, has submitted a complete application for employment within the publicized recruiting period and on the prescribed forms.

CAUSE

As used in this Personnel Manual, “cause” means in good faith and for a reason.

CHAIR

The chairperson of the Board of County Commissioners

CLASSIFICATION

The systematic arrangement of positions into groups or categories according to established criteria such as type and level of work duties and/or responsibilities, skills, abilities, qualifications and conditions common to various individual positions of employment. Classifications are adopted by the Board of County Commissioners. Positions are assigned to classifications to facilitate pay administration, recruitment and other personnel actions.
COMPENSATORY TIME

Paid time off the job, for hours actually worked beyond eight hours in a day and/or in excess of 40 hours in a work week, granted to a nonexempt employee in lieu of overtime pay.

CONTINUOUS SERVICE

Length of continuous service by an employee including periods of authorized paid leave. An employee who terminates and is re-employed, within twelve (12) calendar months of the termination date, shall have his/her continuous service date adjusted by the time between termination and re-employment. All benefits based on length of service are computed on the basis of continuous service, unless otherwise specified. Continuous service dates are adjusted for any period of absence in a leave without pay status.

COUNTY ADMINISTRATOR

The County Administrator is appointed by the Board of County Commissioners, oversees the operations of the internal services departments, and coordinates the operations of those departments with the operations of departments directed by the Board of County Commissioners and other Elected Officials. Wherever action is required by the County Administrator, and in the absence of the County Administrator, the chair of the Board of County Commissioners shall act in his/her place.

DEMOTION

The movement of an employee, involuntarily, from one classification to another having a lower pay range.

DEPARTMENTAL RULES

Rules, regulations, and procedures established by individual departments not in conflict with this Manual.

DEPARTMENT DIRECTOR

The appointed administrator of a County department serving at the pleasure of the Board of County Commissioners.

DIRECTOR

The Director of the Human Resources Department, or the Director's designee.

EMPLOYEE ASSISTANCE PROGRAM (EAP)

A confidential and professional assistance program to help employees and their families resolve problems that affect their personal lives and job performance.
ELECTED OFFICIAL

An individual independently elected by the citizens of Kitsap County responsible for the administration and oversight of a specific County office or department as defined in the Washington State Constitution or by Washington State Law.

EMPLOYEE CLASSIFICATION

At-Will Employee:
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.

Exempt Employee:
An elected, executive, administrative, or professional employee exempt from the minimum wage and overtime requirements of the Washington Minimum Wage Act and the Fair Labor Standards Act. An exempt employee is hired to fulfill the duties of their position and expected to work the hours needed to complete work assignments.

Full-Time Employee:
A regular employee who is hired to work at least 40 hours per week in a budgeted position.

Nonexempt Employee:
An employee who is subject to the minimum wage and overtime requirements of the Washington Minimum Wage Act and the Fair Labor Standards Act.

Part-Time Employee:
A regular employee who is hired to work 20 hours or more in a week but less than 40) hours in a week in a budgeted position.

Regular Employee:
An employee in a budgeted position who has successfully completed his or her probationary employment period. Regular employees are credited with continuous service from the date of hire into a budgeted position.

Extra-Help Employee:
Non-regular employees who are at-will for the entire period of employment and may be terminated at any time by the Employing Official or designee. Extra-help employees receive only those benefits required by federal or state laws.

Probationary Employee:
An employee, in a budgeted position, who is serving a test period of work evaluation for a new or promoted position.
**EMPLOYING OFFICIAL**

A person responsible for the employment, discipline, or termination of employees, usually the Elected Official, Department Director or designee.

**GRIEVANCE**

A dispute or disagreement brought by an employee against the County in regard to the interpretation or application of specific provisions of the Personnel Manual. Specifically excluded from further recourse to the grievance procedure are grievances that have been processed and decided and grievances not presented within established time frame.

**HUMAN RESOURCES DEPARTMENT**

The department responsible for administering the Human Resources System on behalf of the Board of County Commissioners, under the direction of the County Administrator.

**INvoluntary TERMINATION**

The involuntary discontinuation of the employment relationship.

**JOB SHARING**

An alternative work arrangement in which employees share a full-time position.

**LAYOFF**

The termination of an employee from the active work force due to lack of funds, lack of work, or organizational changes.

**LEAD**

An employee with the County who provides work direction to staff performing similar functions and handles more complex questions and problems. May provide input for employee’s evaluation.

**MEDICAL SEPARATION**

Separation from employment when an employee is no longer able to perform the essential functions of available positions for which he or she is qualified, with or without accommodation. Employees who are separated from their employment through this process will have grievance/appeal rights consistent with this Manual or the employee’s collective bargaining agreement, whichever is applicable.

**OPEN COMPETITIVE RECRUITMENT**
A recruitment which is open to the public, has been screened for minimum qualifications, and has two or more viable candidates for consideration.

**ORAL WARNING**

An oral discussion with an employee regarding the correction of inappropriate work behaviors and/or performance deficiencies.

**OUT OF CLASS PAY**

As approved by the County Administrator, pay provided to an employee for actual hours worked, for temporarily performing work in a higher classification for a minimum of five consecutive days, usually due to a special project, a vacancy, or the absence of a regular employee. Exempt employees do not receive out of class pay for hours worked in excess of full time hours. In addition, non-exempt employees working out of class in an exempt position will not receive pay for hours worked in excess of full time hours.

**OVERTIME**

Rate of pay for each hour a nonexempt employee actually works in excess of eight (8) hours in a day or in excess of 40 hours in a work week.

**PAID STATUS**

The normal employment situation in which the employee is paid for time worked or the employee is on paid leave, (such as vacation, sick leave, or other paid leaves of absence).

**PAY GRADE**

The alpha/numeric identification of a range of compensation for specific classifications approved by the Board of County Commissioners.

**PAY RANGE**

The compensation attached to steps assigned to a pay grade approved by the Board of County Commissioners.

**PERSONNEL FILE**

The official County record for each current or former employee, maintained in the Human Resources Department, which may include application forms, dates of employment, status changes for position changes, promotions, step increases, leaves of absence, benefit information, performance evaluations and rebuttals, letters of commendation, disciplinary actions, pay rates, and other pertinent information.
(Departments may maintain records including, but not limited to, payroll records, time sheets, leave requests, etc. Medical documentation is to be maintained in Human Resources only.)

POSITION

A budget reference assigned a group of specific duties and responsibilities requiring the full-time or part-time employment of one person. Positions are created by the Board of County Commissioners.

PROBATIONARY PERIOD

The test period of work evaluation for a new or promoted employee.

PROMOTION

Appointment to a job classification with a higher pay range.

RECALL

The rehiring of a laid-off employee into the previously held classification within the department of lay-off.

RECLASSIFICATION

Changes in the level of responsibilities, tasks and duties of a position which may change areas of emphasis, the level of skill required and/or qualification requirements as they relate to the current position. These changes may result in allocating the position to a new classification. A reclassification upgrade is not to be used as a merit raise or as a reward for employment longevity, nor is it to be used to reflect an increased volume of work at the same level of responsibility that the incumbent is currently performing. A reclassification may result in an increase or decrease in compensation. A reclassification must be approved by the Board of County Commissioners before an employee may be compensated for any change in compensation resulting from a reclassification.

RE-EMPLOYMENT

The appointment, without competitive examination, of a laid-off employee or a former employee, within 30 days of the effective date of termination, to a classification in which the employee formerly served as a regular, non-probationary employee, or to a comparable or lower classification for which the former employee is qualified.

RESIGNATION/SEPARATION

Voluntary termination of an employment relationship with the County by an employee.
RETIREMENT

Voluntary separation of an employee who is retiring through the Washington State Retirement System.

SENIORITY

Seniority for the purposes of lay-offs is defined as length of service within the affected classification.

SUPERVISOR

An employee with the County who has been delegated the responsibility and authority to assign, schedule, monitor, train and evaluate the work of at least two assigned staff. Performs All elements of supervising, approving annual/sick leave requests, authorizing overtime, and recommending to the Employing Official hiring, promotion, discipline and termination actions of assigned staff.

SUSPENSION

A temporary removal of an employee with or without pay usually due to disciplinary reasons or for the purpose of an investigation into allegations involving the employee.

TIME LOSS

Absence from work due to an on-the-job injury which has been determined to be compensable in accordance with the Worker’s Compensation Regulations.

TRANSFER

A voluntary change from a position in one classification to another classification of an equal or lower pay rate.

WORK DAY/SHIFT

A work day is the hours in a day an employee is regularly scheduled to work.

WORK IMPROVEMENT PLAN

A written document outlining areas of improvement expected within a designated time frame, following disciplinary action, or an unsatisfactory performance evaluation relating to work performance/inappropriate work behavior. The work behavior/performance shall be closely monitored which may result in more frequent performance evaluations than required by this Manual.
WORKPLACE

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), any remote areas where the employee is engaged in official business (including field locations), and/or vehicles, either County or privately owned, when used while conducting County business.

WORK WEEK

A work week is a fixed and regularly recurring period of one hundred sixty-eight (168) hours, seven (7) consecutive twenty-four (24) hour periods, usually beginning on Monday and ending on Sunday.

WRITTEN REPRIMAND

Formal written notice to an employee to correct inappropriate work behavior and/or performance deficiencies, usually after receiving an oral warning or for more serious/severe offenses and informing the employee that further disciplinary action shall result.
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. This plan will only be available through December 31, 2019, at which time employees will have access to Washington State Paid Family and Medical Leave.

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 once the leave has been credited to the receiving employee’s leave account.

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). 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 physical or mental condition means a physician-certified life-threatening illness, injury, or impairment (physical or mental) which requires continuing treatment and/or supervision by a health care provider and which will require the employee to

   go on leave of absence without pay in excess of five (5) consecutive working days

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

C. Eligibility Requirement to Receive Donated 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 as defined above.

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

5. The employee has a catastrophic condition that will require continuous treatment and/or supervision in excess of five (5) consecutive working days.

D. Eligibility Requirements to Donate Annual Leave

1. The donating employee must be a regular 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 Human Resources.
2. Human Resources will verify that the employee meets the eligibility requirements for accepting donated leave. After completing the verification process, Human Resources will forward the request to the employee’s Employing Official.

3. 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; provided, however, the employee must meet the eligibility requirements. 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.

4. 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.

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

6. Employees must donate annual leave in one (1) hour increments.

7. The final completed form, signifying a request was approved or denied will be sent to Human Resources for retention.

8. The Director of Human Resources 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

<table>
<thead>
<tr>
<th>County Commissioner Departments</th>
<th>Working Title</th>
</tr>
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<tbody>
<tr>
<td>Board of Commissioners</td>
<td>County Administrator</td>
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<tr>
<td></td>
<td>Clerk of the Board/Assistant to BCC and</td>
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<td></td>
<td>Office Assistant 1,2,&amp; 3</td>
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<td></td>
<td>Administrative Specialist</td>
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<tr>
<td></td>
<td>Policy Manager</td>
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<td></td>
<td>Policy Analyst Communications and Volunteer Services</td>
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<td></td>
<td>Coordinator</td>
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<tr>
<td>Administrative Services</td>
<td>Director</td>
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<td></td>
<td>Risk Manager</td>
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<tr>
<td></td>
<td>Public Defender Division Supervisor</td>
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<tr>
<td></td>
<td>Public Defender 1 &amp; 2</td>
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<tr>
<td></td>
<td>Public Defender Investigator</td>
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<tr>
<td>Community Development</td>
<td>Director</td>
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<tr>
<td></td>
<td>Assistant Director, Building</td>
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<tr>
<td></td>
<td>Assistant Director, Planning</td>
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<tr>
<td></td>
<td>Building &amp; Fire Safety Manager</td>
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<tr>
<td></td>
<td>Administrative and Permit Services Manager</td>
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<tr>
<td></td>
<td>Development Services &amp; Engineering Manager</td>
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<tr>
<td></td>
<td>Planning &amp; Environmental Programs Manager</td>
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<tr>
<td>Facilities</td>
<td>Facilities and Maintenance Manager</td>
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<tr>
<td>Information Services</td>
<td>Director</td>
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<td></td>
<td>Public Communications Manager</td>
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<tr>
<td></td>
<td>Computer &amp; Network Services Manager</td>
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<td>GIS Manager</td>
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<td><strong>APPENDIX C</strong></td>
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<tr>
<th><strong>Parks</strong></th>
<th><strong>Application Services &amp; Project Manager</strong></th>
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<tbody>
<tr>
<td><strong>Director</strong></td>
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<tr>
<td><strong>Assistant Director</strong></td>
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<tr>
<td><strong>Parks Resource Superintendent</strong></td>
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<td><strong>Operations Superintendent</strong></td>
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<tr>
<td><strong>County Forrester</strong></td>
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<tr>
<td><strong>Park Planner</strong></td>
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<thead>
<tr>
<th><strong>Human Services</strong></th>
<th><strong>Director</strong></th>
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<tbody>
<tr>
<td><strong>Human Services Manager – Aging &amp; Long Term Care</strong></td>
<td></td>
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<tr>
<td><strong>SBHO Administrator</strong></td>
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<tr>
<td><strong>Clinical Manager</strong></td>
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<tr>
<th><strong>Human Resources</strong></th>
<th><strong>Director</strong></th>
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<tbody>
<tr>
<td><strong>Human Resources Manager</strong></td>
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<tr>
<td><strong>Labor Relations Manager</strong></td>
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<tr>
<th><strong>Public Works</strong></th>
<th><strong>Director</strong></th>
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<tbody>
<tr>
<td><strong>Assistant Director, Public Works Roads</strong></td>
<td></td>
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<tr>
<td><strong>Assistant Director, Public Works Utilities</strong></td>
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<tr>
<td><strong>M &amp; O Manager</strong></td>
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<tr>
<th><strong>Emergency Management</strong></th>
<th><strong>Director</strong></th>
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<tr>
<th><strong>Elected Official Departments</strong></th>
<th><strong>Working Titles</strong></th>
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<tbody>
<tr>
<td><strong>Assessor</strong></td>
<td><strong>Chief Deputy Assessor</strong></td>
</tr>
<tr>
<td><strong>Auditor</strong></td>
<td><strong>Chief Deputy Auditor</strong></td>
</tr>
<tr>
<td></td>
<td><strong>Financial Services Manager</strong></td>
</tr>
<tr>
<td></td>
<td><strong>Administrative Services Manager</strong></td>
</tr>
<tr>
<td></td>
<td><strong>Elections Manager</strong></td>
</tr>
<tr>
<td><strong>Clerk</strong></td>
<td><strong>Chief Deputy Clerk</strong></td>
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<tr>
<td></td>
<td><strong>Court Finance Unit Supervisor</strong></td>
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<tr>
<td></td>
<td><strong>Courthouse Facilitator</strong></td>
</tr>
<tr>
<td><strong>Coroner</strong></td>
<td><strong>Chief Deputy Coroner</strong></td>
</tr>
<tr>
<td><strong>District Court</strong></td>
<td><strong>Court Administrator</strong></td>
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<tr>
<td></td>
<td><strong>Administrative Assistant</strong></td>
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<tr>
<td></td>
<td><strong>Treatment Court Manager</strong></td>
</tr>
</tbody>
</table>
| **Prosecutor** | Manager, Prosecutor’s Administrative Services  
All Deputy Prosecutor Classifications |
|----------------|----------------------------------------------------------------------------------|
| **Sheriff**    | Undersheriff  
Superintendent of Corrections  
Inspector  
Chief Civil Deputy  
Chief Criminal Deputy  
Administrative Secretary |
| **Superior Court** | Superior Court Administrator  
Director, Juvenile Services  
Detention Program Manager  
Court Services Manager - Juvenile  
Administrative Services Manager - Juvenile  
Court Reporter  
Law Clerk  
Administrative Services Supervisor  
Administrative Specialist  
Case Monitor  
Court Calendar Coordinator  
Drug Court Compliance Specialist  
Program Specialist  
Treatment Court Manager |
| **Treasurer**  | Chief Deputy Treasurer  
Investment Officer |
KITSAP COUNTY PERSONNEL MANUAL
POLICY REGARDING INCLEMENT WEATHER AND NATURAL DISASTERS

PURPOSE

To establish guidelines for employees on reporting to work or departing from 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 by employing official as “Emergency Essential” or “First Responders”.

“Emergency Essential” or “First Responders” are 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, infrastructure, equipment and resources. Specifically excluded from this policy are the operations of Coroner, Emergency Management, Facilities Maintenance, Sheriff, Juvenile Detention, Public Works Department and Kitsap Recovery Center.

County departments with response requirements during emergencies or inclement weather incidents should identify employees as Emergency Essential or First Responders. Those departments with these designated employees will develop policies for reporting to work or updating status during emergency situations or inclement weather that meet the department’s operational requirements. Departments will inform employees of their designation as Emergency Essential or First Responder status and of their reporting requirements during an emergency.

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 and Application to Non-Emergency Essential Staff

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. Employee safety is paramount. Employees who wish to delay their start time or leave work early due to personal commute concerns relating to the inclement weather situation will, with supervisor’s prior approval, be given the option of utilizing any earned compensatory time or accrued annual leave.

6. In the event of a delayed opening, regular employees who reported to work as instructed for the delayed opening will be paid for their entire scheduled work day and will not be required to use leave.

7. In the event of an early closure, employees who were at work when the closure decision was implemented will be paid for the remainder of their entire scheduled shift and will not be required to use leave. If an employee leaves prior to the closure is announced, please refer to #5.

8. Employees who are already in a leave status (annual, compensatory, sick leave, leave without pay, etc.) when the delayed opening or early closure is declared will not be allowed to change their leave status.

9. If a full day closure is announced in advance of the work day, employees not in a leave status will be paid for their entire scheduled work day and will not be required to use leave. Employees who are already in a leave status (annual, compensatory, sick leave, leave without pay, etc.) for the full day when the closure is declared will not be allowed to change their leave status.

10. The inclement weather leave will not count as time worked for purposes of overtime calculation for the week.

11. 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 the 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.

12. Announcements of delayed opening and closures will be provided on the County’s Web Site and the inclement weather telephone line (1-360-337-5775). Employees may also sign up for text alerts through the County electronic notification system, available at www.kitsapgov.com. 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.
DRUG FREE WORKPLACE POLICY

GENERAL STATEMENT

Kitsap County Government is obligated and committed to provide our employees and the citizens of Kitsap County with an alcohol and drug free, healthy, 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 can adversely affect 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.

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 affect 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.
Appendix E

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, and any worksite where services are provided in the course of employment, 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
Appendix E

must be prescribed for the specific use of the employee by a licensed physician.

ii. Exception. The Board of Commissioners may allow, for cultural or celebratory purposes, a display of unopened containers of alcohol in a secured area. Under no circumstance does this authorize any employee or contractor to possess or use controlled substances for personal sale or use.

Section 4. Testing Programs

To meet the objectives of this policy, Kitsap County, will maintain a drug-testing policy that includes the following:

1. Pre-employment testing – Some positions require employees to complete an alcohol and/or drug test prior to employment. Any offer of employment is rescinded as a result of a failed drug or alcohol test.

2. Reasonable Suspicion - When a supervisor observes behavior or performance problems that could adversely affect an individual’s personal safety, or another person’s safety, the supervisor, with the concurrence of another supervisor, will notify Human Resources to determine whether drug testing for reasonable cause is required. No prior notice to the employee is required in this occurrence.

3. Random testing - Kitsap County may, at any time require an employee or contractor who is in a safety sensitive position be tested.

4. Commercial Drivers License (CDL) testing – Employees who hold positions requiring a CDL will comply with the requirements of the County’s CDL policy and Washington State law.

Employees must submit to alcohol and controlled substance testing when required by the policy. A refusal to test will have the same consequences as a positive test and may be grounds for disciplinary action up to and including termination from employment.

Employees will be deemed to have failed the exam for any of the following reasons:

- Does not show up for testing within a reasonable time after being directed to do so.
- Does not remain at the testing site until testing has been completed.
- Does not comply with the testing requirements or provide the required specimens.
- Uses any method to cause the testing to provide false results, including tampering, replacing or diluting the samples collected.
- Does not provide a sample adequate to complete the testing process without a doctor’s explanation.
- Fails to cooperate with testing examiner during testing procedure.

Section 5. Penalties.
Employees will be advised of the test results. In the event of a positive test report, the employee will be removed from the workplace. The employee may use any accrued annual leave, compensatory time, personal holiday, or other leave as provided in this manual or by the respective collective bargaining agreement.

Violations of this policy 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 6. 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 Human Resources Department 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 exemption being granted, nor will it release any employee from the responsibility of meeting acceptable job performance standards.

Section 7. Return to Duty and Follow-Up Testing. All employees who test positive for controlled substances or alcohol will be removed from the workplace and precluded from returning until a Substance Abuse Professional completes an assessment. The employee may use accrued annual leave, personal holiday or compensatory time, however may not use accrued sick leave. Any time away in excess of accrued leave will be considered Leave Without Pay.

Prior to being considered for return to duty the employee must:

- Be in compliance with, and agree to continue, treatment recommendations from the Substance Abuse Professional.
Appendix E

- Sign a return to work agreement.
- Retest and produce a negative test result.
- Take up to six unannounced follow-up tests within a twelve month period. Unannounced testing could be extended up to sixty months at the advice of the Substance Abuse Professional and Department.
- The employee will be allowed to use accrued sick leave, vacation leave, or leave without pay while participating in counselling and/or treatment, however, the cost of counseling and treatment will be paid for by the employee’s insurance or by the employee.

Section 8. 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 9. 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 10. 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 Human Resources Department 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 10 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 11. Notice of Policy. Each regular, part-time or temporary employee of Kitsap County shall receive a written copy of the Kitsap County Alcohol and Drug Policy.

Section 12. Severability. If any provision of this policy or its application to any person or circumstance is held invalid or unconstitutional, the remainder of the policy or its application to other persons or circumstances shall not be affected.

Section 13. Effective Date. This policy 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.
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, which includes public safety activities. The communication systems are also provided to encourage and facilitate 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.
Appendix G

KITSAP COUNTY FAMILY AND MEDICAL LEAVE (FMLA) POLICY

ELIGIBILITY

The federal Family and Medical Leave Act (FMLA) provides eligible employees up to twelve (12) work weeks of unpaid job protected leave per 12-month period. In order to be eligible for FMLA, the employee must have:

1. Been employed by the County for twelve months (not necessarily consecutively) AND
2. Have actually worked at least 1,250 hours during the twelve-month period immediately preceding the commencement of FMLA leave AND
3. Require leave for any one or more of the reasons listed below.

BASIC LEAVE ENTITLEMENTS

1. The birth of a son or daughter, and to care for a newborn child;
2. The placement with the employee of a son or daughter for adoption or foster care (i.e. parental leave);
3. To care for the employee's spouse, son, daughter, or parent with a serious health condition; and
4. Because of the employee’s own serious health condition that makes the employee unable to perform the essential functions of his/her job.

MILITARY FAMILY LEAVE ENTITLEMENTS

Leave for Military Qualifying Exigencies

For a “qualifying exigency” arising out of the fact that the employee’s spouse, son, daughter, or parent is a covered military member (including those in the Armed Forces, the National Guard, or the Reserves) who is on active duty in, or has been notified of an impending call to, deployment with the Armed Forces to a foreign country. Qualifying exigencies are generally activities related to the active duty or call to duty, including attending certain military events, arranging for alternative childcare, addressing certain financial and/or legal arrangements, attending counseling sessions and attending post-deployment reintegration briefings.

Military Caregiver Leave

An eligible employee may take up to 26 weeks of leave during a single twelve (12) month period to care for an injured service member who is the employee’s spouse, parent, child or next-of-kin. The combined leave total for all purposes described in this policy may not exceed 26 weeks in the applicable leave year for employees who are eligible for both Military Caregiver leave and other qualifying FMLA leave.

PREGNANCY DISABILITY

When an employee is disabled during pregnancy or following childbirth, she is entitled to unpaid pregnancy disability leave under Washington state law, regardless of FMLA eligibility. She may also be
eligible for additional leave under the Washington State Family Leave Act (WFLA). Eligible employees may also be entitled to leave to care for a registered domestic partner under the WFLA. Please see the section on interaction of pregnancy disability leave, WFLA, and FMLA later in this policy.

All FMLA leave will be administered in accordance with the federal statute and FMLA regulations. To the extent particular mandatory FMLA eligibility, certification, or other issue is not specifically addressed in this Policy, Kitsap County will follow the law and regulations.

DEFINITIONS

A. 12 Month Period: Kitsap County uses the rolling calendar year method. This means that the amount of FMLA leave an employee is entitled to is calculated by looking at the previous 12-month period measured backward from the date the first day of FMLA leave is taken. The only exception is for military caregiver leave, in which the 12-month period begins on the first day the employee takes military caregiver leave.

B. Child: means a dependent child under 18 years of age, or 18 years of age or older who is incapable of self care because of a mental or physical disability. An employee’s “child” is one for whom the employee has actual day-to-day responsibility, and includes biological, adopted, foster, or step-child.

C. Continuing Treatment: means:

1. Two or more treatments by a health care practitioner on referral from or under the direction of a health care provider; or:

2. A single visit to a health care provider that results in a regimen of continuing treatment, such as treatment for cancer, diabetes, kidney disease, heart disease, stroke, severe respiratory illness, for example. A regimen of taking over-the-counter medications, bed rest, drinking fluids, exercising, and other similar activities do not constitute a continuing care regimen; or:

3. In the case of a serious, long-term, or chronic condition or disability that cannot be cured, continuing care can include being under the ongoing supervision of, but not necessarily being actively treated by, a health care provider.

D. Covered Service Member: For the purposes of Military Caregiver Leave, refers to a current member of the Armed Forces, including National Guard or Reserve Members, who has a serious injury or illness incurred or aggravated in the line of active duty that may render the service member medically unfit to perform his or her duties. The service member may be undergoing medical treatment, in recuperation or therapy, in outpatient status, or on a temporary disability retired list. Covered service members also include veterans who are undergoing medical treatment, recuperation or therapy for serious injuries or illnesses incurred or aggravated in the line of active duty.

E. Health Care Provider: Licensed doctors of medicine or osteopathy, podiatrists, clinical psychologists, clinical social workers, optometrists, chiropractors (only when providing manual manipulation of the spine to treat a serious health condition), nurse midwives, nurse practitioners, health care providers who are listed on any of the County’s group health plans, and registered Christian Science practitioners.
F. Parent: a biological parent or an individual who stands or stood in loco parentis to an employee when
the employee was a child. This includes a stepparent who is a same-sex spouse of the employee’s
parent. This does not include parents-in-law.

G. Next of Kin (see Leaves for Qualifying Military Exigencies or Military Caregiver): The next of kin of
a covered servicemember is the nearest blood relative (other than the servicemember’s spouse,
parent, son or daughter) in the following order of priority: blood relatives who have been granted
legal custody of the servicemember, siblings, grandparents, aunts and uncles, and first cousins, unless
the servicemember has designated in writing a different blood relative for purposes of military
caregiver leave.

H. Serious Health Condition: An illness, injury, impairment, or physical or mental condition that:
   1. Requires inpatient care;
   2. Any period of incapacity of more than three calendar days that involves continuing treatment
      by a health care provider;
   3. Continuing treatment by a health care provider for chronic or long-term health condition that is
      incurable or which, if left untreated, would likely result in a period of incapacity of more than three
      calendar days; or
   4. Prenatal care by a health-care provider, or any period of incapacity due to pregnancy.

G. Spouses (both employed by Kitsap County): Following the birth or placement for adoption or foster
care of a child or to care for a sick family member: married employees may take a combined leave
limited to twelve work weeks. If either spouse uses FMLA leave for his or her own serious medical
condition, each spouse remains eligible for the remainder of the twelve week FMLA leave
entitlement, excluding time take to care for a family member or for the birth/placement of a child.
(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).

**LEAVE RIGHTS AND REQUIREMENTS**

A. Prior to entering into FMLA Leave without pay status, the employee must exhaust all paid leave,
including compensatory time, floating personal holiday, accrued annual and sick leave. In the case of
FMLA for an employee’s own condition, the employee may use accrued comp time first, but must
exhaust sick leave before using annual leave. 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.
*Exception:* employees on leave for work related injuries are not required to exhaust all paid leaves
before going in to leave without pay status.

B. 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 the need for leave is not foreseeable, notice must be given as
soon as practicable. Failure to give proper notice may mean that the FMLA leave may be denied or delayed.

C. If leave is taken for a FMLA qualifying reason about which the County was unaware, and the employee desires that the leave be counted as FMLA leave, then the employee must notify the County within two business days after returning to work. If an employee does not provide the County with notice and certification of an FMLA-qualifying reason for the leave within fifteen (15) calendar days, the leave may be denied, or the employee may not subsequently assert FMLA protections for the absence.

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

1. For the duration of the FMLA Leave, the County will continue to pay the employer contributions for any health, dental, basic life, vision and disability insurance at the identical level that the employee received prior to going on FMLA. The employee is responsible for paying the employee share of the contributions. If the employee is using accrued balances and is in full paid status, the employee portion of contributions will be deducted from the employee’s paycheck like usual. If the employee is in leave without pay status, the employee must remit payment for the employee share of contributions timely. County payroll will notify the employee of the amount and date(s) due.

2. If the employee does not return to work within one calendar month following a continuous (not intermittent) 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.

E. 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 qualifying reason may be precluded from returning to full-time employment with the County.

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

REQUESTING FMLA LEAVE

A. When an employee requests an FMLA leave or when the County becomes aware that an employee’s absence may be for an FMLA qualifying reason, Kitsap County Human Resources will issue an FMLA Packet to the employee within five (5) business days, barring extenuating circumstances. The contents of the packet may be sent electronically, mailed, or handed to the employee.

B. The FMLA Packet consists of:
1. FMLA Notice of Rights and Responsibilities

2. Employee FMLA Request Form

3. Medical Certification

4. Job Description/Class Specification that includes the essential functions and requirements of the job

C. The employee must provide a completed and signed FMLA Request Form as soon as possible in order for the FMLA leave request to be considered timely.

D. The employee must provide the completed Medical Certification within fifteen (15) calendar days of receipt of the FMLA Packet unless it is not practicable under the particular circumstances to do so despite the employee’s diligent good faith efforts. A reasonable extension of this deadline may be granted provided a request is made prior to the Medical Certification submission deadline and the employee notifies Human Resources of the status of the required documentation. The Medical Certification must be complete, responsive, and sufficient to determine the eligibility for leave, and the leave’s duration and frequency. Insufficient medical certification may delay or deny FMLA leave until and unless the Medical Certification is remedied within fifteen (15) calendar days from the date the employee is notified of the insufficient certification.

INTERMITTENT OR REDUCED WORK SCHEDULE LEAVE

An employee may take leave intermittently in separate blocks of time, or on a reduced work/leave schedule to care for an immediate family member with a serious health condition or because of the employee’s own serious health condition when “medically necessary”.

Employees must request intermittent leave or temporary reduced work schedule leave on an FMLA Employee Leave Request form, and must provide Medical Certification that specifies anticipated duration frequency, and/or necessary schedule. Forms must be provided within the time frames specified above.

Reduced schedule leave and intermittent leave for personal medical leave is limited to times which are scheduled for treatment, recovery from treatment or illness, and for periods of disability due to a chronic health condition, including psychological care. An employee must have prior consent of his or her supervisor when intermittent or reduced leave is taken after the birth or placement of a child for adoption or foster care. If an employee needs leave intermittently or on a reduced leave schedule for planned medical treatment, then the employee must make a reasonable effort to schedule the treatment so as to not unduly disrupt Kitsap County’s operations.

RECERTIFICATION

A. For conditions lasting beyond a single leave year, medical certification will be required in each subsequent leave year.

B. The County will require recertification if the circumstances of the leave change significantly (the duration of leave, the frequency with which leave is needed, etc.).

C. Medical recertification, like initial certifications, must be complete and sufficient.
Appendix G

D. If the County identifies possible patterns of leave abuse, such as frequent absences before and after scheduled days off, the County may require recertification that asks the pattern of absences and requests the health care provider to answer whether the patterns of absence are consistent with the serious health condition and the need for FMLA leave.

E. Employees must provide required medical recertification within fifteen (15) calendar days after notification, unless it is not practicable under the particular circumstances to do so despite the employee’s diligent, good-faith effort. Employees must request extended deadlines in writing before the expiration of the original deadline. Failure to do so may result in denial of FMLA leave.

F. Medical Certifications and re-certifications shall be obtained at the employee’s expense.

RETURNING TO WORK FROM FMLA LEAVE

Employee may be required to submit a Return to Work certification from the treating health care provider that states that the employee is able to perform the essential functions of the job with or without accommodation and therefore can return to work. The Return to Work Form must be submitted to the County before the employee may return to their job.

INTERACTION OF PREGNANCY DISABILITY LEAVE (PDL), WASHINGTON FAMILY LEAVE ACT (WFLA) AND THE FEDERAL FAMILY AND MEDICAL LEAVE ACT (FMLA)

Pregnancy Disability Leave (PDL)

In addition to leave under FMLA, Washington state law provides additional leave rights in connection with pregnancy-related disability. Regardless of eligibility for FMLA leave, an employee is entitled to Pregnancy Disability Leave for the period of time temporarily disabled because of pregnancy or childbirth. A pregnant employee is eligible for pregnancy disability leave immediately upon employment with no waiting period. However, medical certification is required to confirm the need for leave.

If the employee is eligible for FMLA leave, the Pregnancy Disability leave will run concurrently with FMLA leave. Pregnancy Disability leave is unpaid and health benefits are not automatically continued (unless the employee is also eligible for FMLA leave); however, accrued leave may be used and the employee may continue insurance coverage at her expense.

Washington Family Leave Act (WFLA)

The WFLA largely mirrors the FMLA, with the same eligibility requirements and entitlement to twelve (12) weeks of leave for family and medical reasons.

The most significant difference is that the WFLA provides eligible employees additional leave benefits to care for a newborn. In most situations WFLA runs concurrently with FMLA. However, WFLA does not run concurrently with Pregnancy Disability Leave (PDL). This entitles an employee to up to twelve (12) weeks of leave to care for a newborn after the employee has recovered from pregnancy disability (during which time she used PDL, but not WFLA).

Example 1:
Appendix G

Pregnant Employee A has worked for the County for 11 months when she gives birth. Her physician certifies that she is disabled due to recovering from pregnancy for eight (8) weeks. She is not eligible for WFLA or FMLA because she has not worked for the County long enough. However, she is eligible for Pregnancy Disability Leave.

She will take eight (8) weeks off protected by PDL and will then return to work. If Employee A wishes to continue health benefits, she must pay the full premium because her leave does not qualify for FMLA.

Example 2:

Pregnant Employee B has worked full time for the County for five (5) years. She is eligible for FMLA, PDL and WFLA. She works until the birth and takes six weeks leave for recovery from childbirth. In such a case, the employee’s six weeks of pregnancy disability leave runs concurrently with the first six weeks of her FMLA leave; however, her WFLA does not begin to run until after her pregnancy disability leave ends. Once the employee’s pregnancy disability leave ends, her remaining 6 weeks of FMLA leave runs concurrently with the first six weeks of WFLA. Once the employee’s FMLA leave is exhausted, she has six remaining weeks of WFLA leave (which results in a combined total 18 weeks of leave).

FMLA RECORDS

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:

- Requests for FMLA leave shall be in writing using the County forms. Copies of the Employee FMLA Request Form, Medical Certification, and other documents pertinent to the leave must be placed in the Employee’s confidential medical file, which will be securely housed in Human Resources.
KITSAP COUNTY POLICY PROHIBITING DISCRIMINATION HARASSMENT AND INAPPROPRIATE CONDUCT

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, religious affiliation, creed, sex, sexual orientation, gender identity or expression, age, marital status, genetic information, ancestry, honorably discharged veteran or military status or the presence of a sensory, mental or physical disability.

DISCRIMINATORY PRACTICES

Kitsap County prohibits discrimination based on race, color, national origin, religion, sex, sexual orientation, age, genetic information, veteran or military status, 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, religious affiliation, sex, sexual orientation, gender identity or expression, age, genetic information, ancestry, marital status, honorably discharged veteran or military status or the presence of a sensory, mental or physical disability;
- retaliation against an individual for filing in good faith 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 based upon a protected status.

HARASSMENT IS A FORM OF DISCRIMINATION

Harassment that creates a hostile work environment and occurs because of person’s race, color, national origin, religion, religious affiliation, sex, sexual orientation, gender identity or expression, age, genetic information, ancestry, marital status, honorably discharged veteran or military status, or presence of a sensory, mental or physical 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 a person’s protected status.

Throughout this policy, use of the word “discrimination” is intended to include harassment that occurs because of person’s protected status.

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, GENETIC INFORMATION, VETERAN OR MILITARY STATUS, OR AGE

For purposes of this policy, harassment targeted at a person because of his or her race, ethnicity, color, religion, religious affiliation, creed, sex, sexual orientation, genetic information, gender identity or expression, age, ancestry, marital status, honorably discharged veteran or military status or the presence of a sensory, mental or physical 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 protected status.

Genetic information includes information about an individual’s genetic tests and genetic tests of an individual’s family members, as well as information about the manifestation of a disease or disorder in an individual’s family members (e.g., family medical history).

DISCRIMINATION BASED ON DISABILITY

A. An individual with a disability is a person who has or had any sensory, physical or mental impairment that: (1) is medically recognized or diagnosable; (2) exists as a record or history; or (3) is perceived by the employer to exist, whether or not it actually exists. A disability exists whether it is temporary or permanent, common or uncommon, mitigated or unmitigated, limits the ability to work generally or work at a particular job, or limits any other activity.
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.

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.

INAPPROPRIATE CONDUCT

Inappropriate conduct is conduct that, while not rising to the level of unlawful discrimination or harassment, communicates a hostile, derogatory or negative message about persons based on protected status. Inappropriate conduct can be either verbal or nonverbal and includes slights, insults and other conduct that a reasonable person would find offensive.

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 Human Resources Director and designated Human Resources staff 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 or inappropriate conduct 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 and inappropriate conduct, regardless of who the offender may be, or of the offender's relationship to Kitsap County.

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

NOTIFICATION OF APPROPRIATE STAFF

Individuals who believe they have been subjected to discrimination or inappropriate conduct, or who have witnessed discriminatory conduct toward another, should report the incident to any of the following individuals:

- a supervisor in your department;
- the director of your department;
- the elected official who oversees your department or office;
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- the County’s Human Resources Director, whose address is 614 Division Street, MS-23 A, Port Orchard, WA 98366, telephone number (360) 337-7185;

- the Kitsap 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 or inappropriate conduct, 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.

**INFORMAL COMPLAINT PROCESS**

Kitsap County encourages individuals who believe they are being harassed to firmly and promptly notify the offender that his or her behavior is unwelcome.

If a complaint is resolved informally to the complainant's satisfaction, the supervisor or department director (if they have been notified by the complainant) must file a confidential report with the Human Resources Director about the complaint and 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.

If the supervisor or department director does not successfully resolve the complaint informally to the complainant’s satisfaction, a written report must be made to the Human Resources Director within one work day. A supervisor is strongly encouraged to consult with the Human Resources Director before taking action.

**FORMAL COMPLAINT PROCEDURE**

The County also recognizes that power and status disparities between an alleged harasser and a target may make informal resolution impossible. In the event that informal, direct communication between
individuals is either ineffective or impossible, the following steps should be followed in reporting discrimination.

The complainant, or someone on the complainant’s behalf, may file a formal written complaint with the Human Resources Director or the County Administrator).

1. DESCRIPTION OF MISCONDUCT

An accurate record of objectionable behavior or misconduct is needed to resolve a formal complaint. Verbal reports of discrimination or inappropriate conduct 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 discriminated against or harassed, or subjected to inappropriate conduct, 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 and inappropriate conduct for all employees. A complainant’s formal complaint of discrimination or harassment or inappropriate conduct must be submitted to the Human Resources Director or County Administrator 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 Human Resources Director or County Administrator will select an impartial investigator.

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

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

The impartial investigator assigned to formally investigate the allegations of discrimination, harassment and/or inappropriate conduct will timely:

- Confirm name of the complainant, and will determine the complainants full account of the circumstances and facts of the complaint.
- Identify employee(s) accused of harassing or discriminatory or inappropriate behavior
- Thoroughly ascertain the facts by interviewing all pertinent parties and witnesses.
- Interviews will be conducted impartially and fairly for all parties.
When the impartial investigation is concluded, the investigator will prepare a written record and report of the process and results. The investigative report will include:

- A written conclusion about whether a violation of this policy has occurred, based upon all the facts and circumstances and context in which the alleged incidents occurred.
- Recommendations of what, if any, corrective and/or preventive measures need to be taken to remedy the situation and ensure no further violations.

6. RESOLVING THE COMPLAINT

The investigator will make every reasonable effort to issue written findings and a recommendation to the Human Resources Director or County Administrator 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 or inappropriate conduct occurred

- The person violating this policy will be subject to appropriate disciplinary action, as listed below.
- The Human Resources Director or County Administrator will consult with the director or elected official where the complaint arose for a decision concerning discipline, other corrective action, and/or training needed. The complainant will be informed of the action taken to correct the issue.

If no violation of this policy has occurred, this finding will be communicated to the complainant in an appropriate manner.

If the Human Resources Director or County Administrator cannot determine whether discrimination or inappropriate conduct has occurred, this finding will be communicated to the complainant and the alleged violator of this policy, and the matter will be recorded as unresolved. Both the complainant and the alleged violator of this policy 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 Chair of Board of County Commissioners or the County Administrator. If the initial complaint was submitted to the County Administrator, the appeal should be made directly to the Chair of the Board of County Commissioners. See “Appeal Process” below.

7. SANCTIONS

The elected official or department head, in consultation with the Human Resources Director or County Administrator, will determine appropriate sanctions to be taken against employee(s) whose actions are in violation of this policy.

Depending on the nature and severity of the violation, sanctions may include but are not limited to:

- Oral Reprimand
- Written Reprimand
- Suspension without pay
- Demotion
- Termination
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Employees whose actions are found to be in violation of this policy may also be referred to mandatory training. If systemic issues come to light, mandatory training may be required of entire units or departments.

The employer's ability to discipline a non-employee violation of this policy (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 violator of the policy. Nevertheless, any employee who, during the course of his/her employment, alleges discrimination or harassment on the part of an outside source may use the same reporting procedures listed under the Informal or Formal Complaint Procedure sections of this document.

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 Chair of the Board of County Commissioners or the County Administrator.

9. REVIEW BY THE CHAIR OF THE BOARD OF COUNTY COMMISSIONERS OR THE ADMINISTRATOR

Upon receipt of a request for review of a decision concerning the outcome or resolution of a complaint of discrimination or harassment, the Chair of the Board of County Commissioners (Chair) or the County Administrator will review the complaint. The Chair or the County Administrator 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. Chair or the County Administrator may sustain, overturn, or modify the results of the investigation and/or resolution.

PROTECTION AGAINST RETALIATION

Retaliation means to take adverse employment action against an individual because he/she has exercised his/her rights protected by law by complaining in good faith about discrimination, harassment, and/or retaliation, or has assisted or participated in an investigation of such allegations.

Kitsap County will not tolerate retaliation in any form against an individual who makes a complaint of discrimination, harassment or retaliation, or against any participant in the investigation. Retaliation is a serious violation of this policy and is considered misconduct subject to disciplinary action up to and including termination of employment with Kitsap County.

FORMAL LEGAL PROCEEDINGS

The procedures in this policy refer to complaints submitted internally to Kitsap County. If a formal charge has been filed with the Equal Employment Opportunity Commission (EEOC) or the Washington State Human Rights Commission, or if the complainant has filed a suit in civil court, all such charges, complaints, and notices must immediately be delivered to the Human Resources Director or the County Administrator.
Administrator. The Human Resources Director or County Administrator, in cooperation with counsel, will investigate, if appropriate, and respond to all formal complaints submitted to outside agencies or civil court.

CONCLUSION

Kitsap County has developed this policy to ensure a work environment free from discrimination, harassment and inappropriate conduct.
A. Introduction

As an employer, Kitsap County is required to 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. The evolution of technology has created the opportunity for several work activities to be accomplished from remote and/or alternate locations.

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 as well as data and network security. The intent is to allow County departments and their managers’ discretion in designing telecommuting programs that align with their line of business needs.

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 employees’ 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 wireless communications, 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.

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.

8. 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 County worksite.

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

11. A telecommuter is responsible for conforming to the County’s policy regarding electronic communications. See Appendix F.
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 will not be reimbursed
Appendix I

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 manufacturer'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. All software, virus protection, and other operational utilities are required to be patched and updated to the same level that is maintained on County systems.

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

4. Telecommuters using County software must adhere to the manufacturer's licensing agreement.

I. Hardware

1. Employees using personally owned hardware are required to be self-supporting of their hardware to ensure it meets the standard configuration requirements as County hardware.

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. Both personal and county equipment must be physically protected. Any access must have County standard complex passwords.

4. 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.
EMPLOYEE LEARNING AND DEVELOPMENT PROGRAM

1. PROGRAM PURPOSE

In furtherance of Kitsap County’s vision to foster employee development, Kitsap County Human Resources will provide employees with opportunities to participate in strategically directed learning and development. These opportunities will help ensure that our workforce:

- Understands Kitsap County’s mission, vision and goals
- Develops and builds upon knowledge, skills, abilities, and competencies specific to fulfilling organizational and departmental objectives and responsibilities associated with the employee’s role
- Understands and facilitates a safe work environment
- Learns about and supports process improvement endeavors
- Is positively affected, which results in an engaged, satisfied and motivated workforce
- Remains flexible and can adapt to changing demands and technology requirements
- Actively engages with our citizens while providing quality services

2. LEARNING AND DEVELOPMENT ACTIVITIES AND PRIORITIES

Employee learning and development activities may include, but are not limited to:

- On-the-job learning and development
- On site presentations, seminars, workshops, and classes
- On-demand learning via online sites and Massive Open Online Course (MOOCs) sites.
- Workshops, seminars and conferences sponsored by professional organizations

3. HUMAN RESOURCES RESPONSIBILITIES:

- Human Resources is responsible for the identification and implementation of the organizational employee learning and development plan.

The Human Resources Analyst for Employee Learning and Development serves as the chair of the Employee Learning and Development Committee.

4. EMPLOYEE LEARNING AND DEVELOPMENT COMMITTEE RESPONSIBILITIES

The Employee Learning and Development Committee will meet at least twice yearly to review the learning and development plan and provide input regarding additional needs.

5. LEARNING OR DEVELOPMENT OPPORTUNITY LOCATIONS

- Learning or development priorities should be met first through on-site or on-demand resources.
- Location, accessibility, and cost are factors in identifying primary locations and activities. When learning or development priorities cannot be met by on site or on-demand activities, opportunities should be pursued within the State of Washington or other locations that are within the region and of equivalent distance and cost.
- Exceptions for out-of-state learning or development locations will be considered for activities that are unavailable within the State of Washington.
Exceptions will also be considered for out-of-state learning or development locations that allows senior managers and Elected Officials to participate in national programs of their respective professional associations.

6. **TRAVEL AUTHORIZATION FOR LEARNING AND DEVELOPMENT**

   Travel authorization rests with the Employing Official.

7. **TUITION REIMBURSEMENT**

   - At the discretion of the employing official, the sponsoring office or department may reimburse tuition for job-related courses taken at colleges technical, or vocational schools.
   - The Employing Official will determine which courses meet this criteria.

8. **ELIGIBILITY FOR LEARNING AND DEVELOPMENT OPPORTUNITIES (EMPLOYEES AND VOLUNTEERS)**

   - All Kitsap County regular, full-time, and extra-help employees, Kitsap County volunteers, and Kitsap County interns are eligible to participate in learning and development opportunities offered by Kitsap County.
   - Regular full-time and part-time employees receive priority for class space.
   - Extra-help employees, volunteers, and interns register on a space available basis.

9. **NO SHOW FEE ASSESSMENT**

   - Failure to cancel registration for Human Resources sponsored learning or development activities at least two days before the event 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 offices and departments.
REIMBURSEMENT OF TRANSPORTATION, LODGING, MEALS, AND TRAVEL EXPENSES INCURRED BY KITSAP COUNTY OFFICERS, EMPLOYEES AND VOLUNTEERS POLICY


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:

   1.1.1 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.

   1.1.2 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.

   1.1.3 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.

   1.1.3.1 Reimbursement for meals that do not involve overnight stay will be reimbursed for actual expenses incurred only when accompanied by a receipt.

   1.1.3.2 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 the County and Internal Revenue Service websites or the Financial Services Division of the Auditor’s Office.

   1.1.3.3 The officer, employee or volunteer is responsible for any portion in excess of the per diem rate.
1.1.3.4 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.

1.1.3.5 The officer, employee, or volunteer must make an election for either reimbursement at the per diem rate or reimbursement of the actual cost with receipt but not both on a single trip.

1.2 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:

1.2.1 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.

1.2.2 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.

1.2.3 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.

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

1.3.1 Hosting.
1.3.2 Alcoholic Beverages.
1.3.3 Tobacco.
1.3.4 Expenses considered unreasonable by the elected official or department head.
1.3.5 Meal served during a normal office or staff meeting.

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

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

1.4.2.1 Sign-in/sign out sheet;
1.4.2.2 Date of the training; and
1.4.2.3 Description of the training topic.

1.5 Notwithstanding Section 1.2 above, the County Offices and departments may provide meals and refreshment of nominal value for customers and the general public.
1.6 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.

1.7 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 greater in distance.

   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 unless otherwise designated by resolution. 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 for 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 or by using an approved county credit card.

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, Bridge Toll, 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 no 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 certification by the Human Resources Department that the skill set for the position cannot be found within the local labor market, and if the position is critical as certified by the Employing Official, and if the employing office has funds available within its budget, then travel expenses for selected finalists 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 Receipt.** 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.
Prevention of Workplace Violence

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. 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. 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. Kitsap County prohibits workplace violence and prohibits the possession of any weapons by officers, employees and volunteers, while conducting county business, while on the job, and while on any County 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.

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.
Appendix L

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.
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, who generally does not receive employment-based benefits, except as required by the Affordable Care Act (see Section 8) and the Washington State Sick Leave laws (See Section 9) 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 or 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 the following information to the Human Resources Department:
   • 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 anticipated hire date,
   • The number of hours the employee is anticipated to work.

3.6 The wage for extra help employees shall be based on the wage grade established for the classification they are entering. Step placement should be based on their work experience.

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 monitoring extra help hours. The 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 employing extra help employees will be developed and maintained by the Human Resource Director 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 end 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 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
Section 6. Hiring Process

6.1 All individuals selected for employment as extra help shall complete an employment application.

6.2 Each person selected for employment as extra help shall 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 Human Resources Department will review applicant qualifications prior to hire.

6.2.3 The Human Resources Department 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 Human Resources Department 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.

6.4 In order to create more pathways into regular employment, the Employing Official may recruit and advertise for both extra help and regular staff. If the extra help employee was hired through an open, competitive recruitment, as defined in the glossary, then the extra help employee will be eligible to apply for departmental only or County wide postings within the same or a lower classification subject to Collective Bargaining Agreements.

Section 7. Retirement Benefits

Contributions to the Washington State Retirement System shall be paid for extra help employees who work at least 70 hours per month 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.

Section 8. Medical Benefits

Employee’s hours shall be monitored by Human Resources during the initial and standard measurement periods for compliance with the Affordable Care Act (ACA). Those who qualify for medical coverage under the ACA shall be offered coverage effective the first of the month following the initial or standard administration period.

Section 9. Sick Leave Benefits

Paid sick leave is available for employees to care for their health, and the health of their family members.

Authorized Uses of Paid Sick Leave
Appendix M

Kitsap County Personnel Manual
Policy Pertaining to Extra Help Positions

Paid sick leave may be used for the following:

- An employee’s mental or physical illness, injury or health condition;
- Preventive care such as a medical, dental or optical appointments and/or treatment;
- Care of a family member with an illness, injury, health condition and/or preventive care such as a medical/dental/optical appointment;
- Closure of the employee’s place of business or child’s school/place of care by order of a public official for any health-related reasons;
- If the employee or the employee’s family member is a victim of domestic violence, sexual assault, or stalking.

Authorized use of paid sick leave for domestic violence, sexual assault or stalking includes:

- Seeking legal or law enforcement assistance or remedies to ensure the health and safety of employee’s and their family members including, but not limited to, preparing for, or participating in, any civil or criminal legal proceeding related to or derived from domestic violence, sexual assault or stalking.
- Seeking treatment by a health care provider for physical or mental injuries caused by domestic violence, sexual assault, or stalking.
- Attending health care treatment for a victim who is the employee's family member.
- Obtaining, or assisting the employee's family member(s) in obtaining, services from: a domestic violence shelter; a rape crisis center; or a social services program for relief from domestic violence, sexual assault or stalking.
- To obtain, or assist a family member in obtaining, mental health counseling related to an incident of domestic violence, sexual assault or stalking in which the employee or the employee's family member was a victim of domestic violence, sexual assault or stalking.
- Participating, for the employee or for the employee's family member(s), in: safety planning; or temporary or permanent relocation; or other actions to increase the safety from future incidents of domestic violence, sexual assault, or stalking.

Family members included in this policy

“Family member” is defined as a child or parent (including biological, adopted, foster, step or legal guardian), a spouse, registered domestic partner, spouse’s parent, grandparent, grandchild or sibling.

Accrual of Paid Sick Leave

Paid sick leave begins to accrue at the start of employment. You will be provided with an Employee Paid Sick Leave Notification at the start of employment. It contains information regarding: authorized use of paid sick leave, our company’s paid sick leave accrual year, carryover of paid sick leave, eligibility for use, and information about retaliation.

Effective January 1, 2018, employees accrue paid sick leave at a rate of one (1) hour for every 40 hours worked. There is no cap on the number of paid sick leave hours that may be accrued in a year. The accrual year is January 1 – December 31. At the end of the paid sick leave accrual year, unused paid sick leave balances of 40 hours or less will carry over to the following year.

Paid sick leave hours will be compensated at an employee’s regular rate of pay. Paid sick leave hours will not count towards the calculation of overtime. Employees will be notified of their paid sick leave balances each month on their pay stub or electronic statement, including:
• Accrued paid sick leave since the last notification
• Used paid sick leave since the last notification
• Current balance of paid sick leave available for use

If an employee separates from employment, there will not be a financial or other reimbursement to the employee for accrued, unused paid sick leave at the time of separation. If an employee leaves employment and is rehired within 12 months of separation, any accrued, unused paid sick leave will be reinstated to the employees paid sick leave balance.

Retaliation prohibited

Any discrimination or retaliation against an employee for lawful exercise of paid sick leave rights is not allowed. Employees will not be disciplined for the lawful use of paid sick leave.

If an employee feels they are being discriminated or retaliated against, the employee may contact Human Resources.

If an employee is not satisfied with the County’s response, the employee may contact the Washington State Department of Labor & Industries.
KITSAP COUNTY DISABILITY ACCOMMODATION IN EMPLOYMENT POLICY

I. Purpose

This policy is intended to guide Kitsap County in providing reasonable accommodations in employment to qualified individuals with disabilities consistent with federal and state law.

This policy is a general statement of Kitsap County's administrative policies and procedures and: (a) does not create a private right of action; (b) does not limit the reasons for dissolution of the employment relationship; and (c) does not constitute an express or implied contract.

Applicability and Purpose

This policy applies to all departments under the direction of the Board of County Commissioners and any Elected Office adopting this policy.

II. Definitions

Kitsap County's definitions are intended to be consistent with the ADA, as amended, and Washington’s Law Against Discrimination.

A. "Disability" - "Disability" means the presence of a sensory, mental, or physical impairment that: is medically cognizable or diagnosable; or exists as a record or history. A disability exists whether it is temporary or permanent, common or uncommon, mitigated (e.g., corrected with medication) or unmitigated, or whether or not it limits the ability to work generally or work at a particular job, or whether or not it limits any other activity as provided in law. For purposes of reasonable accommodation, an employee also is disabled if he or she has a physical or mental impairment that substantially limits a major life activity or that substantially limits the employee's ability to perform his or her job.

B. "Human Resources Department's Disability Services Program" - The Disability Services Program is a program within the Human Resources Department that assists in providing reasonable accommodations in employment to qualified individuals with disabilities.

C. "Employee" - For purposes of this policy, the term "employee" means current employees and former employees eligible for Reassignment Program services.

D. "Essential function" - An essential function is a fundamental job duty of a position an employee must be able to perform, with or without reasonable accommodation.

E. "Interactive process" - The interactive process requires the employee, and the employer to communicate in good faith in a cooperative effort by all involved
to: identify limitations resulting from a disability; identify potential reasonable accommodations; and to facilitate the implementation of and/or cessation of reasonable accommodations.

F. "Medical Separation" - A medical separation is an action taken by the County to separate an employee from employment due to a disability that prevents an employee from performing one or more essential functions of his or her job, with or without reasonable accommodation.

G. "Promotion" - A promotion is the movement of an employee from one position to a different position having a higher maximum salary; movement from a non-benefited to a benefited position; movement from a temporary to a regular or appointed position; or movement from part-time to full-time employment.

H. "Qualified individual with a disability" - A qualified individual with a disability is an individual with a disability who satisfies the requisite skill, experience, education and other job-related requirements of the job such individual holds or desires, and who, with or without reasonable accommodation, can perform the essential functions of the job.

I. "Reasonable accommodation" - A reasonable accommodation may include:

1. A modification or adjustment to the job application process that enables a qualified applicant with a disability to be considered for the position the qualified applicant desires; or
2. A modification or adjustment to the work environment and/or the manner under which a position is customarily performed that enables a qualified individual with a disability to perform the essential functions of the job; or
3. Reassignment to a vacant position.

J. "Reassignment" - Reassignment means placement of a qualified employee with a disability into a vacant, non-promotional position because the employee can no longer perform one or more of the essential functions of his or her job with or without reasonable accommodation.

K. "Reassignment Program Services" - Include the identification of reassignment opportunities and the facilitation of reassignment placements. These services are provided to employees who can no longer perform the essential functions of their Kitsap County job due to a disability but are able to work in another capacity.

L. "Reassignment Program Participants" - Employees or former employees eligible for Reassignment Program Services.

III. Policy
A. Kitsap County is committed to providing equal employment opportunities for qualified individuals with disabilities.

B. A qualified individual with a disability has the right to request a reasonable accommodation when applying for employment and during employment.

C. Kitsap County will provide a reasonable accommodation to a qualified individual with a disability, unless to do so would cause undue hardship. The County may require the individual seeking reasonable accommodation to provide medical documentation of his or her disability by a qualified health care professional or obtain additional medical documentation from a different health care provider, or may request that the individual sign a medical release.

D. The County is not required to eliminate one or more of the essential functions of a position as a reasonable accommodation.

E. An employee who receives a medical separation due to a disability that prevents him or her from performing one or more of the essential functions of his or her job with or without reasonable accommodation is eligible for Reassignment Program services for up to one year from the date of separation.

F. Employees must be medically released to work in some capacity to be eligible for Reassignment Program services.

G. Reassignment Program participants must meet the minimum qualifications of a particular position to be eligible for a job referral to that position. Kitsap County is not obligated to train Reassignment Program participants to become qualified for reassignment positions.

H. Reassignment Program participants are only eligible for job referrals to non-promotional job vacancies within departments or offices covered by this policy.

I. The County is not obligated to create vacant positions, waive job qualifications, or waive the probationary period for Reassignment Program participants.

J. Employees who are terminated or resign in lieu of termination from Kitsap County employment for disciplinary reasons are not eligible for Reassignment Program services.

K. Employees who engage in conduct which would otherwise disqualify the individual from county employment are not eligible for Reassignment Program services.
L. If an employee rejects a reasonable accommodation that is necessary to enable the employee to perform the essential functions of the position, and cannot, as a result of that rejection, perform the essential functions of the position, the employee will not be considered qualified to remain in the job.

M. Reasonable accommodation items purchased by Kitsap County are the property of Kitsap County; there may be exceptions for those items purchased as part of accommodating employees with on-the-job injuries.

N. Employees who are temporarily unable to perform the essential functions of their positions due to medical restrictions that cannot be reasonably accommodated may be eligible for Transitional Duty as outlined in Kitsap County’s policy entitled “Transitional Duty for Employees with Temporary Medical Restrictions.”
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?
  - 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?
Appendix O

- 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?
  - 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:
  - A disclaimer of endorsement of advertising which may appear on third-party social media websites.
  - Opinions expressed by visitors to the page(s) do not reflect the opinions of Kitsap County.
  - Posted comments will be monitored and the County reserves the right to remove obscenities, off-topic comments, and personal attacks.
  - 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;
Appendix O

- 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.

4.1.1 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

4.1.2 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.

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.
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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.

Use of social media presents certain risks and carries with it certain responsibilities. Kitsap County employees are solely responsible for what they post online. Posting of statements, comments, and pictures of the workplace, co-workers, and/or customers, with or without their permission, that could be viewed as offensive or potentially offensive; that disparages customers, members, associates, or suppliers; or that might constitute harassment or bullying to anyone viewing the content regardless of the intent of the original post, could be subject to disciplinary action, up to and including termination.

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.  

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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.
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.
KITSAP COUNTY WHISTLEBLOWER PROTECTION POLICY

SECTION 1. DEFINITIONS. As used in this chapter, the following terms shall have the meanings indicated:

(A) “Emergency” means a circumstance that if not immediately changed may cause damage to persons or property.

(B)(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.

(2) “Improper governmental action” does not include personnel actions, including but not limited to, employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of 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 RCW, or RCW 54.05.170 and 54.04.180.

(C) “Retaliatory action” means:

(1) 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

(2) Hostile actions by another employee towards a local government employee that were encouraged by a supervisor or senior manager or official.

SECTION 2. PROHIBITIONS

(A) Elected officials, department heads, and employees of Kitsap County may not, directly or indirectly, threaten, intimidate, or coerce an employee for the purpose of interfering with that employee’s right to disclose information concerning an improper governmental action in accordance with this policy.

(B) 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.

(C) Nothing in this policy authorizes an employee to disclose information prohibited from disclosure by law.

SECTION 3. PROCEDURES FOR REPORTING IMPROPER GOVERNMENTAL ACTION.

(A) Persons or officials to whom reports should be made.

(1) Kitsap County employees who become aware of improper governmental actions should raise the issue first with their department head or elected official.

(2) Where the employee reasonably believes the improper governmental action involves his/her department head or elected official, the employee may submit the issue directly with the Kitsap County Human Resources Director, the County board of commissioners, or the County prosecuting attorney. Reports shall be submitted in writing 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 reasonably 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 sheriff or prosecuting attorney.

(4) County employees may report improper governmental actions directly to an appropriate government agency other than Kitsap County provided that a written report has been submitted in accordance with Section 3(A)(2) of this policy and the employee reasonably believes that an adequate investigation was not undertaken to determine whether improper governmental action occurred, or insufficient action has been taken to address the improper governmental action. All attempts to resolve the improper governmental action through County procedures should be exhausted before reporting the improper governmental action to an outside agency. Attached is a list of some of the agencies responsible for enforcing federal, state, and local laws and investigating issues involving improper governmental action. The Human Resources Director will update the list periodically for completeness and accuracy.

(B) Timelines for Reporting Retaliatory Action.

(1) Employees who believe that they have been retaliated against for reporting an improper governmental action shall provide written notice of the charge of retaliatory action to the Kitsap County Human Resources Director, the Chair of the County Board of Commissioners, or the County Prosecuting Attorney no later than thirty days after the occurrence of the alleged retaliatory action.
(b) The specific relief requested.

(3) The County shall respond to the written notice no later than thirty days after receipt of the notice of the charge of retaliatory action.

(C) Administrative Hearing.

(1) Upon receipt of either the County’s response to the charge of retaliatory action or after the last day upon which the County could respond, the employee may request an adjudicative hearing before an administrative law judge.

(2) The request for an administrative hearing shall be delivered to the Board of County Commissioners within fifteen days of delivery of the County’s response to the charge of retaliatory action, or within fifteen days of the last day on which the County could respond.

(3) Upon receipt of the request for a hearing, the County shall apply within five working days to the State Office of Administrative Hearings for an adjudicative proceeding before an administrative law judge.

(4) Except as otherwise provided in this policy, administrative proceedings shall comply with RCW 34.05.410 through 34.05.598.

(5) The employee must prove his/her claim by a preponderance of the evidence.

(6) The final decision of the administrative law judge is subject to judicial review.

(7) Relief ordered by the administrative law judge may be enforced by petition to superior court.

(D) An employee who fails to make a good faith attempt to follow this policy for reporting improper governmental actions shall not receive the protections of this policy or chapter 42.41 RCW.
Kitsap County Transitional Duty Assignment Policy

I. Purpose
This policy establishes standards for the administration of transitional duty assignments. Transitional duty consists of limited duration work assignments for employees who have temporary medical restrictions which functionally limit them from performing one of more of their essential job functions.

This policy does not create an employment contract or term or limit the reasons for dissolution of the employment relationship. This policy does not constitute an expressed or implied contract, and it is simply a statement of Kitsap County policy, which cannot form the basis for a private right of action.

Applicability and Audience
This policy applies to the departments under the direction of the Board of County Commissioners. Other Elected Officials may elect to adopt this policy.

II. Definitions
Essential Functions: A fundamental job duty of a position an employee must be able to perform, with or without reasonable accommodation.

Medical Restriction: A functional physical, sensory, or mental limitation which necessitates modifications or adjustments to the work environment, or to the manner or circumstances under which the position held is customarily performed, that enable a qualified employee to perform the essential functions of that position. The medical restriction must be documented by a licensed health care provider. The restrictions may be the result of occupational or non-occupational medical conditions. Non-occupational medical conditions may include illness resulting from, or occurring during pregnancy.

Indefinite Medical Restriction: A medical restriction that is documented by a licensed health care provider with an unknown duration or resolution.

Permanent Medical Restriction: A medical restriction that is documented by a licensed health care provider as permanent, fixed and stable, and/or not expected to improve.

Prolonged Medical Restriction: A medical restriction that is documented by a licensed health care provider to be present for over six months.

Temporary Medical Restriction: A medical restriction that is documented by a licensed health care provider to improve or resolve within six months.

Non-occupational Medical Condition: An injury or illness that did not result from the employee performing his or her job duties. This includes injuries and illness for which a Workers’ Compensation claim was filed and subsequently denied.
Occupational Medical Condition: An injury or illness that resulted from the employee performing his or her job duties and for which a Workers’ Compensation claim has been filed.

Transitional Duty: Limited duration work assignments for employees who have temporary medical restrictions that preclude them from performing one or more essential job functions. Transitional duty assignments include alternative duty and restricted duty.

Alternative Duty (e.g., “light duty”): Assigned work for employees who are unable to perform the essential functions of their regular position. Alternative duty is not part of the employee’s regular body of work.

Restricted Duty: Assigned work that includes the temporary elimination of job functions the employee is unable to perform due to temporary medical restrictions.

III. Policy

A. Providing Transitional Duty

1. Transitional duty may be offered to an employee when all of the following conditions are met:

   a. The employing official or designee receives certification of temporary medical restrictions documented by a licensed health care provider; and

   b. It has been determined that the temporary medical restrictions functionally limit the employee from performing one or more essential functions of his or her position; and

   c. It is possible and reasonable to temporarily remove one or more essential job functions from the employee’s regular position or provide the employee with alternative work.

2. When transitional duty is available, it may be offered for a defined period of time, not to exceed six calendar months per incident, injury, illness and/or workers’ compensation claim. The availability of transitional duty is determined by:

   a. The duration of the transitional duty and whether it is unreasonable or would cause an undue hardship for the department; and

   b. The duration of the employee’s temporary medical restrictions; and

   c. The continued availability of work within the employee’s temporary medical restrictions.

3. Transitional duty may be offered for a shorter period of time than the predicted duration of the employee’s temporary medical restrictions.
4. Alternative duty may be offered to an employee when all of the following conditions are met:
   a. Alternative duty is available;
   b. The duties enable the employee to work within his or her temporary medical restrictions;
   c. Funding for the alternative duty is available; and
   d. The alternative duty assignment does not conflict with any collective bargaining agreement.

5. An employee may perform alternative duty in any department that participates in alternative duty, and due to the independence of separately elected officials, alternative duty may not be available in the office of a separately elected official.

6. Kitsap County has no obligation to create vacant positions or provide promotional positions for transitional duty assignments.

7. The transitional duty process has no obligation to waive job qualifications or probation requirements.

8. An employee may be required to take a transitional duty assignment if it does not interfere with the employee’s functional limitations and the employee is returned to his/her original position when the functional limitations end.

9. A transitional duty assignment may be terminated at any time by the employing official.

10. Departments and Elected Officials adopting this policy will work in consultation with Risk Management and Human Resources in determining to offer alternative duty assignments.

B. Medical Restrictions Exceeding Six Months

1. When transitional duty has been provided and it subsequently becomes known that an employee’s restrictions will exceed six months, the employing official or designee, Risk Management and Human Resources staff must be notified.

2. Transitional duty assignments shall not exceed six months without authorization from the employing official or designee.

3. Employees who are unable to return to their regular jobs due to permanent, prolonged, or indefinite medical restrictions are not eligible for transitional duty but may be eligible for Reassignment Services as outlined in the Reasonable Accommodation in Employment for Individuals with Disabilities Policy.

C. FMLA/KCFML Provisions
1. When offering transitional duty to employees who are eligible for leave under the Family Medical Leave Act (FMLA) the following provisions apply:

   a. If an employee needs intermittent leave or leave on a reduced leave schedule that is foreseeable based on planned medical treatment, including a period of recovery, or for bonding with a newborn child or placement of a child for adoption or foster care, 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.

   b. The alternative position must have equivalent pay and benefits as compared to the employee’s regular position.

   c. The alternative position may not be used to discourage the employee from taking leave or otherwise work a hardship on the employee.

   d. When the employee no longer needs to continue on leave and is able to return to full-time work, the employee will be returned to the same or equivalent job as the job he or she left when the leave commenced.

D. Benefits

1. The terms and conditions of the collective bargaining agreement and/or County Personnel Manual applicable to the employee’s regular position continue to apply while the employee is working in a transitional duty assignment.

2. An employee who refuses transitional duty when offered may not be qualified to remain in the job and may be found ineligible for Workers’ Compensation wage replacement income and/or Long Term Disability benefits, if applicable.
Employee Volunteer Activities

Purpose

Kitsap County recognizes that employee involvement in the community is a critical component in the efforts to serve Kitsap’s diverse communities well. Therefore, the County encourages employees to make a positive contribution by lending their voluntary support to programs that enrich the quality of life and opportunities for Kitsap residents. This policy establishes guidelines for employees volunteering during scheduled work hours using accrued sick leave. Employees are encouraged to coordinate group volunteer activities as team building experiences.

Definitions & Scope:

1. Volunteer: Defined as an eligible employee who without compensation or expectation of compensation performs a task for an organization authorized by this policy.

2. Eligible Employees: All regular employees who have at least 40 hours of accrued sick leave. Employees cannot go below 40 hours in their sick leave bank when using this benefit.

3. Eligible volunteer service: Only those activities that benefit the institution and the community will be approved for Volunteer Leave. For example, attendance at a PTA meeting or graduation classes or to enroll children in school are not eligible volunteer service. However, assisting teachers by chaperoning on field trips or by assisting in classroom activities are eligible volunteer service.

Policy:

1. Each calendar year, any regular employee may use two days of sick leave to volunteer in either their child’s (including grandchild’s) school, regardless of location, or in a recognized 501(c)(3) nonprofit organization that provides services to Kitsap County residents.

2. Sick leave for volunteer purposes may be used in half or full day increments.

3. Volunteering for religious or political causes is not an authorized activity within the scope of this policy.

4. Employees are prohibited from utilizing County vehicles and equipment while volunteering.

5. Employees may not volunteer for the County to perform the same type of duties as they perform in their paid positions.

6. Volunteer services must be given freely, without coercion from the County or coworkers.

Procedures:

1. Employees must complete a Volunteer Leave Request Form and submit it their supervisor at least two (2) weeks before the requested time off, whenever possible.

2. Approval is at the discretion of the Employing Official. Office/department coverage and workload will be considering when approving volunteer leave. Volunteer leave will not be approved if granting the leave would cause an employee to have overtime compensation for the week.