

# Employee Handbook



**SHORE**  
**AQUATIC CENTER**

**William Shore**  
**Metropolitan Park**  
**District**

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## William Shore Metropolitan Park District Employee Handbook

*These personnel practices and policies apply to all District employees. The policies in this manual are based on the William Shore Metropolitan Park District Administrative Manual, which can be accessed through the website ([www.sacpa.org](http://www.sacpa.org)) or through management.*

### Introduction

This handbook is intended to provide you with general information about William Shore Metropolitan Park District (District) policies, procedures, practices and benefits. We hope that it will be a helpful resource for you in the course of your employment and ask that you take time to read it and become familiar with its contents. It should be kept throughout your employment with the District. It is not possible for any handbook to cover all events or circumstances that can arise.

Employees should refer to the handbook whenever a question regarding employment with the District arises. If the handbook does not answer the question, employees should contact the manager or assistant managers for assistance. The handbook revokes and supersedes any prior summaries or statements of employment policies and procedures. This handbook is **not a contract of employment**. It does not promise or guarantee any particular benefit or specific action.

The District will revise and update this handbook from time to time. The District will make reasonable efforts to advise employees of changes or additions or deletions in policies and procedures covered in this handbook by circulating such changes or additions or deletions either in writing or electronically.

The district also reserves the right to deviate from these policies in individual situations, particularly in an emergency, in order to achieve its primary mission of providing orderly and cost-efficient services to its customers.

The Shore Metropolitan Park District, which was established in 2009, operates under laws of the State of Washington governing Metropolitan Park Districts (RCW 35.61). Under this system, there are 5 appointed Commissioners. Four of the District Commissioners are permanent which are two Clallam County Commissioners and two City of Port Angeles Council Persons. The fifth District Commissioner is appointed by the four permanent District Commissioners to serve 3 year terms.

The District Executive Director is appointed by the District Commissioners and is responsible for the overall administration of the District's operations. Supervisors are responsible to the Executive Director. Thus, our chain of command runs from the Board of Commissioners, to the Executive Director, to the Managers, to Head Guards, to non-supervisory personnel.

### At Will Employment

You became an employee at the District voluntarily and your employment is at will. "At will" means that you are free to resign at any time, with or without cause. Likewise, "at will" means that the District may terminate your employment at any time, with or without cause or advance notice, as long as we

do not violate any applicable federal or state law.

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**Equal Employment Opportunity**

The District is an equal employment opportunity employer. The District employs, retains, promotes, terminates and otherwise treats its employees on the basis of merit, qualifications, and competence, without regard to any individual's sex, race, color, religion, national origin, pregnancy, age, marital status, sexual orientation, disability, or any other status protected by federal, state, or local law. The District provides reasonable accommodation for qualified, disabled employees and applicants as required by law. Any alleged act or complaint of discriminatory treatment by any District employee should be reported to the Executive Director for appropriate investigation and action.

**New Employee Orientation**

New employees usually participate in a new employee orientation to their departments and the District. Typically, new employee orientation includes information about the District's organization and services, safety work rules, personnel policies, departmental rules and procedures, completion of payroll forms and introduction to other District personnel.

**Employee Personnel Records**

A personnel file for each employee is maintained by the Executive Director or his/her designee, and access is generally limited to the employee, the employee's Supervisor, the Executive Director unless broader disclosure is required by law. Usually, an employee's personnel file contains the employee's name, title and/or position held, job description, department to which the employee is assigned, salary, changes in employment status, training received, performance evaluations, personnel actions affecting the employee, including discipline, and other pertinent information.

Each employee may periodically review his/her personnel file. An employee may place pertinent information in his/her personnel file with the approval of the Executive Director. An employee may request removal of irrelevant or erroneous information in his/her personnel file. If the District denies the employee's request to remove the information, the employee may file a written rebuttal statement to be placed in his/her file.

Personnel files are kept confidential to the maximum extent permitted by law. Except for routine verifications of employment, information from an employee's personnel file will not be released to the public, including the press, without a written request for specific information or a valid court order or administrative agency request.

**Deferred Compensation Program**

All employees who meet the criteria established by state law can choose to participate in the Washington State Deferred Compensation Program.

**References**

The District may give references for previous employees. Any requests for references should be referred to the Manager or Executive Director.

**Employer Practices**

**Reasonable Accommodation of Disabilities**

The District complies with the Americans with Disabilities Act (ADA) and all applicable state and local fair employment practices laws and is committed to providing equal employment opportunities to qualified individuals with disabilities. Consistent with this commitment, the District will provide a reasonable accommodation to qualified employees with a disability if the reasonable accommodation would allow the individual to perform the essential functions of the job, unless doing so would create an undue hardship or a direct threat to the health or safety of others.

If you would like to request reasonable accommodation, please contact the Aquatics Manager or the Executive Director. The District will work with you (and your health care provider, as needed) to evaluate the need for reasonable accommodation and options for providing reasonable accommodation.

**Reasonable Accommodation of Religious Beliefs**

Under Washington law all employees of the Shore Metropolitan Park District (District) are entitled to up to **two unpaid holidays** per calendar year for "a reason of faith or conscience or an organized activity conducted under the auspices of a religious denomination, church, or religious holiday." See policy 456 for further details. If you believe you need accommodation for religious reasons, please contact the Aquatics Manager or the Executive Director.

**Promotions and Transfers**

Full and part-time employees are eligible for promotion, transfer or voluntary demotion. To be considered for another position, an employee must possess the qualifications for the vacant position, unless the Executive Director determines that waiving those requirements is in the best interest of the District.

The District encourages current District employees to apply for vacant District positions for which they are qualified. Promotions and transfers are based on the Supervisor's recommendation, work force requirements, performance evaluations, job descriptions and related District requirements.

A promotion is an appointment of an employee to another classification with a higher salary range with expanded responsibilities. Usually, upon promotion, an employee is paid the nearest higher step in the promoted employee's new salary range. A promoted employee may be demoted or terminated from the new position if the District determines, in its sole discretion, that the employee is not satisfactorily performing in the new position.

The District, in its sole discretion, may fill a vacant position by transferring a qualified employee to the position. An employee may request a transfer to a vacant position by notifying the Executive Director in writing.

**Layoffs**

The District may lay off employees due to lack of work, lack of funds, or for other financial or organizational reasons. In determining who is to be laid off, consideration should be given to individual performance and the qualifications required for remaining jobs. Prior to such action, the District may endeavor to place affected employees into another available position for which they are qualified, as determined by the District, within the District.

Prior to a layoff, the District will try to provide affected employees two week's notice of the pending layoff or pay in lieu of notice.

During the 12 month period following a layoff, the District may rehire a laid off employee if a suitable position becomes available for which the employee is qualified and the former employee has requested, in writing, to be considered for re-hire.

### **Reclassification**

If, based on the needs of the District, the duties and responsibilities of a particular position are substantially changed, the District may reclassify a position. If the reclassification places the position in a higher salary range, the employee's rate may be adjusted to the next higher step. If the reclassification places the position in a lower salary range, the employee's rate of pay may be adjusted to the pay step in the new range that is nearest to the employee's former rate of pay.

### **Resignation**

Employees are encouraged to submit written notice of resignation to their Supervisor at least ten working days (two calendar weeks) prior to the effective date of their resignation. The Executive Director may schedule an exit interview, if appropriate. When an employee resigns the employee is expected to return all District property, including uniforms, equipment and keys. Failure to do so may delay release of the employee's final paycheck.

## **Employees Responsibilities and Conduct**

### **General**

District employees are expected to represent the District to the public in a professional manner, which is courteous, efficient and helpful. Employees must maintain a clean and neat appearance appropriate to their work assignment, as determined by their position and Supervisor. The District may furnish or pay for clothing required by the District.

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

### **Customer Relations**

District customers are very important to us. Every employee represents the District to customers and the public. Our customers judge all of us by how we treat them. One of the highest priorities at the District is to help any customer or potential customer. Nothing is more important than being courteous, friendly, prompt, and helpful to customers. Your contacts with the public, your telephone manners, and any communications you send to customers reflect not just on you but also in the professionalism of the District. Good customer relations can build greater customer loyalty and increased profits.

## Dress and Personal Appearance

It is the policy of the District to present a professional image to the patrons we serve. Because every employee may at one time or another come in contact with our patrons, it is important for all employees to be dressed appropriately every day.

**Piercings:** Men and women may not wear any piercings which dangle or can be caught on something during a rescue. No piercings may be worn that would affect the application of first aid or CPR. Staff with a recent piercing may wear a discrete clear plastic spacer during the healing period.

**Tattoos:** While on District premises or while working, any tattoos that are not family friendly or could be offensive, disturbing, or distracting to our guests should be covered and non-conspicuous.

Reasonable accommodations will be made for employees' religious beliefs consistent with business necessity to present a conservative, professional appearance to our customers.

Managers are responsible for enforcing the dress and grooming codes within their areas of responsibility. This includes counseling employees who are inappropriately dressed. If an employee dresses inappropriately, he or she may be sent home without pay to change clothes. Repeated disregard for the dress policy may result in disciplinary action up to and including discharge.

If you have a question about whether something is appropriate or inappropriate, please check with your manager.

## Workplace Harassment

Sexual or any other type of unlawful verbal, physical, visual harassment of co-workers, co-employees and members of the public is absolutely forbidden. This includes harassment based on gender, sexual orientation, race, religion, age, national origin, disability or any other legally protected status. All employees must be sensitive to the feelings of others and must try not to act in a way that might be considered harassment by someone else.

Harassment can take many forms. Prohibited harassment includes, but is not limited to:

- Verbal (e.g., racial, sexual or ethnic jokes, stereotypes and insults).
- Physical (e.g., sexually suggestive or unwelcome touching or obscene gestures).
- Visual (e.g., insulting cartoons, sexually suggestive or lewd pictures or photographs).

Sexual harassment can include verbal behavior such as suggestive looks or leering; and physical behavior such as pats or squeezes; repeatedly brushing against someone's body; obscene or rude sexual comments, jokes or suggestions; slang, names, or labels such as "honey," "sweetie," "boy," or "girl" that others find offensive; talking about or calling attention to another employee's body or sexual characteristics in a negative or embarrassing way; displaying nude or sexual pictures, cartoons or calendars in or on District property; invitation for dates which do not stop when the response is negative; continuing unwelcome behavior after a co-worker has objected to that behavior; or blaming the victims of sexual harassment for causing the problem.

Conduct of this type is improper, and it may be illegal if:

- Submission to this conduct is either an explicit or implicit term or condition of employment;
- Submission to or rejection of the conduct is used as a basis for employment decisions affecting the person involved; or
- The conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

All employees are responsible to ensure a workplace free from any type of harassment. If an employee is aware of any instances of workplace harassment or believes he/she is a victim of harassment, the employee should ask the offending employee to cease the conduct. If an employee is uncomfortable doing this, or if the conduct does not stop, s/he should report the alleged act immediately to his/her Supervisor. Alternatively, if his/her Supervisor is engaging in such conduct or if his/her Supervisor is unavailable, the employee should immediately report the alleged harassment to the Executive Director.

All complaints will be promptly and thoroughly investigated. Any employee who is found to have harassed another employee will be subject to appropriate disciplinary action, which could range from a disciplinary warning to termination.

No retaliation of any type will result from reporting instances of harassment or cooperating in an investigation.

### **Workplace Violence**

Workplace violence is any verbal or physical action that is communicated or perceived as a threat, harassment, abuse, intimidation, or personal contact, that produces fear, causes bodily harm, or damage to property. Even joking about violent acts is prohibited. Workplace violence may involve family, friends, strangers, co-workers, elected officials, or members of the public. The District does not tolerate acts of violence towards District employees or property. All acts of violence are treated seriously and each act of violence will be dealt with promptly and appropriately using administrative, managerial, legal and disciplinary actions to minimize risk to employees and property.

All employees are responsible for refraining from participating in violent actions and for reporting to their Supervisor or the Executive Director any threatening or dangerous situations that occur within the work place or affect their work requirements. Employees who feel an immediate threat and cannot reach a manager should call 911 and leave the area as soon as possible. Employees may not bring weapons of any type into the workplace.

### **Workplace Ethics and Conduct**

We expect the District employees to be ethical in their conduct. It affects our reputation and success. The District requires employees to carefully follow all laws and regulations and have the highest standards of conduct and personal integrity.

Our continued success depends on our customers' trust. Employees owe a duty to the District, our customers, and the public to act in ways that will earn the continued trust and confidence of the public.

As an organization, the District will comply with all applicable laws and regulations. We expect all directors, officers, Supervisors and employees to conduct business in accordance with the letter, spirit, and intent of all relevant laws and to not do anything that is illegal, dishonest, or unethical.

If you use good judgment and follow high ethical principles, you will make the right decisions. However, if you are not sure if an action is ethical or proper, you should discuss the matter openly with your supervisor. If necessary, you may also contact the Executive Director for advice and consultation.

It is the responsibility of every District employee to comply with our policy of business ethics and conduct. Employees who ignore or do not comply with this standard of business ethics and conduct may be subject to disciplinary action, up to and including possible termination of employment.

### **Whistle Blower and Retaliation Reporting**

The District (1) encourages reporting by its employees of improper governmental action taken by District officers or employees and (2) protects District employees who have reported improper governmental actions in accordance with the District's policies and procedures.

Any action by a District officer or employee:

- That is undertaken in the performance of the officer's or employee's official duties, whether or not the action is within the scope of the employee's employment; and
- That (1) is in violation of any federal state, or local law or rule, (2) is an abuse of authority, (3) is of substantial and specific danger to the public health or safety or (4) is a gross waste of public funds.

Improper governmental action does not include personnel actions, including employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, re-employments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, alleged violations of labor agreements or reprimands.

See the posted (420) Whistle Blower Policy for reporting and protection details.

### **Use of District Equipment**

Use of District phones for local personal phone calls should be kept to a minimum; long distance personal use is prohibited. Other District equipment should be used by employees for official District business only, or with approval of the Aquatics Manager or Executive Director. An employee's misuse of District services, telephones, equipment or supplies can result in disciplinary action, including possible termination.

### **Employment of Relatives**

Relatives will not be hired if such employment would result in one relative supervising another, directly; auditing the work of another; or otherwise working in a relationship that would create actual or perceived conflicts of interest or favoritism. If one employee becomes related to another employee through marriage and this results in a prohibited employment relationship, one of the employees must resign or transfer. The Executive Director may terminate an employee who is related to another employee but shall consult with the affected employees and allow them to decide which one of them will resign, prior to taking final action.

"Relative" is defined as any family relationship resulting from birth, marriage or adoption, as well as any person cohabiting with another employee.

### **Employee Parking**

Employees are requested to be courteous, watch vehicle doors, and drive safely in District parking lots. Employees are required to park on the Community side of the facility, adjacent to the city hall. The District assumes no responsibility for vehicles or their contents in these parking areas.

### **Personal Property**

Employees may bring and use their personal property (i.e. pictures, awards, knick-knacks, etc.) at work; however, by bringing such items to work the employee assumes all risk of loss due to theft, breakage, or any other type of damage to such property. Personal items that may be offensive to others, including items that may violate the District's harassment or discrimination policies, may not be brought into the workplace.

### **Computer Usage and Privacy**

The District regards desks, computers, file cabinets, furniture, and other work spaces as the District's property, and reserves the right to inspect those locations if, in its sole discretion, it determines that there is a security, health, or other business reason to do so. This includes oral or written communications made using District equipment or supplies such as communications stored or made on District computers, telephone systems, E-mail or voice mail.

Computer correspondence, E-mail or other documents or information stored in the computer used by an employee are not private or confidential. Any correspondence or other documents can be accessed by anyone else on the system. Even after correspondence or documents have been deleted, it is still possible to retrieve and read them. Members of the public may have a right to recover email messages pursuant to the Public Disclosure Act. Also, all messages or other computer documents are the District's records and are the property of the District. The District reserves the right to read, use and disclose computer correspondence or other documents or messages. For these reasons, employees should not use the computer system for any information considered personal or private.

When using the District's computer system, employees are using District property. As a result, any documents, comments and use of the District's computer system must be appropriate to the District's business activities.

Because E-mail is a business communications tool, all E-mail messages should be business-like and professional in tone and content. Obscene, offensive, illegal, or unprofessional communication through E-mail is forbidden. This includes, but is not limited to:

- obscene, profane, abusive, or threatening language or graphic representations;
- statements or graphic representations that may be construed as discriminatory or offensive by reference to race, national origin, gender, religion, age, disability, sexual orientation, or other legally protected criteria;
- reference to or discussion of any sexual acts, sexual relationships, dates, dating, or any personal relationships;
- jokes of any nature;
- communications that violate the personal privacy of, or are disrespectful of, any individual; and

- communications in furtherance of any illegal activity, including, but not limited to, "football pools" and other forms of illegal gambling.

**Contact with News Media**

The Executive Director is responsible for all official contacts with the news media during working hours, including answering of questions from the media before or after any event or emergency. The Executive Director may designate specific employees to give out procedural, factual or historical information on particular subjects.

**Safety**

The District endeavors to use reasonable efforts to provide a safe working environment which protects employees and the public from injury. Every employee is responsible for maintaining a safe work environment and following the District's safety rules. Each employee is expected to promptly report all unsafe or potentially hazardous conditions to his/her Supervisor. The District will endeavor to remedy problems as quickly as possible.

In case of an accident involving a personal injury or property damage, regardless of how serious, employees need to immediately notify their Supervisor.

Employees should exercise caution in the performance of duties and shall follow and adhere to published safety regulations and controls. If a District vehicle or mobile equipment is involved in an accident within the District limits, the Police Department or Sherriff's Office should be promptly notified, and an accident report form should be completed.

## **Drug Policy**

### **1. Introduction**

It is unfortunate that the increasingly widespread use and abuse of substances, including alcohol and drugs, has reached a point in our American society where it impacts the general health, welfare, and safety of our workplace and our community. This is particularly disturbing when the abuse involves the delivery of public services. In recognition of this serious national situation and in compliance with governmental requirements and efforts to reduce substance-related misconduct, public employers must act to alert employees to the dangers of substance abuse and provide assistance to employees when appropriate. This Substance Abuse Policy ("Policy") of the William Shore Memorial Pool District has been prepared to help our employees and managers respond to this modern problem. It was developed in consultation with special counsel and representatives of the various unions that represent our District employees.

### **2. Purpose**

It is the policy and intent of the William Shore Memorial Pool District to maintain a safe and healthy working environment for all employees, to ensure efficient and safe community service, to protect employees and the William Shore Memorial Pool District from liability, to safeguard District property and assets, and to comply with all applicable laws and regulations governing substance abuse.

The William Shore Memorial Pool District is committed to a substance-free workplace and has an obligation to ensure public safety and trust in its services and programs. Accordingly, the manufacture, distribution, dispensation, possession, or use of a controlled substance, the unauthorized use of prescription drugs, the use of drugs not medically authorized, or the use of any other substance, including alcohol, which would impair job performance or pose a hazard to the safety and welfare of the employee, the public, or other employees is strictly prohibited. Employees who possess or use substances in violation of this Policy are subject to discipline in accordance with this Policy.

It is imperative that employees who abuse substances, as defined in this Policy, be aware of the seriousness of such misconduct and the potential penalties. In addition to law enforcement measures that could be invoked for criminal violations, such employees are subjecting themselves to major discipline because of the serious safety, health, and service risks that they create. By avoiding substance abuse, such risks and penalties may be averted. All employees are strongly urged to follow the guidelines in this Policy and utilize rehabilitation services if substance abuse becomes a personal problem.

### **3. Coverage**

This Policy applies to all District employees as defined in the Policy. It includes individuals at all levels and in all capacities. Certain aspects of the testing requirements apply only to some employees, as indicated in those sections.

### **4. Other Reference Documents**

This Policy has been developed in compliance with the federal Drug-Free Workplace Act, and regulations of the U.S. Department of Transportation (“DOT”) and the Federal Transit Administration (“FTA”), It is consistent with the District Civil Service Rules and relevant personnel policies and procedures.

## **5. Responsibility**

### **5.1 Management**

Management personnel for the District are responsible for taking immediate and consistent action in compliance with this Policy and applicable procedures. To accomplish the Policy’s purpose, all managers and supervisors must treat compliance as a high priority item.

### **5.2 Employees**

Employees must comply with this Policy as a condition of employment. Employees are required to notify the District of any criminal drug statute conviction for a violation relating to the workplace no later than five (5) days after such conviction, *nolo contendere* plea, or sentence. Employees must cooperate with applicable testing procedures presented in this Policy. Employees who test positive for substance use are subject to discipline and possible termination, and continued testing if the District elects to continue employment. Employees are urged to seek appropriate assistance for substance abuse problems on their own so they can avoid the safety, service, and disciplinary issues regulated by this Policy. The District’s Human Resources employee will provide information on available rehabilitation programs to employees who test positive and to others upon request.

Regardless of any substance dependency, all employees at all levels must maintain adequate job performance as normally required by the William Shore Memorial Pool District and must comply with this Policy’s rules regarding substances.

### **5.3 William Shore Memorial Pool District**

The District is responsible for instituting and maintaining a program designed to achieve a substance-free workplace, and for complying with all applicable laws and regulations. The District accepts the responsibility of educating employees about the dangers and adverse effects of substance abuse. It also accepts the responsibility of training management personnel in the appropriate implementation of this Policy and its procedures and of alerting employees to the significance of this Policy. As appropriate, the District will coordinate and negotiate with union representatives.

### **5.4 Human Resources Department**

The District Human Resources Department is responsible for taking the necessary steps to ensure that employees, supervisors, managers, contractors, suppliers, and others who may be performing work or providing services on District property, or on behalf of the District, comply with this Policy and all applicable laws and regulations so that safety, liability reduction, and public service concerns are met. The District has designated Jessica Compton as its spokesperson to answer employee questions about the substance abuse program. Jessica Compton can be reached at 360-775-2119.

### **5.5 Medical Review Officer**

The District has designated a licensed individual with knowledge of substance abuse disorders and appropriate medical training to serve as its Medical Review Officer (“MRO”). The MRO shall interpret drug

test results for the District.

## **5.6 Substance Abuse Professional**

The District has designated a licensed individual with knowledge of substance abuse disorders and appropriate medical training to serve as its Substance Abuse Professional (“SAP”). The SAP shall determine whether employees who fail a drug or alcohol test or refuse to submit to such a test need assistance in resolving problems associated with substance abuse. The SAP will recommend a course of action to such employees and determine whether they follow through with the SAP’s recommendations. The SAP shall also determine the frequency and duration of follow-up testing for any such employees who are permitted by the District to return to work.

## **6. Definitions**

### **6.1 Employee**

“Employee” includes civil service employees, probationary employees, temporary employees, contract employees, consultants, contractors, individuals compensated on a per diem basis, elected officials, volunteers, and any individual engaged by the District to provide service for some compensation.

### **6.2 Substance**

“Substance” includes drugs and alcohol, as defined below.

#### **6.2.1 Drug**

“Drug” means any substance that impairs an employee’s ability to perform a job or duty or poses a threat to the safety of the employee or others. This definition includes controlled substances (those substances whose dissemination is controlled by regulation or statute, including, but not limited to, those drugs included in Schedule I and II as defined by 21 U.S.C. 801 et seq., the possession of which is illegal under Chapter 13 of that title). Such controlled substances are frequently and commonly referred to in familiar terms and specifically include marijuana, cocaine, opiates, amphetamines, and phencyclidine (“PCP”). Further, this definition of drug also includes over-the-counter drugs and/or drugs which require a prescription or other written approval from a licensed medical practitioner for their use if the use of such drug(s) may impair the employee’s ability to perform a job or duty or poses a threat to the safety of the employee or others. It further includes any other substance capable of altering an individual’s mood, perception, pain level, or judgment (e.g., mushrooms, glue).

#### **6.2.2 Alcohol**

“Alcohol” means any intoxicating liquor that when consumed to excess will produce some level of intoxication.

### **6.3 Substance Abuse**

“Substance abuse” means involvement with a substance in violation of this Policy.

### **6.4 Substance Test**

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“Substance test” includes both drug and alcohol tests, as defined below.

#### **6.4.1 Drug Test**

“Drug test” means a urinalysis test for the presence of amphetamines, cocaine, opiates, THC (marijuana), and phencyclidine (PCP).

#### **6.4.2 Alcohol Test**

“Alcohol test” means a saliva and/or breath test to determine an employee’s alcohol concentration level.

### **6.5 Passing a Substance Test**

“Passing a substance test” means passing a drug and/or alcohol test, as defined below.

#### **6.5.1 Passing a Drug Test**

“Passing a drug test” means that the test result does not show any positive evidence of the presence of a drug in the employee’s system that is at or above a determined threshold level. An MRO must determine that the results of a drug test:

- (1) show no evidence or insufficient evidence of a prohibited drug or drug metabolite.
- (2) show evidence of a prohibited drug or drug metabolite, but there is a legitimate medical explanation for the result.
- (3) show evidence of a prohibited drug or drug metabolite below a determined threshold level; or
- (4) are suspect because of irregularities in the administration of the test or chain of custody procedures.

Passing a drug test shall be referred to as “testing negative.”

#### **6.5.2 Passing an Alcohol Test**

“Passing an alcohol test” means that the test result shows an alcohol concentration of less than 0.04. Passing an alcohol test shall be referred to as “testing negative.”

### **6.6 Failing a Substance Test**

“Failing a substance test” means that the test result showed positive evidence of the presence of a substance in an employee’s system that is at or above a determined threshold level. This determination shall be made by the District MRO under the same standards as passing a substance test. Failing a substance test shall be referred to as “testing positive.” Employees who refuse to take a substance test when requested to do so shall be considered to have failed the substance test.

### **6.7 Under the Influence**

“Under the influence” is defined as a condition arising from using a substance, which may limit an employee’s ability to perform a job or duty safely and efficiently or may pose a threat to the safety of the employee or others, and it shall be determined by the presence of a substance in an employee’s system as measured by a substance test in accordance with the terms of this Policy.

## **6.8 Impaired**

“Impaired” means a diminishing or worsening of an employee’s mental or physical condition that is the result of using a substance.

## **6.9 Medical Authorization**

“Medical authorization” means a prescription or other written approval from a licensed medical practitioner for the use of a substance during medical treatment, which must include the name of the substance, the period of authorization, and whether the prescribed medication may impair job performance. This requirement also applies to refills of prescribed drugs.

**6.10** Employees who perform safety-sensitive functions (and thus hold “safety-sensitive positions”) shall be notified by the District. Such employees are referred to in this Policy collectively as “covered employees”.

## **6.11 Transit Accident**

As used in this Policy, “transit accidents” include two somewhat different sets of circumstances, depending on whether FTA or FMCSA employees are involved. As applied to FTA employees, a “transit accident” is an occurrence associated with the operation of a vehicle in connection with transit operations, if as a result:

- (1) an individual dies.
- (2) an individual suffers bodily injury and immediately receives medical treatment away from the scene of the accident.
- (3) with respect to an occurrence in which a vehicle is a bus, electric bus, van, or automobile, one or more vehicles incurs disabling damage as the result of the occurrence and is transported away from the scene by a tow truck or other vehicle; or
- (4) with respect to an occurrence in which a vehicle is a rail car, trolley car, trolley bus, or vessel, the vehicle is removed from operation.

As applied to FMCSA employees, a “transit accident” is an occurrence involving a commercial motor vehicle operating on a public road when there is:

- (1) a loss of human life.
- (2) bodily injury with resulting immediate medical treatment away from the scene of the accident; or
- (3) disabling damage to a motor vehicle requiring the vehicle to be towed away by a tow truck or other

vehicle.

## 6.12 Non-Transit Accident

“Non-Transit Accident” means an occurrence other than a transit accident where an employee is involved in significant injury, or significant harm occurs to other individuals, equipment, or property.

## 7. Education and Training

The District shall provide information to all employees regarding the dangers and adverse effects of substance abuse, signs and symptoms of a substance problem, and available methods of intervening when a substance abuse problem is suspected, including confrontation, referral to an employee assistance program, and/or referral to management.

Employees performing safety-sensitive transit functions will receive at least one (1) hour of training on the effects and consequences of prohibited substance use on personal health, safety, and the work environment, and on the signs and symptoms that may indicate substance abuse. Supervisors and managers who are authorized to make reasonable suspicion determinations shall receive at least one (1) hour of training on the physical, behavioral, and performance indicators of probable alcohol use and one (1) hour of training on the physical, behavioral, and performance indicators of probable drug abuse.

Within appropriate resources, the District will make training available for other employees to help prevent substance abuse problem situations and appropriately deal with such problems should they unfortunately occur.

## 8. Prohibited Activity

### 8.1 Alcohol

The use or possession of alcohol during working hours, on District property, or in District vehicles is prohibited. Employees are not permitted to report for work or to perform any District business while under the influence of alcohol. Employees are prohibited from consuming alcohol within four (4) hours prior to performing safety-sensitive functions. Employees are also prohibited from performing safety-sensitive functions while having an alcohol concentration of 0.04 or greater. If the District learns that an employee has consumed alcohol within four (4) hours prior to commencing work, or has an alcohol concentration of 0.04 or greater, the employee will not be permitted to perform safety-sensitive functions. Employees required to take a post-accident alcohol test are prohibited from using alcohol for eight (8) hours after the accident or until they undergo a post-accident alcohol test, whichever occurs first.

### 8.2 Drugs

The manufacture, distribution, dispensation, possession, or use of a controlled substance, a drug not medically authorized, or other substances that could impair job performance or pose a hazard to the safety and welfare of the employee, the public, or other employees is prohibited. An employee is not permitted to report to work or perform any District business while under the influence of any drug, including medically authorized or over-the-counter drugs, that could impair work performance. Employees who perform safety-sensitive functions must report the medical use of drugs or other substances that could impair safe job performance to their supervisor and provide proper written medical authorization from a licensed medical

practitioner that the substance will not adversely affect the employee's ability to safely perform work. It is the employee's responsibility to determine from the licensed medical practitioner whether the prescribed drug would impair safe job performance. Failure to report the medical use of such drugs, or failure to provide proper evidence of medical authorization, may result in disciplinary action, including possible termination.

9. If a supervisor or manager reasonably suspects that an employee may be under the influence of or impaired by a substance, the employee shall be removed from duty immediately, and may be required to undergo substance testing as described below. Employees who test positive for a substance shall only be allowed to return to work, if at all, in accordance with the return-to-work provisions of this Policy.

## 10. Substance Testing Situations.

### 10.4 Post-Accident Testing

#### 10.4.1 Transit Accidents

##### 10.4.1.1 Fatal

As soon as practicable following a transit accident in which a fatality occurs, each surviving employee operating the mass transit vehicle or performing safety-sensitive functions with respect to the commercial motor vehicle involved in the accident shall be tested for substances. Each on-duty employee whose performance may have contributed to the accident, as determined by the District, shall also be tested.

##### 10.4.1.2 Non-Fatal

As soon as practicable following a transit accident not involving a fatality, each employee operating the mass transit vehicle at the time of the accident shall be tested for substances unless the District determines that the employee's performance can be completely discounted as a contributing factor to the accident. Any other safety-sensitive employee whose performance may have contributed to the accident, as determined by the District, shall also be tested. The decision not to test shall be made using the best information available to the District at the time and should not be made by a supervisor or manager involved in the accident.

#### 10.4.2 Non-Transit Accidents

Where, after investigation, management reasonably suspects that an employee may be under the influence, the employee shall be required to submit to substance testing.

#### 10.4.3 Availability for Testing

Employees who are presumed to be under the influence will be accompanied by an administrative staff member to the testing location. They will stay with the staff member until testing has been completed. The staff member will then be allowed to leave and will wait to return to work when the testing results have

been received by both the employee and the William Shore Memorial Pool District.

The selection process for random testing shall be made using a scientific method, such as a computer-based random number generator. All employees in the relevant pool of persons subject to random testing will have an equal chance of being selected. Employees notified of random substance testing must proceed to the test site immediately.

## **10.5 Refusal to Submit to Testing**

Refusal by an employee to take a substance test when directed to do so by his/her supervisor or manager shall be considered insubordination, and the employee shall be relieved of duties immediately pending investigation. Refusing to take a substance test includes: failure to appear for the test within a reasonable time after being directed to do so; failure to remain at the test site until the test is complete; failure to provide adequate saliva, breath, or urine for testing without a valid medical explanation; failure to cooperate with any directions given during the testing process, including directions for an observed sample collection; use of a prosthetic device that could interfere with the test; or adulteration or substitution of the test sample. Refusal to submit to testing shall be considered the same as testing positive.

## **10.7 Return-to-Work and Follow-Up Testing**

An employee who has refused to take a substance test, or who has tested positive for a substance, including those employees who have undergone evaluation and/or rehabilitation, will not be permitted to return to work until the employee has passed a substance test, has been evaluated by the SAP, the SAP has confirmed that the employee complied with his/her education and/or treatment plan, and the District determines that the employee is fit to return to duty. The decision to allow an employee to return to work shall be made by the District at its sole discretion. If an employee is returned to duty, such employee shall take a minimum of six (6) random drug tests during the first twelve (12) months and shall take additional random substance tests, as recommended by the SAP, for up to sixty (60) months.

## **10.8 Right to Representation**

In all substance test situations, an employee may request the presence of his/her union representative if the employee is employed in a unit with a certified bargaining representative. Although an employee may later file a grievance against the direction to submit to substance testing, the employee must take the test when requested to do so.

### **10.10.2 Alcohol Testing**

Alcohol testing will normally be performed by a trained breath alcohol technician ("BAT") utilizing an evidential breath testing device ("EBT"), otherwise known as a "breathalyzer," but may also be done by a saliva test. Testing will take place at William Shore Memorial Pool District, by City of Port Angeles Police Department or any other site designated by the District. The BAT will inform an employee of the EBT results at the time of testing. If the screening test shows an alcohol concentration of greater than 0.02, a confirmation test will be conducted between fifteen (15) and thirty (30) minutes following the initial screening test. If the confirmation test shows an alcohol concentration of 0.02 or greater, the BAT will show

the employee the printed test results and shall notify the District's designated representative(s) of the test results.

## 11. Search Notice and Conditions

The danger of substance abuse in the workplace creates a heightened need to safeguard workplace locations from prohibited substances and their impact. This need must be balanced against important employee privacy concerns.

When a supervisor or manager reasonably suspects that an employee possesses a substance in violation of this Policy, the employee will be required, at the District's direction, to submit to a search of any pocket, package, purse, briefcase, toolbox, lunch box, vehicle, or other container brought onto District premises. Further, the employee will be required to submit to a search of any desk, file, locker, or other container provided by the District. Any substance discovered on District premises in violation of this Policy will be confiscated, and the District will coordinate with appropriate law enforcement officials, as necessary.

Before any search is conducted, except in emergency situations, at least two (2) management officials, such as a supervisor, manager, or representative of the Human Resources Department, should concur that reasonable suspicion exists. Further, prior to the search occurring, the employee shall be informed of the suspected situation, with an explanation of reasonable suspicion at that time. The employee may request the presence of his/her union representative if the employee is employed in a unit with a certified bargaining representative. To the degree appropriate, employee privacy and confidentiality shall be preserved by the District.

## 12. Enforcement and Discipline

The District takes a strong stand against substance abuse and its impact on the workplace. Accordingly, violations of this Policy will be grounds for appropriate disciplinary action, up to and including termination. Additionally, law enforcement authorities will be notified in appropriate situations.

## 13. Reporting Violations

Experience indicates that individuals with substance abuse problems best respond to appropriate confrontation, dialogue, and notice about the impact and risks of their situation. Therefore, an employee who is aware of substance use or behavior in violation of this Policy is encouraged to promptly report the behavior to management. To the degree possible, the reporting employee's identity will be kept confidential.

## 14. Rehabilitation

The District offers employees the use of rehabilitative services subject to coverage limitations and in accordance with the terms of its benefit programs. Employees are personally responsible for seeking appropriate treatment for substance dependency. Employees who voluntarily seek treatment for substance dependencies will be allowed to use personal leave and benefits as for any other illness and will not have job security or opportunities for promotion jeopardized by seeking treatment. However, such employees are subject to the same prohibitions and penalties as other employees regarding the manufacture, distribution, dispensation, possession, or use of substances in violation of this Policy. In addition, substance-dependent employees are subject to appropriate disciplinary action, including possible termination, if they do not meet general performance standards, conduct requirements, or other conditions.

of employment.

Employees who refuse to take a substance test, or who test positive for a substance in violation of this Policy, may be given the opportunity to enter a rehabilitation program in lieu of termination. Employees who successfully complete rehabilitation under such circumstances may be returned to work at the District's discretion in accordance with the return-to-work provisions of this Policy.

## **15. Records**

Records of treatment for substance dependency, substance tests, or of employees or applicants involved in other situations related to this Policy will be maintained and used by the District as confidentially as possible. The District shall maintain records and reports as required by appropriate government authorities. Only District management representatives with a "need-to-know" responsibility will be made aware of substance abuse situations or test results. No third party shall be provided with such information without specific written authorization by the employee, except as required or permitted by law.

## **16. Policy Commitment and Notice**

The District is committed to assisting its employees in complying with this Policy and in avoiding problems and penalties of substance abuse if possible. All employees shall receive a copy of this Policy. Questions regarding the Policy or its requirements should be directed to Jessica Compton (District spokesperson) or the District Human Resources Director/Risk Manager. Additionally, the District will maintain an appropriate dialogue with its employees' union representatives to refine this Policy, as necessary.

**Suggestions**

All employees are encouraged to make suggestions that will improve the efficiency of District operations or employee job satisfaction. Even ideas for other departments are encouraged. Suggestions may be written or verbally given to the employee's Supervisor at any time. The Supervisor will then discuss the idea with the appropriate person or group and the Executive Director.

**Dispute Resolution Procedures**

The District recognizes that sometimes situations arise in which an employee feels that he/she has not been treated fairly or in accordance with District rules and procedures. For this reason the District provides its employees with procedures for resolving disputes.

- Step 1: An employee should first try to resolve any problem or complaint with his/her supervisor.
- Step 2: When normal communication between an employee and the supervisor is not successful, or when an employee disagrees with the application of District practices, policies, or procedures, the employee should attempt to resolve the problem with his/her Supervisor. The Supervisor should respond to the employee, in writing, within five to seven working days after meeting with him/her, if possible.
- Step 3: If the employee is not satisfied with the response from his/her Supervisor, the employee may submit the problem, in writing, to the Executive Director within ten working days after receiving the Supervisor's response. The written complaint must contain, at a minimum:
  - A description of the problem;
  - A specific practice, guideline, or procedure, which the employee believes, has been misapplied;
  - The date of the circumstances leading to the complaint or the date when the employee first became aware of those circumstances;
  - The remedy sought by the employee to resolve the dispute.

The Executive Director may meet with the parties, either individually or together, and will endeavor to respond in writing to the aggrieved employee within ten working days of any such meeting, if possible. Such determination will be final and binding.

**Hours and Attendance****Employment Status Definitions**

Regular Part-Time Employee - An employee who may work less than 40 hours a week on a continuing basis. Part-time employees are not eligible for District benefits.

**Non-exempt Employee** - An employee who is not exempt from the minimum wage, overtime, and timecard provisions of the wage and hour laws. Such employees may receive an hourly wage or a salary and are eligible for overtime pay at the rate of one and one-half times the regular rate of pay for all hours worked in excess of 40 hours in the workweek.

### **Working Hours**

Part-time and temporary employees work the hours specified by their Supervisors. For most District employees, the established work period is 40 hours within a seven-day workweek.

### **Overtime**

Non-exempt employees are entitled to additional compensation, either in cash or compensatory time off, when they work more than the maximum number of hours during a work period. All overtime must be authorized in advance by the employee's Supervisor or the Executive Director.

Overtime pay is calculated at one and one-half times a non-exempt employee's rate of pay for all time worked in excess of 40 hours during a workweek [and for working over eight hours in a workday, unless an employee is regularly scheduled to work more than eight hours a day (i.e. a 4/10 shift, this also include part time employees working flex schedules)].

### **Attendance**

Punctual and consistent attendance is an essential function of every employee's job and a condition of continued employment. Employees are expected to work a complete workday. Each employee is expected to be at their place of work, dressed in their appropriate uniform and be prepared to work at the designated starting and continue to work until the designated quitting time. Employees are not expected to be absent from work without making prior arrangements with their Supervisor.

Employees unable to work or unable to report to work on time should notify their Supervisor or his/her designee as soon as possible, ordinarily before the workday begins or within a reasonable time of the employee's usual starting time, as determined by the employee's Supervisor, and state the reason for being late or being unable to report for work. If an absence continues beyond one day, the employee is responsible for reporting in each day. Any unauthorized absence, including tardiness, will be considered an absence without pay and may be cause for disciplinary action, including possible termination.

Employees are expected to be at work even during inclement weather. Supervisors may allow employees to be late or leave early during severe weather conditions; however, non-attendance is counted as an absence from work.

### **Emergency Closure**

All District offices and activities are to be open and in operation during established working hours. Employees need to make every effort to report to work on a timely basis. Should emergency conditions prevent District employees from reporting to work, it is the employee's responsibility to contact his/her supervisor to indicate anticipated absence from work, or late arrival to work, and the reason for such absence or tardiness.

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**Breaks and Meal Periods**

Employees are allowed a meal period which usually commences between two to five hours from the beginning of the employee's shift. In most circumstances, meal periods are scheduled by the employee's Supervisor.

If an employee works three or more hours longer than the employee's normal workday, the employee is usually allowed at least one 30 minute meal period prior to or during the extended work period.

In most circumstances, the District tries to provide employees at least a ten-minute paid break period for each four hours of working time. To the extent practical, the District endeavors to schedule rest periods as near as possible to the midpoint of the workday, as long as the rest period does not interfere with District business or service to the public. Employees should not work more than three hours without having either a rest break or a meal break. If you are not getting your breaks, you should inform your Supervisor.

**Time Reporting**

Maintaining accurate time records is essential in computing employee pay, ensuring compliance with laws and regulations, and providing accurate cost information for the District. Each employee is responsible for reporting any changes to their posted schedule. Reported times should be rounded off to the nearest 15 minute increments. The Supervisor is responsible for ensuring that the most accurate schedules are maintained and submitted to the manager then to the Payroll Bookkeeper. Falsification of hours worked or changes to the posted schedule is grounds for disciplinary action, including possible termination.

## **Compensation**

**Salary Classification and Grades**

Each job title within the District is classified, for salary purposes, into one of the District's classifications based on job qualifications, level of responsibility, difficulty, working conditions, skill, hazard, and amount of supervision required for the specific position. Each classification is assigned a particular salary or salary range in accordance with the District's salary and wage schedule, which is usually approved annually by the District Board of Commissioners.

Within available resources, the District's compensation plan is generally competitive with other comparable employers in similar job markets. Typically, the salary ranges of each classification should be representative of the skills and the responsibilities required and reflective of levels of authority and responsibility in the organization.

**Employee Pay Rates**

Each employee's salary, along with the position's salary range, is reviewed periodically. In most circumstances, employees are paid within the limits of the salary range to which their positions are assigned.

Usually, new employees start their employment at the minimum salary range for their classification. However, a new employee may be employed at a higher rate than the minimum when the employee's experience, training or proven capabilities warrant, or when prevailing market conditions require, in the District's sole judgment, a higher starting rate than the minimum.

Pay increases are contingent on satisfactory performance. If an employee's performance is unsatisfactory, a scheduled pay increase may be deferred for a stipulated period of time or until the employee's job performance is satisfactory.

From time to time the District Board of Commissioners may grant across the board pay adjustments (cost-of-living increases), raising the salaries of all positions by a specified amount within a defined group of classifications.

### **Paydays**

Employees are paid twice monthly, usually not later than the fifth day following the end of a pay period, at which time each employee receives a complete accounting of his/her earnings. Pay periods end on the 15<sup>th</sup> and the last day of the month.

If a regularly scheduled payday falls on Saturday, pay checks are usually distributed on Friday; if it falls on Sunday or a holiday, pay checks are usually distributed on the next regularly scheduled working day.

### **Payroll Records**

The official payroll records are kept by the District's Accountant. Each Supervisor is expected to turn in, on a semi-monthly basis, a signed work record for each non-exempt employee within his/her department, noting hours worked, leave taken and overtime worked. Usually the Executive Director signs work records for Supervisors.

### **Deductions**

Some regular deductions from the employee's earnings are required by law; other deductions are specifically authorized by the employee. The District withholds from the employee's paycheck those deductions required by law and any voluntary deductions authorized by the employee.

### **Paycheck Errors**

The District does its best to provide you with proper pay for all hours worked. Should you notice an error in your pay or an improper deduction, please bring it to the attention of your Supervisor right away so that we can check into it and correct it if appropriate. Should we discover an overpayment, it will be taken out of your next paycheck.

### **Sick Leave**

Starting in January 2018, all employers are required to provide paid sick leave in accordance with voter approved Initiative I-1433.

**Accrual of Sick Leave:** District employees accrue paid sick leave at a rate of one (1) hour for every 40 hours worked. For existing employees, paid sick leave will accrue for all hours worked beginning January 1, 2018. For employees hired after that date, accrual will begin at the commencement of employment. The District will provide employees on their payroll statement the amount of paid sick leave accrued and used, and their available balance.

**Sick Leave Usage:** An employee may use accrued paid sick leave beginning on the 90<sup>th</sup> calendar day of employment. Thereafter, accrued leave is available for use no later than one calendar month after the date of accrual. Employees can use paid sick leave in one-hour increments,

**Carryover:** At the end of the calendar year, no more than 40 hours of accrued unused sick leave can be carried over to the next calendar year.

**Payout and Reinstatement:** Accrued, unused sick leave is not paid out on separation, but will be reinstated for rehires within 12 months.

**Notice and Verification Requirements:** Employees are required to give “reasonable” notice of the need for sick leave. Where leave is unforeseeable, employees must give notice as soon as practicable. For unforeseeable leave due to domestic violence, sexual assault or stalking, the employee must give oral or written notice to the no later than the end of the first day of leave. For absences of more than three days, an employee may be required to provide proof that the use of paid sick leave was for an authorized purpose from a health care provider of the need for leave, but cannot require an explanation of the health condition. Any such information obtained will be maintained confidentially. Verification must be provided within a reasonable time period.

### **Compensation Upon Termination**

When an employee's employment with the District is terminated, the employee receives all Regular wages for all hours worked up to the time of termination that have not already been paid. Payment will be issued at the next regularly scheduled payday.

## **Performance Evaluations and Training**

### **Performance Evaluations**

To achieve the District's goal to train, promote and retain the best qualified employee for every job, the District conducts periodic performance evaluations for most positions. Performance evaluations are related to the District's salary matrix and an employee's salary may go up or down depending upon his/her evaluation score.

In most circumstances, employees are evaluated by their Supervisor at least once every 12 months. Additionally, each employee will be under a probationary period their first 3 months.

The evaluation is part of an employee's personnel record and may be a factor in determining the employee's conversion to regular status, whether the employee receives a wage increase, or is to be promoted, transferred, demoted, laid off, or terminated.

In some cases, performance evaluations may be used to identify training needs and potential for advancement. Usually, if an employee's performance is substandard, the Supervisor will inform the employee of the necessary improvement expected.

### **Training Policy**

The District seeks, within the limits of available resources, to offer training to increase an employee's skills, knowledge and abilities directly related to District employment, to obtain or maintain required licenses and certifications, and to develop staff resources. Opportunities may include, but are not limited to: on-the-job training, in-house workshops, and seminars sponsored by other agencies or organizations.

### **Deferred Compensation Program**

All employees who meet the criteria established by state law can choose to participate in the Washington State Deferred Compensation Program.

## Discipline and Termination

### Discipline

All employees are expected to exercise good judgment, loyalty, common sense, dedication, and courtesy in the performance of their duties. The primary mission of every employee is to provide courteous, orderly, efficient, and economic delivery of services to the customers of the District.

Acts, errors, or omissions which, in the District's sole judgment, discredit the public service, violate District policies or practices, or impair the provision of orderly services to the citizens of the District may result in discipline, including possible termination.

The Executive Director and Supervisors have full discretion and authority to impose disciplinary action in accordance with District policies and the circumstances of the particular case.

**Unless otherwise specified by resolution, a written employment contract, or a valid and effective collective bargaining agreement, all employees are employed on an at-will basis. While the District recognizes the benefit in some cases of using progressive discipline, the need for disciplinary action is usually evaluated on a case-by-case basis and the District is not required or obligated to use progressive discipline before imposing a particular type of disciplinary sanction, including possible termination.**

In the event that discipline is necessary, any or all of the following types of disciplinary actions may be used, depending on the particular situation:

- **Oral Warning:** An oral warning is a counseling session between the employee's Supervisor and the employee on the subject of the employee's conduct and performance, or his/her failure to observe a guideline, rule, regulation, or administrative instruction. It is intended to increase an employee's efficiency and value to the District by changing the employee's conduct, attitude, habits, or work methods. Following the counseling session the Supervisor should document the oral warning.
- **Reprimand:** A reprimand is a formal written disciplinary action for misconduct, inadequate performance, or repeated lesser infractions. Written reprimands are placed in the employee's personnel file. Written warnings should include:
  - A statement of the facts;
  - A statement of the discipline being given, if any;
  - If appropriate, the employee's explanation and reason for the violation;
  - The required corrective action on the part of the employee;
  - If appropriate, a written and definite period of disciplinary probation during which the employee must clearly demonstrate improvement; and
  - A statement indicating further disciplinary action, up to and including termination, may follow if correction is not achieved.

The Reprimand should be signed by the employee's direct supervisor, the employee and the District Supervisor involved. Copies of written reprimands should be forwarded to the Executive Director. After review with the employee, a copy of the written warning should be given to the employee and a copy should be placed in the employee's personnel file.

- **Suspension:** A suspension is a temporary, unpaid absence from duty, which may be imposed as a penalty for significant misconduct or repeated lesser infractions. A suspension is a severe disciplinary action that is made part of the employee's permanent record. In each case of disciplinary suspension, a written memo should be prepared indicating:
  - The event or events which lead to the suspension;
  - The duration of suspension;
  - A statement indicating required corrective action on the part of the employee;
  - If appropriate, the employee's explanation or comment; and
  - A statement indicating that it is a "final warning" and further indicating that the employee will be discharged upon the occurrence of another infraction or unless corrective action is taken within the stated time.

The suspension may be signed by the employee and any other person who may be present at the discussion. The suspension should be signed by the employee's Supervisor and a copy forwarded to the Executive Director. After review with the employee, a copy of this memo should be given to the employee, and a copy should be entered into the employee's personnel file.

- **Termination:** When a supervisor feels that the nature of a violation warrants termination, or if the termination is a result of the disciplinary procedure where the desired corrective action was not achieved, the supervisor should prepare a written report to his/her Supervisor and the Executive Director. The written report should include:
  - The reason(s) for the termination;
  - Information on any previous warnings or disciplinary actions that may be relevant;
  - A brief summary of the employee's past work record and length of employment with the District; and
  - Any other relevant information.

In certain circumstances, before a final decision is made regarding a possible termination or suspension without pay, the District may convene a pre-termination meeting.

In the event the District convenes a pre-termination meeting, the employee will be notified of the reason for the pending termination and given a brief summary of the District's evidence, if any. Usually, the employee should be given an opportunity to respond to the charges, either orally or in writing, and to explain why the District should not go ahead with the termination. Although the District's explanation of its evidence should be sufficient to inform the employee of the basis for termination, this procedure should not be construed to limit the District at any subsequent hearing or proceeding from presenting a more detailed and complete case, including the presentation of witnesses and/or documents not introduced at the termination meeting.

**Unless otherwise specified by resolution, written employment contract, or a collective agreement, all employees are employed on an at-will basis and may be terminated at any time from District employment with or without cause subject only to the procedural rights they may have to a pre-termination meeting.**

## Rules of Conduct

In the interest of the District and the public, it is desirable, whether off-duty or on-duty, that an employee's conduct reflect favorably on the employee, his/her fellow employees and the District. Off-duty misconduct may result in discipline when it renders an employee less capable of performing his/her duties and responsibilities, or when it reflects unfavorably upon an employee's continuing qualifications for employment.

The District places as few restraints on employee personal conduct as possible. The District relies on each employee's good judgment and sense of responsibility as the principal source of guidance for conducting day-to-day duties and responsibilities. However, for the protection of the District's business interests and other employees, certain rules of conduct have been established. The rules are formalized here for each employee's information and to minimize the likelihood of any employee, through misunderstanding or otherwise, becoming subject to disciplinary action.

**These rules of conduct do not change an employee's status as an at-will employee, nor do they guarantee or imply progressive discipline will be used when the District determines discipline is warranted.**

The following is a partial list of offenses that may lead to discipline, up to and including termination.

- Theft, misappropriation or removal of District property or the property of employees, clients or members of the public;
- Material falsification of any application for employment or any report, record, time card or District records;
- Soliciting and/or accepting payment, gifts or any item of value for services performed during the regular workday while working for the District;
- Material alteration, destruction or waste of District property, facilities, records or equipment, wherever located or the destruction of another employee's property;
- Violation of the substance abuse or drug testing policies;
- Giving or taking a bribe of any nature as inducement for obtaining or retaining a job or position;
- Disorderly conduct, fighting or insubordination. Insubordination includes, but is not limited to:
  - Neglect of duty or refusal or failure to obey orders or instructions in the line of duty; and
  - Use of abusive, insulting or obscene language to any supervisor or other employee.
- Threatening, intimidating, coercing or interfering with supervisors or other employees;
- Deliberate attempts to injure another employee or fighting on District property;
- Sleeping during work hours;
- Unauthorized possession of firearms, explosives or any dangerous weapons while performing District work;
- Participating in an unauthorized work stoppage or slowdown;
- Recklessness resulting in a serious accident while on duty whether on District property or while driving a District vehicle;
- Workplace harassment or other unlawful discrimination directed toward another employee or other individual in the workplace;
- Use of District property or time for personal financial gain;
- Ignoring safety rules or common safety practices or contributing to unsanitary or unsafe working conditions;
- Failure to report occupational injuries or accidents, including motor vehicle accidents, promptly to the employee's Supervisor;

- Engaging in activities other than assigned work during working hours and/or while operating District equipment, without approval in advance by the employee's Supervisor;
- Acting in an insulting, rude or insolent manner towards any citizen or other person while working for the District, or while operating District equipment or on District premises;
- Failure to exercise the care and attention to one's work as required by the circumstances;
- Unexcused or excessive absences, tardiness, or abuse of sick leave;
- Leaving work before the end of the shift or not being ready to begin work at the start of the shift or working overtime without permission from the employee's Supervisor;
- Loafing or spending unnecessary time away from the job;
- Unauthorized possession or use of any District property, equipment or materials;
- Violation of any District Policy or Procedure.

These are only samples of the types of conduct that may result in disciplinary action. These rules of conduct do not change an employee's status as an at-will employee, nor do they guarantee or imply progressive discipline will be used when the District determines discipline is warranted.

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## Employee Handbook Receipt and Acknowledgement

This confirms that I: \_\_\_\_\_

- have received and read the District's Personnel policies dated \_\_\_/\_\_\_/\_\_\_, and
- understand and agree that these policies are not an agreement or contract for employment; and
- understand that no one in the District has the authority to enter into any agreement for employment for a specified period of time or to make other representations or agreements inconsistent with these policies unless it is in writing signed by an authorized District representative; and
- understand that the policies and procedures contained may be revised and updated by the District from time to time; and
- understand that these policies revoke and supersede any prior handbooks, statements of employment policies, guidelines and procedures, or employment manuals, handbooks, or other documents issued by the District; and
- Understand that, unless otherwise provided by a law, or collective bargaining agreement, my employment with the District is at-will.

Employee's Signature \_\_\_\_\_ Date \_\_\_\_\_

***Remove this receipt from the handbook and fill in the Human Resource Employee file***