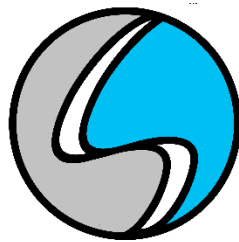


Part-Time Employee Handbook William Shore Metropolitan Park District



SHORE
AQUATIC CENTER

225 E.5th St. Port Angeles, WA 98362

www.sacpa.org

360-775-2119

Contents

401 General.....	10
1.1 Introduction	10
1.1.1	10
1.1.2	10
1.2 Purpose/Scope of Employee Handbook	10
1.2.1	10
1.2.2	10
1.2.3	10
1.2.4	10
1.2.5	10
1.2.6	11
1.3 Employment Status Definitions	11
1.3.1	11
1.3.2	11
1.3.3	11
1.3.4	11
1.3.5	11
1.3.6	11
1.4 At Will Employment	11
1.5 Equal Employment Opportunity	12
1.6 Workplace Harassment.....	12
1.6.2	12
1.6.2.1	12
1.6.2.2	12
1.6.2.3	12
1.6.3	12
1.6.4	12

1.6.4.1	12
1.6.4.2	12
1.6.4.3	12
1.6.5	13
1.6.6	13
1.6.7	13
1.7 Workplace Violence	13
1.7.1	13
1.7.2	13
1.8 Workplace Ethics and Conduct	13
1.8.1	13
1.8.2	13
1.8.3	14
1.8.4	14
1.8.5	14
1.9 Immigration Law Compliance	14
1.9.1	14
1.9.2	14
1.9.3	14
1.10 Employee Personnel Records.....	14
1.10.1	14
1.10.2	15
1.10.3	15
1.11 References	15
402 Hours and Attendance	16
2.1 Working Hours	16
2.1.1	16
2.1.2	16
2.2 Overtime	16
2.2.1	16

2.2.2 16

2.2.3 16

2.2.4 16

2.2.5 16

2.4 Attendance..... 16

 2.4.1 16

 2.4.2 16

 2.4.3 17

2.5 Emergency Closure 17

2.6 Breaks and Meal Periods..... 17

 2.6.1 17

 2.6.2 17

 2.6.3 17

 2.7.3 17

2.8 Time Reporting..... 17

403 Employment Practices 19

 3.1 New Employee Orientation..... 19

 3.2 Customer Relations..... 19

 3.3 Promotions and Transfers..... 19

 3.3.1 19

 3.3.2 19

 3.3.3 19

 3.3.4 20

 3.4 Layoffs 20

 3.4.1 20

 3.4.2 20

 3.4.3 20

 3.5 Reclassification..... 20

 3.6 Resignation..... 20

405 Performance Evaluations and Training 21

5.1 Performance Evaluations 21

 5.1.1 21

 5.1.2 21

 5.1.3 21

 5.1.4 21

5.2 Training Policy 21

407 Drug and Alcohol Testing 22

 7.1 Introduction 22

 7.2 Purpose 22

 7.3 Coverage 23

 7.4 Other Reference Documents 23

 7.5 Responsibility 23

 7.5.1 Management..... 23

 7.5.2 Employees 23

 7.5.3 William Shore Memorial Pool District..... 23

 7.5.4 Human Resources Department..... 24

 7.5.5 Medical Review Officer 24

 7.5.6 Substance Abuse Professional 24

 7.6 Definitions..... 24

 7.6.1 Employee..... 24

 7.6.2 Substance 24

 7.6.3 Drug..... 25

 7.6.4 Alcohol 25

 7.6.5 Substance Abuse 25

 7.6.6 Substance Test 25

 7.6.7 Drug Test 25

 7.6.8 Alcohol Test..... 25

 7.6.9 Passing a Substance Test..... 25

 7.6.10 Passing a Drug Test 25

 7.6.11 Passing an Alcohol Test..... 26

7.6.12	Failing a Substance Test	26
7.6.13	Under the Influence	26
7.6.14	Impaired	26
7.6.15	Medical Authorization.....	26
7.6.16	Employees who perform safety-sensitive functions.....	27
7.6.17	Transit Accident	27
7.6.18	Non-Transit Accident	27
7.7	Education and Training	27
7.8	Prohibited Activity.....	28
7.8.1	Alcohol	28
7.8.2	Drugs	28
7.9	Suspected Impairment.....	29
7.10	Substance Testing Situations	29
7.10.1	Post-Accident	29
7.10.2	Testing Transit.....	29
7.10.3	Accidents Fatal	29
7.10.4	Non-Fatal.....	29
7.10.5	Non-Transit Accidents.....	29
7.10.6	Availability for Testing.....	30
7.10.7	Refusal to Submit to Testing	30
7.10.8	Return-to-Work and Follow-Up Testing.....	30
7.10.9	Right to Representation	30
7.10.10	Alcohol Testing.....	31
7.11	Search Notice and Conditions	31
7.12	Enforcement and Discipline	32
7.13	Reporting Violations.....	32
7.14	Rehabilitation	32
7.15	Records.....	32
7.16	Policy Commitment and Notice	33
408	Employees Responsibilities and Conduct	34

8.1	General.....	34
8.1.1	.....	34
8.1.2	.....	34
8.2	Outside Employment and Conflicts of Interest.....	34
8.2.1	.....	34
8.2.1.1	.....	34
8.2.1.2	.....	34
8.2.1.3	.....	34
8.2.1.4	.....	34
8.2.1.5	.....	34
8.2.2	.....	34
8.2.3	.....	35
8.3	Gifts and Gratuities.....	35
8.4	Conflicts of Interest.....	35
8.5	Political Activities.....	35
8.5.1	.....	35
8.5.2	.....	35
8.5.3	.....	35
8.6	No Smoking.....	36
8.7	Use of District Equipment.....	36
8.7.1	.....	36
8.7.2	.....	36
8.8	Non-Solicitation.....	36
8.8.1	.....	36
8.8.2	.....	36
8.9	Employment of Relatives.....	36
8.10	Bulletin Boards.....	37
8.11	Employee Parking.....	37
8.12	Personal Property.....	37
8.13	Computer Usage and Privacy.....	37

8.14 Contact with News Media..... 38

8.15 Safety 38

 8.15.1 38

 8.15.2 39

 8.15.3 39

8.16 Substance Abuse 39

 8.16.1 39

 8.16.2 39

 8.16.3 39

 8.16.4 39

 8.16.5 40

8.17 Suggestions 40

8.18 Dispute Resolution Procedures..... 40

 8.18.1 Step 1 40

 8.18.2 Step 2 40

 8.18.3 Step 3 40

 8.18.3.1 40

 8.18.3.2 40

 8.18.3.3 40

 8.18.3.4 40

 8.18.4 40

8.19 Litigation 41

409 Whistleblower Policy 42

 9.1 Policy 42

 9.2 Definition of Improper Governmental Action..... 42

 9.2.1 42

 9.2.2 42

 9.3 Procedures for Reporting..... 42

 9.4 Protections Against Retaliatory Actions 43

 9.5 Responsibilities 44

410 Discipline and Termination	46
10.1 Discipline	46
10.1.1	46
10.1.2	46
10.1.3	46
10.1.4	46
10.1.5	46
10.1.5.1	46
10.1.5.2	46
10.1.5.3	47
10.1.6	48
10.1.6.1	48
10.1.6.2	48
10.1.6.3	48
10.1.6.4	48
10.2 Rules of Conduct	48
10.2.1	48
10.2.2	49
10.2.3	49
10.2.4	49
10.2.5	50

401 General

1.1 Introduction

1.1.1 The William Shore Memorial Pool District (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, 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.

1.1.2 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 Supervisors, to Head Guards, to non-supervisory personnel.

1.2 Purpose/Scope of Employee Handbook

1.2.1 This manual is a general informational guide to the district's current employment policies and practices. Any department's standard operating procedures need to be consistent with these policies and approved in advance by the Executive Director. This employee handbook can be accessed online on the Staff page of the district website www.williamshorepool.org.

1.2.2 The policies in this handbook are not intended to create a contract. The policies should not be construed to constitute contractual obligations of any kind or a contract of employment between the district and any employee. The provisions in the handbook have been developed at the discretion of management and, except for the policy of employment-at-will, may be amended or cancelled at any time, at the sole discretion of the district.

1.2.3 The District reserves the right to amend, delete, supplement, or rescind any of the district's personnel policies, as the district deems necessary and appropriate, without advance notice. The district also reserves the right to deviate from these policies in individual situations, particularly in an emergency, to achieve its primary mission of providing orderly and cost-efficient services to its customers.

1.2.4 These practices and policies are not an express or implied contract or any type of promise or guarantee of specific treatment in specific instances upon which any employee may rely.

1.2.5 These personnel practices and policies apply to all District employees.

1.2.6 These provisions replace all other existing policies and practices and may not be changed or added to without the express written approval of the Board of Commissioners of the District.

1.3 Employment Status Definitions

1.3.1 Benefited Salaried Employee - An employee who is paid salary and works a minimum of 30-40 hours a week on a continuing basis and is eligible for District Benefits.

1.3.2 Benefited Full-time Employee - An hourly employee who works 30 or more hours a week on a continuing regularly scheduled basis. Full-time employees are eligible for District benefits.

1.3.3 Regular Part-Time Employee- An employee who may work less than 30 hours a week on a continuing regularly scheduled basis. Part-time employees are not eligible for District benefits.

1.3.4 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 more than 40 hours in the workweek.

1.3.5 Exempt Employee - An employee who is exempt from the minimum wage, overtime and timecard provisions of the wage and hour laws. Exempt employees include supervisory, administrative, and professional employees who are paid on a salary basis. Some examples include the Executive Director and Managers. When employees are hired, they will be informed of exempt status.

1.3.6 Temporary/Seasonal Employee - An employee hired with a short-term expectation of employment to cover during periods of peak workload, extended employee absences and the like. Temporary employees generally may not be employed for more than six months. Temporary employees are not eligible for District benefits.

1.4 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, if we do not violate any applicable federal or state law unless specific benefits or rights to the contrary are granted to an employee through resolutions, individual employment contracts, employees are considered at-will employees and may be terminated from District employment at any time, with or without cause and with or without notice.

1.5 Equal Employment Opportunity

The district is an equal employment opportunity employer. The district employs, retains, promotes, terminates, and otherwise treats its employees based on 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.

1.6 Workplace Harassment

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

1.6.2.1 Verbal (e.g., racial, sexual, or ethnic jokes, stereotypes, and insults).

1.6.2.2 Physical (e.g., sexually suggestive, or unwelcome touching or obscene gestures).

1.6.2.3 Visual (e.g., insulting cartoons, sexually suggestive or lewd pictures or photographs).

1.6.3 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.

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

1.6.4.1 Submission to this conduct is either an explicit or implicit term or condition of employment.

1.6.4.2 Submission to or rejection of the conduct is used as a basis for employment decisions affecting the person involved: or

1.6.4.3 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.

1.6.5 All employees are responsible for ensuring 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.

1.6.6 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.

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

1.7 Workplace Violence

1.7.1 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.

1.7.2 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 workplace 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.

1.8 Workplace Ethics and Conduct

1.8.1 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.

1.8.2 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.

1.8.3 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.

1.8.4 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.

1.8.5 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.

1.9 Immigration Law Compliance

1.9.1 The District is committed to employing only people who are United States citizens or who are aliens legally authorized to work in the United States. We do not illegally discriminate because of a person's citizens or national origin.

1.9.2 Because we comply with the Immigration Reform and Control Act of 1986, every new employee in the district is required to complete the Employment Eligibility Verification Form I-9 and show documents that prove identity and employment eligibility.

1.9.3 If you leave the district and are rehired, you must complete another Form I-9 if the previous I-9 with the district more than three years old, or if the original I-9 is not accurate anymore, or if we no longer have the original I-9.

If you have questions or want information on the immigration laws, contact the Executive Director. If you ask questions, you will not be punished in any way.

1.10 Employee Personnel Records

1.10.1 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.

1.10.2 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.

1.10.3 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.

1.11 References

Usually, the District does not give references, other than to confirm the dates of employment, last salary and eligibility for re-hire, without the employee's prior written consent. Any requests for references should be referred to the Executive Director.

402 Hours and Attendance

2.1 Working Hours

2.1.1 A normal working schedule for Part Time employees consists of up to 29 hours each working week. Different work schedules may be established by the district to meet job assignments and to provide necessary District services. Each employee's Supervisor will advise his/her employees regarding their specific working hours.

2.1.2 Part-time and temporary employees work the hours specified by their supervisors.

2.2 Overtime

2.2.1 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.

2.2.2 All overtime must be authorized in advance by the employee's Supervisor or the Executive Director.

2.2.3 Overtime pay is calculated at one and one-half times a non-exempt employee's rate of pay for all time worked more than 40 hours during a workweek.

2.2.4 For purposes of overtime computations, the district's workweek begins on Monday mornings at one minute past Sunday midnight (12:01 a.m.).

2.2.5 When computing overtime, Sick time is not counted as hours worked.

2.4 Attendance

2.4.1 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 start time and continue to work until the designated end time. Employees are expected to be at work unless they have made prior arrangements with their supervisor.

2.4.2 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 each day. Any

unauthorized absence, including tardiness, will be considered an absence without pay and may be cause for disciplinary action, including possible termination.

2.4.3 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.

2.5 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 or Supervisor to indicate anticipated absence from work, or late arrival to work, and the reason for such absence or tardiness. A non-exempt employee who is unable to report to work may be given the option of having pay deducted for the time lost or of applying for PTO credits or earned compensatory time, if any, to offset any loss of pay, subject to the approval of the employee's Supervisor.

2.6 Breaks and Meal Periods

2.6.1 Employees working 5 or more hours in a shift are allowed a meal period which usually commences halfway through the employee's shift. In most circumstances, meal periods are scheduled by the employee's Supervisor.

2.6.2 If an employee works four or more hours, they are entitled to a 15 minute paid break.

2.6.3 In most circumstances, the district tries to provide employees with at least a fifteen-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, if 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.

2.7.3 An employee who is required to be available and subject to call may, depending on the circumstances, receive stand-by duty pay in accordance with state or federal law or a valid and effective collective bargaining agreement. Exempt employees are not eligible for stand-by pay.

2.8 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 completing his/her own timecard as required. Reported times

should be rounded up to the nearest 15-minute increments. The Supervisor is responsible for ensuring that the timecards are maintained and submitted to the Payroll Bookkeeper. Falsification of timecards is grounds for disciplinary action, including possible termination.

403 Employment Practices

3.1 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.

3.2 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 in 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 you but also the professionalism of the district. Good customer relations can build greater customer loyalty and increase profits.

3.3 Promotions and Transfers

3.3.1 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.

3.3.2 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.

3.3.3 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.

3.3.4 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.

3.4 Layoffs

3.4.1 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.

3.4.2 Prior to a layoff, the district will try to provide affected employees with two weeks' notice of the pending layoff or pay in lieu of notice.

3.4.3 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.

3.5 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.

3.6 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 the release of the employee's final paycheck.

405 Performance Evaluations and Training

5.1 Performance Evaluations

5.1.1 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.

5.1.2 In most circumstances, employees are evaluated by their supervisor at least once every 12 months. Additionally, within the first three (3) months of employment, every employee is on work probation and will be evaluated after that time on work performance.

5.1.3 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.

5.1.4 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.

5.2 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.

407 Drug and Alcohol Testing

7.1 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 aid 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.

7.2 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.

7.3 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.

7.4 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.

7.5 Responsibility

7.5.1 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.

7.5.2 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.

7.5.3 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.

7.5.4 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. Denise Dawson can be reached on 360-775-2119.

7.5.5 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.

7.5.6 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.

7.6 Definitions

7.6.1 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.

7.6.2 Substance

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

7.6.3 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).

7.6.4 Alcohol

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

7.6.5 Substance Abuse

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

7.6.6 Substance Test

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

7.6.7 Drug Test

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

7.6.8 Alcohol Test

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

7.6.9 Passing a Substance Test

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

7.6.10 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 suspected 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.”

7.6.11 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.”

7.6.12 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.

7.6.13 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.

7.6.14 Impaired

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

7.6.15 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.

7.6.16 Employees who perform safety-sensitive functions.

Employees that hold “safety-sensitive positions” shall be notified by the district. Such employees are referred to in this Policy collectively as “covered employees”.

7.6.17 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:
 5. a loss of human life.
 6. bodily injury with resulting immediate medical treatment away from the scene of the accident; or
 7. disabling damage to a motor vehicle requiring the vehicle to be towed away by a tow truck or other vehicle.

7.6.18 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.

7.7 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.

7.8 Prohibited Activity

7.8.1 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.

7.8.2 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

The safety and welfare of the employees, 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.

7.9 Suspected Impairment

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.

7.10 Substance Testing Situations

7.10.1 Post-Accident

As soon as practicable following a transit accident in which a fatality occurs, each surviving

7.10.2 Testing Transit

employee operating the mass transit vehicle or performing safety-sensitive functions with respect to the

7.10.3 Accidents Fatal

commercial motor vehicles 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.

7.10.4 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.

7.10.5 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.

7.10.6 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 members 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 people 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.

7.10.7 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.

7.10.8 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.

7.10.9 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.

7.10.10 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.

7.11 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.

7.12 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.

7.13 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.

7.14 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.

7.15 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.

7.16 Policy Commitment and Notice

The district is committed to assisting its employees in complying with this Policy and in avoiding problems and penalties for 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.

408 Employees Responsibilities and Conduct

8.1 General

8.1.1 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.

8.1.2 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.

8.2 Outside Employment and Conflicts of Interest

8.2.1 Full time employees may not, directly, or indirectly, engage in any outside employment or financial interest which may conflict, in the district's opinion, with the best interests of the district or interfere with the employee's ability to perform his/her assigned District job. Examples include, but are not limited to, outside employment which:

8.2.1.1 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.

8.2.1.2 Is conducted during the employee's work hours.

8.2.1.3 Utilizes District telephones, computers, supplies, or any other resources, facilities, or equipment.

8.2.1.4 Is employment with a firm which has contracts with or does business with the district; or

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

8.2.2 An employee who chooses to have an additional job, contractual commitment, or self-employment, may do so provided he/she obtains prior approval from his/her Supervisor and the Executive Director. Any employee engaged in outside employment which conflicts with the

requirements of this policy may be required to resign from such outside employment or be terminated if the employee refuses to resign.

8.2.3 Any outside employment that could potentially interfere with emergency call-out situations must be reported to the employee's Supervisor. If, after accepting outside employment, situations arise which could interfere with the employee's job, the employee needs to immediately report those situations to his/her supervisor.

8.3 Gifts and Gratuities

Employees may not accept any gift or gratuity from any vendor or agent with whom the district transacts business. Employees may not use their official position or accept gifts and gratuities for personal gain. An occasional lunch or coffee is not considered a "gift."

8.4 Conflicts of Interest

Except upon approval of the Executive Director, District employees may not sell or barter anything to the District or to a contractor supplying the District, or make any contract with the District or purchase anything from the District other than those things which the District offers generally to the public, such as, but not limited to, services, and then only on the same terms as are offered to the public, unless an invitation to submit sealed bids is published and the District accepts the sealed bid which is most advantageous to the District.

8.5 Political Activities

8.5.1 District employees may participate in political or partisan activities of their choosing if district resources and property are not utilized, and the activity does not adversely affect the responsibilities of the employees in their positions. Employees may not campaign on District time or in a District uniform or while representing the district in any way. Employees may not allow others to use District facilities or funds for political activities.

8.5.2 Any District employee who meets with or may be observed by the public or otherwise represents the district to the public while performing his/her regular duties may not wear or display any button, badge, or sticker relevant to any candidate or ballot issue during working hours. Employees shall not solicit for a contribution for a partisan political cause on District property or District time.

8.5.3 Employees who file for election to public office in any jurisdiction, including the district, may be required to take a leave of absence without pay during the campaign or be terminated from District employment upon election where said office may, in the district's sole judgment, create an appearance of impropriety or a conflict of interest.

8.6 No Smoking

For health and safety considerations, in accord with State law and District policy, the district prohibits smoking [Option – Some agencies prohibit use of any tobacco product] by employees in all District facilities, including District-owned buildings, vehicles, and offices or other facilities rented or leased by the district, including individual employee offices. Employees may smoke outside only in designated smoking areas at least 25 feet from any door or ventilation equipment. Employees using the smoking area must keep it neat and clean and pick up trash and cigarette butts.

8.7 Use of District Equipment

8.7.1 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. An employee's misuse of District services, telephones, equipment, or supplies can result in disciplinary action, including possible termination.

8.7.2 Certain job assignments may require that employees furnish personal equipment. If an employee is required to furnish any items, his/her supervisor will provide a list of the items needed. The district is not responsible for lost or stolen personal property, so employees should be careful to secure such equipment, as well as any money or valuables they have in the workplace.

8.8 non-Solicitation

8.8.1 It is the district's desire to conduct its operations in an orderly and efficient manner. The district believes its employees and the public should have the opportunity to work and receive District services without interference from persons who are pursuing a purpose not related to the district's normal business.

8.8.2 With this in mind, the district does not allow non-employees to come onto District property or buildings to solicit employees or other members of the public or to distribute literature or other materials for any purpose at any time. Furthermore, employees are prohibited from soliciting or distributing any form of literature or other materials during work time or in work areas. For this purpose, working time means time during which either the soliciting employees or the employees who are the object of the solicitation are expected to be actively engaged in their assigned work. Work areas do not include the employee lunchroom.

8.9 Employment of Relatives

Relatives will not be hired if such employment would result in one relative supervising another, directly or indirectly; 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.

8.10 Bulletin Boards

Information of special interest to all employees is posted regularly on the district bulletin boards. Employees may not post any information on these bulletin boards without the prior authorization of the Executive Director or the employee's Supervisor. Employees are urged to check the bulletin board frequently, as they are expected to be aware of its posted contents.

8.11 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 west side of the facility. The district assumes no responsibility for vehicles or their contents in these parking areas.

8.12 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.

8.13 Computer Usage and Privacy

The district regards desks, computers, file cabinets, furniture, and other workspaces 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 on 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.

8.14 Contact with News Media

The Executive Director is responsible for all official contacts with the news media during working hours, including answering 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 subjects.

8.15 Safety

8.15.1 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.

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

8.15.3 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.

8.16 Substance Abuse

8.16.1 The District will discipline or terminate employees possessing, consuming, selling, using, or being under the influence of, alcohol, illegal drugs, or other controlled substances during work hours or on District property, including break times and meal periods. The district may also discipline or terminate an employee who exhibits an on-going dependence on alcohol, drugs, or other controlled substances which, in the district's opinion, impairs the employee's work performance, poses a threat to the public confidence, or is a safety risk to the district or others. The district is committed to supporting employees who undergo treatment and rehabilitation for alcohol or other chemical dependency.

8.16.2 Employees who voluntarily seek treatment may use accrued PTO leave to attend a bona fide treatment or counseling program. The district may condition continued employment on the employee's successful completion of treatment or counseling programs and future avoidance of alcohol or other controlled substances.

8.16.3 An employee may be required to submit to alcohol, drug, or controlled substance testing when the employee's work performance causes a reasonable suspicion that the employee is impaired due to current intoxication, drug or controlled substance use or in cases where employment has been conditioned upon remaining alcohol, drug, or controlled substance free following treatment. Refusal to submit to testing, when requested, may result in disciplinary action, including possible termination.

8.16.4 Employees using any prescription or over the counter drugs which might impair their ability to safely perform their jobs should notify their supervisor. At the option of the Supervisor, an employee may be reassigned to less hazardous duty or be required to use accrued PTO leave if impaired work performance might pose a threat to the public confidence or to the safety of the employee or others.

8.16.5 Employees must notify the district within five days of any conviction for a drug violation in the workplace.

8.17 Suggestions

All employees are encouraged to make suggestions which 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.

8.18 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.

8.18.1 *Step 1:* An employee should first try to resolve any problem or complaint with his/her supervisor.

8.18.2 *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.

8.18.3 *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:

8.18.3.1 A description of the problem.

8.18.3.2 A specific practice, guideline, or procedure, which the employee believes, has been misapplied.

8.18.3.3 The date of the circumstances leading to the complaint or the date when the employee first became aware of those circumstances.

8.18.3.4 The remedy sought by the employee to resolve the dispute.

8.18.4 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 a determination will be final and binding.

8.19 Litigation

From time to time the district may be involved in legal action. The only persons authorized to receive legal summons and lawsuit filings for the district are the Executive Director, District Accountant and the Clerk of the Board of Commissioners during business hours, and the Executive Director or District Accountant or Clerk of the Board upon receipt of the summons or lawsuit are responsible for promptly notifying the District's Attorney and the District's insurance carrier. No other persons or employees are authorized or allowed to accept service on behalf of the district. Any unauthorized person should advise the process server.

409 Whistleblower Policy

9.1 Policy

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.

9.2 Definition of Improper Governmental Action

Any action by a District officer or employee:

9.2.1 That is undertaken in the performance of the officer's or employee's official duties, whether the action is within the scope of the employee's employment; and

9.2.2 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.

9.3 Procedures for Reporting

District employees who become aware of improper governmental actions should first raise the issue with their supervisor or Supervisor. If requested by the supervisor or Supervisor, the employee shall submit a written report to the supervisor or Supervisor, or to some person designated by the supervisor or Supervisor, stating in detail the basis for the employee's belief that an improper governmental action has occurred. Where the employee reasonably believes the improper governmental action involves his or her supervisor or Supervisor, the employee may raise the issue directly with the Executive Director.

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

The Supervisor and the Executive Director will endeavor to take prompt action to assist the district in properly investigating the report of improper governmental action. District officers and employees involved in the investigation are required to keep the identity of reporting employees confidential to the extent possible under law unless the employee authorizes the disclosure of his or her identity in writing. After an investigation has been completed, the employee reporting the improper governmental action should be advised of a summary of the results of the investigation, except that personnel actions taken because of the investigation may be kept confidential.

District employees may report information about improper governmental action directly to the appropriate government agency with responsibility for investigating the improper action if the District employee reasonably believes that an adequate investigation was not undertaken by the District to determine whether an improper governmental action occurred, or that insufficient action has been taken by the District to address the improper governmental action or that for other reasons the improper governmental action is likely to reoccur. A list of governmental agencies to whom the employee may wish to report is attached as Appendix A to this manual.

District employees who fail to make a good-faith attempt to follow the district's procedures in reporting improper governmental action do not receive the protections provided by the district in these procedures.

9.4 Protections Against Retaliatory Actions

District officials and employees are prohibited from taking retaliatory action against a District employee because he or she has in good faith reported an improper governmental action in accordance with these policies and procedures.

Retaliatory action means any adverse change in the terms and conditions of a District's employee's employment.

Employees who believe that they have been retaliated against for reporting an improper governmental action should advise their supervisor or the Executive Director. The Executive Director and/or Supervisor will endeavor to take appropriate action to investigate and address complaints of retaliation.

If the employee's Supervisor or the Executive Director do not satisfactorily resolve a District employee's complaint that he or she has been retaliated against in violation of this policy, the employee may obtain protection under this policy and pursuant to state law by providing a written notice within 30 days after the occurrence of the alleged retaliatory action to the District Board of Commissioners that:

- (a) specifies the alleged retaliatory action and
- (b) specifies the relief requested.

District employees are required to provide a copy of their written notice to the Executive Director. The district will endeavor to respond within 30 days to the charge of retaliatory action.

After receiving either the response of the district or 30 days after the delivery of the charge to the District, the District employee may request a hearing before a state administrative law judge to establish that a retaliatory action occurred and to obtain appropriate relief provided by law. An employee seeking a hearing shall deliver the request for hearing to the Executive Director within the earlier of either 15 days of delivery of the district's response to the charge of retaliatory action, or 45 days of delivery of the charge of retaliation to the district for response.

Upon receipt of request for hearing, the district may apply, within five working days, to the State Office of Administrative Hearings for an adjudicative proceeding before an administrative law judge:

Office of Administrative Hearings PO Box 42489

Olympia, WA 98504-2489

(360) 753-2531 (SHS)

(800) 583-8271 (Toll-free)

(360) 586-6563 (Fax)

The district will consider any recommendations provided by the administrative law judge that the retaliator be suspended with or without pay or dismissed.

9.5 Responsibilities

The Executive Director is responsible for implementing the district's policies and procedures (1) for reporting improper governmental action and (2) for protecting employees against retaliatory actions. This includes ensuring that this policy and these procedures (1) are posted where employees will have reasonable access to them, (2) are made available to any employee upon

request, and (3) are provided to all newly hired employees. Supervisors and supervisors are responsible for ensuring the procedures are implemented within their areas of responsibility. Violations of this policy and these procedures may result in appropriate disciplinary action, including possible termination.

410 Discipline and Termination

10.1 Discipline

10.1.1 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.

10.1.2 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.

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

10.1.4 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.

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

10.1.5.1 Oral Warning: An oral warning is a counseling session between the employee's Supervisor and the employee about 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.

10.1.5.2 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 reviewing 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.

10.1.5.3 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 which 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. 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.

Suspension with pay, where the employee is placed on administrative leave, may be utilized by the district pending the results of an investigation or disciplinary action.

10.1.6 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:

10.1.6.1 The reason(s) for the termination.

10.1.6.2 Information on any previous warnings or disciplinary actions that may be relevant.

10.1.6.3 A summary of the employee's past work record and length of employment with the district; and

10.1.6.4 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 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.

10.2 Rules of Conduct

10.2.1 In the interest of the district and the public, it is desirable, whether off-duty or on-duty, that an employee's conduct reflects 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.

10.2.2 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.

10.2.3 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.

10.2.4 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, timecard, 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 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 care and attention to one's work as required by the circumstances.
- Unexcused or excessive absences, tardiness, or abuse of PTO 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.

10.2.5 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.