

**FORT WORDEN**  
**Public Development Authority**

**Personnel Policies Manual**

**Table of Contents**

<b>SECTION</b>	<b>PAGE</b>
CHAPTER 1 PURPOSE AND SCOPE.....	1
1.1 INTRODUCTION.....	1
1.2 INTENT OF POLICIES.....	1
1.3 SCOPE OF POLICIES.....	2
1.4 CHANGING THE POLICIES.....	2
1.5 DEFINITIONS.....	2
CHAPTER 2 GENERAL POLICIES, PRACTICES AND EMPLOYEE CONDUCT.....	5
2.1 GENERAL CODE OF CONDUCT.....	5
2.2 EQUAL EMPLOYMENT OPPORTUNITY.....	6
2.3 DISABILITY DISCRIMINATION PROHIBITED.....	6
2.4 LIFE THREATENING/COMMUNICABLE DISEASES.....	6
2.5 ANTI-HARASSMENT.....	7
2.6 SEXUAL HARASSMENT PROHIBITED.....	7
2.7 DISCRIMINATION/HARASSMENT COMPLAINT PROCEDURE.....	8
2.8 EMPLOYEE PERSONNEL RECORDS.....	10
2.9 EMPLOYMENT REFERENCES.....	11
2.10 EMPLOYEE APPEARANCE AND BEHAVIOR.....	11
2.11 EMPLOYEE ISSUES.....	12
CHAPTER 3 RECRUITMENT, APPLICATIONS, AND SELECTION.....	12
3.1 RECRUITMENT.....	12
3.2 NEW HIRE SELECTION.....	12
3.4 TRIAL PERIOD.....	14
3.6 EMPLOYMENT OF RELATIVES (NEPOTISM.....	15
CHAPTER 4 HOURS AND ATTENDANCE.....	16
4.1 WORK WEEK.....	16
4.2 HOURS OF WORK AND OVERTIME.....	16
4.3 COMPENSATORY TIME.....	17
4.5 ATTENDANCE.....	18
4.6 UNUSUAL WEATHER CONDITIONS.....	18
4.7 BREAKS AND MEAL PERIODS.....	18
4.9 PAYROLL RECORDS.....	19
CHAPTER 5 COMPENSATION.....	19
5.1 SALARY CLASSIFICATION AND GRADES.....	19
5.2 JOB DESCRIPTIONS AND RECLASSIFICATION.....	19
5.5 DEDUCTIONS.....	20
5.8 COMPENSATION UPON TERMINATION.....	22
CHAPTER 6 PERFORMANCE EVALUATIONS AND TRAINING.....	23
6.1 PERFORMANCE EVALUATIONS.....	23
CHAPTER 7 BENEFITS.....	24
7.1 RETIREMENT BENEFITS.....	24
7.2 DISABILITY BENEFITS (WORKERS COMPENSATION).....	24
7.4 CONTINUATION OF INSURANCE COVERAGE.....	25
7.5 UNEMPLOYMENT COMPENSATION.....	25
CHAPTER 8 LEAVES.....	26
8.1 VACATION LEAVE.....	26
8.4 JURY AND WITNESS DUTY LEAVE.....	29
8.5 ADMINISTRATIVE LEAVE.....	29
8.7 FAMILY LEAVE.....	29
8.8 BEREAVEMENT LEAVE.....	32

CHAPTER 9	EMPLOYEE RESPONSIBILITIES.....	33
9.1	OUTSIDE EMPLOYMENT AND CONFLICTS OF INTEREST.....	33
9.3	POLITICAL ACTIVITIES.....	33
9.4	NO SMOKING POLICY.....	34
9.5	CITY PROPERTY/PERSONAL POSSESSIONS.....	34
9.11	DRIVER'S LICENSE REQUIREMENTS.....	40
9.13	ACCIDENT PREVENTION AND SAFETY.....	41
9.14	SUBSTANCE ABUSE.....	43
9.9	CONTACT WITH THE NEWS MEDIA.....	44
CHAPTER 10	.....DISCIPLINE AND TERMINATIONS	
	.....	45
10.1	ACTIONS SUBJECT TO DISCIPLINARY ACTION.....	45
10.2	POSSIBLE DISCIPLINARY ACTIONS.....	48
10.4	LAYOFF.....	48
10.5	RESIGNATION.....	49
CHAPTER 11	.....COMPLAINT PROCEDURES	
	.....	50
11.1	COMPLAINT PROCEDURES.....	50

# CHAPTER 1 PURPOSE AND SCOPE

## 1.1 INTRODUCTION

The Fort Worden Public Development Authority (FWPDA) places the highest value on its employees. We wish to see satisfied workers, with the support necessary to achieve the objectives of each position. The FWPDA believes that clear, consistent personnel policies contribute to greater job satisfaction. All employees and new hires are required to be familiar with these policies. If questions arise, please begin with a discussion with your supervisor or department director. Employees are encouraged to offer ideas or suggestions for improvement of these policies.

These personnel policies serve as a general guide to the FWPDA's current employment practices and procedures. As such, we hope they will help employees better understand how the FWPDA operates and what is expected of an employee, and what the employee can expect in return. These policies also describe the compensation, benefits and other support provided by the FWPDA.

## 1.2 INTENT OF POLICIES

**These policies are not intended to be a contract, express or implied, or any type of promise or guarantee of specific treatment upon which an employee may rely, or a guarantee of employment for any specific duration.** Although the FWPDA desires long-term employment relationships, it is recognized this may not always occur and either the employer or employee may decide to terminate employment. **Unless specific rights are granted in employment contracts all employees of the FWPDA are considered at-will employees and may be terminated from FWPDA employment at any time, with or without cause and with or without notice.** No supervisor, department director or representative of the FWPDA, other than the FWPDA Executive Director, has authority to enter into any agreement with an employee for employment for any specified period or duration, or to make any written or verbal commitments to the contrary. Any agreements for employment for any specified period or duration must be in writing signed by the FWPDA Executive Director. It is the FWPDA's intent these policies be interpreted as providing a reasonable approach to specific problems and situations; they should be considered as a total set of working procedures rather than interpreting each section, subsection, sentence or phrase separately and out of context.

### 1.3 SCOPE OF POLICIES

**These personnel policies apply to all FWPDA employees.** In cases where these policies conflict with any ordinance or state or federal law, the terms of that law, rule or agreement prevail. In all other cases, these policies apply. In the event of the amendment of any ordinance, rule, or law incorporated in this document or upon which these provisions rely, these personnel policies shall be deemed amended in conformance with those changes.

### 1.4 CHANGING THE POLICIES

As the need arises, the FWPDA Board of Directors may modify and supplement these policies and, through the annual budget process, may enact changes to compensation or benefit levels. The FWPDA Executive Director may increase employees compensation based on individual performance evaluations as long as it is within the budget approved by the FWPDA Board. The FWPDA Executive Director may also deviate from these policies in particular situations, especially in an emergency, to achieve the primary mission of serving the FWPDA's customers and tenants. Employees may request specific changes to these policies by submitting suggestions to the FWPDA Executive Director.

These policies do not create an employment contract or implied contract rights for employees, nor do they create a promise or guarantee of specific treatment in a specific situation. The FWPDA retains the right to administer or implement these policies appropriate to the particular situation or occurrence. The FWPDA also retains the right to revise, supplement or rescind these policies without prior notice to employees.

### 1.5 DEFINITIONS

**Appointing Authority:** The person empowered with authority to appoint and/or remove employees from FWPDA positions, or persons delegated by such appointing authority to perform duties which legally may be delegated. The FWPDA appointing authority is the FWPDA Executive Director.

**At-will Employee:** Unless specific rights are granted to an employee in a collective bargaining agreement, civil service rules, or elsewhere, an employee of the FWPDA may be terminated at any time, with or without cause and with or without notice.

**FWPDA:** The FWPDA.

**FWPDA Business:** Includes work or job duties directly arising out of a work assignment or work duties that directly benefit the FWPDA and its operations.

**FWPDA Facility:** Any building that is owned or leased by the FWPDA, associated grounds and parking lots with a building that is leased by the FWPDA..

**Class/Classification:** Systematic arrangement of job titles into categories according to positions sharing similar job functions and/or responsibilities.

**COBRA Rights:** Federal law which permits employees who are terminating from FWPDA employment to continue eligible group medical coverage at their personal expense for a specified period of time determined by federal law.

**Days:** References to “days” in these policies shall mean calendar days unless otherwise stated.

**Manager:** An employee responsible for directing one or more FWPDA departments or divisions.

**Emergency:** A circumstance that, if not immediately addressed, may cause injury or damage to persons or property.

**Exempt Employee:** An employee who does not receive overtime pay for all hours worked in excess of 40 hours per week as provided in the Fair Labor Standards Act (FLSA) because the employee works in a bona fide executive, administrative, professional or other exempt position covered by the FLSA and Washington Minimum Wage Act.

**Good Driving Record:** Less than two moving violations within the preceding three years; no reckless driving or driving while intoxicated violations within the preceding five years. Maximum of one motor vehicle accident within the preceding three (3) years for which the applicant received a traffic or criminal citation and was convicted, forfeited bail, or pleaded guilty.

**Human Resources:** Human Resources as used in this Manual means the Finance Manager.

**Immediate Family:** Includes the following: spouse; domestic partner; parent; child; stepchild; brother or sister; mother or father-in-law; son or daughter-in-law; grandparent; grandchild; step-parents, or any relative who lives in the employee's home. An individual is considered a relative whether related by blood, marriage or adoption.

**Non-exempt Employee:** An employee who receives overtime pay for hours worked beyond 40 hours in a standard work week in accordance with the Fair Labor Standards Act (FLSA) and Washington Minimum Wage Act. The amount of overtime pay is one and one-half times the regular rate of pay for actual hours worked.

**Other Part-time Employee:** Other part-time employee includes seasonal, on-call, and other part-time non-benefited employees (regularly averages less than 20 work hours per week).

**Pro-rata Basis:** The ratio between the number of hours in an employee’s normal work schedule and forty (40) hours per week, as it applies to leaves and benefits.

**Regular Employee:** Regular Employee means a Regular Full-Time Employee or a Regular Part-Time Employee.

**Regular Full-Time Employee:** An employee hired in a budgeted, authorized position, which has successfully completed a trial period as defined in these policies and who regularly works a minimum of forty (32) hours a week on a regular year-round schedule.

**Regular Part-Time Employee:** An employee hired in a budgeted, authorized position, who has successfully completed a trial period as defined in these policies and who regularly works less than forty (32), but at least twenty (20) hours a week on a regular year-round schedule, unless provided otherwise in a bargaining agreement.

**Temporary Employee:** An employee hired to work a fixed or flexible schedule of hours for a specified period of time, or an employee who is hired on an intermittent, seasonal or as-needed basis, as provided in Section 3.3.

**Trial Employee:** An employee who has not yet completed a trial period in a regular position and who has not been granted regular employment status. Unless otherwise specified, when regular employees are referred to in these policies, the reference includes trial employees.

## **CHAPTER 2**

# **GENERAL POLICIES, PRACTICES AND EMPLOYEE CONDUCT**

### **2.1 GENERAL CODE OF CONDUCT**

All FWPDA employees are expected to represent the FWPDA 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 the position and department director or FWPDA Executive Director.

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

The FWPDA is a small workforce and, to function efficiently, employees may be asked to perform duties outside regular assignments. This arrangement is necessary in many small organizations. To make the most efficient use of personnel, the FWPDA also reserves the right to change work conditions and duties originally assigned. If these changes in arrangements become necessary, the FWPDA expects employee cooperation.

As to any issue of employee discipline, the FWPDA retains complete discretion as to when a situation calls for discipline or correction and what form and level of discipline are appropriate. FWPDA management believes in appropriate discipline in appropriate circumstances. Normally, if the problems are performance related, corrective action may call for "coaching" or counseling initially. If problems arise from misconduct or an intentional disregard for directives or these policies, such conduct may warrant more serious discipline (such as written reprimands, disciplinary probations, suspension or discharge). Performance problems may also warrant more serious discipline, if the FWPDA determines the situation has not improved or worsens. However, management will review each situation independently and make a decision on what it deems to be appropriate discipline, up to and including discharge for the first offense. A decision to use progressive-type discipline in a given case is an attempt to improve the performance or behavior, but does not change the "at will" nature of the employment relationship. For represented employees, the FWPDA will adhere to procedures set forth in the applicable labor agreement.

Some examples of conduct which may lead to discipline or discharge include:

- insubordination; unauthorized release of FWPDA, customer or co-worker information; swearing or verbal abuse; falsification of any work, personnel, or other FWPDA records; unauthorized taking or removal of FWPDA funds or property; use of FWPDA vehicles/equipment or property for non-business purposes; dishonesty; lying; discrimination against or harassment of co-workers or others; possession, consumption, or being under the influence of alcohol or a controlled substance at work or on FWPDA property; bringing a weapon to the workplace; assaulting, fighting or threatening to fight with another employee; misconduct of any kind; poor performance; excessive absenteeism or tardiness or failure to report in when absent or tardy; failure to comply with safety or security rules and procedures; and violation of FWPDA policy.



These examples are not all-inclusive; other negative behavior may also be grounds for discipline or discharge. See Chapter 10 for further examples of negative behavior.

## **2.2 EQUAL EMPLOYMENT OPPORTUNITY**

The FWPDA encourages and expects its work force to reflect the diversity of its citizens. The FWPDA is an equal employment opportunity employer. The FWPDA employs, retains, promotes, disciplines and otherwise treats all employees and job applicants strictly on the basis of job-related qualifications and competence. These policies and all employment practices shall be applied without regard to any individual's sex, race, color, creed, religion, national origin, sexual orientation (including gender identity), pregnancy, age, marital status, military status, disability, or any other characteristic protected by law.

## **2.3 DISABILITY DISCRIMINATION PROHIBITED**

The FWPDA will not discriminate against qualified applicants or employees with a sensory, physical or mental disability. Applicants and employees with a disability must be able to perform the essential functions of the job with reasonable accommodation. Employees whose disabilities require workplace accommodation are asked to seek the assistance of the FWPDA in order to initiate a mutual discussion of the employee's and FWPDA's needs.

## **2.4 LIFE THREATENING/COMMUNICABLE DISEASES**

Employees with life threatening illnesses or communicable diseases are treated the same as all other employees. They are permitted to continue working as long as they are able to maintain an acceptable level of performance and medical evidence shows they are not a threat to themselves or their co-workers. The FWPDA will work to preserve the safety of all of its employees and reserves the right, to the extent allowed by law, to reassign employees or take other job actions, including discharge, when a substantial and unusual safety risk to fellow FWPDA employees or the public may exist.

## **2.5 ANTI-HARASSMENT**

It is the FWPDA's policy to foster and maintain a work environment free from discrimination, harassment and intimidation. Toward this end, the FWPDA will not tolerate harassment of any kind by an employee toward any co-worker or member of the public. Employees are expected to show respect for each other and the public at all times, despite individual differences.

Harassment is defined as verbal or physical conduct that demeans or shows hostility or aversion toward another employees or members of the public. Harassment typically includes slurs or demeaning comments to employees or members of the public relating to race, ethnic background, gender, religion, sexual orientation (including gender identity), age, disability, marital status, military status or any other legally protected status; however the victim of harassment need not be a member of any protected category in order for harassment to occur. Any conduct having the effect of substantially interfering with an employee's work performance or creating an intimidating, hostile or offensive work environment may be considered harassment. Any harassment of a fellow employee or member of the public will be cause for disciplinary action, up to and including termination of employment.

Examples of behaviors which are inappropriate and/or illegal on the job referring to (but not limited to) gender, ethnic background or race include:

Negative or offensive comments; jokes; slang names or labels; talking about or calling attention to another employee's physical or mental state in a derogatory or offensive manner; displaying nude or sexual pictures, cartoons or calendars on FWPDA property.

(See Discrimination/Harassment Complaint Procedure, Policy 2.7, for guidance on what to do if you or a coworker experience harassment.)

## **2.6 SEXUAL HARASSMENT PROHIBITED**

Sexual harassment is a form of discrimination, is illegal and violates federal and state law and the FWPDA's policies. Sexual harassment is also inappropriate and offensive and will not be tolerated by the FWPDA. The FWPDA considers sexual harassment a serious offense, and an employee who harasses another employees or members of the public will be disciplined as in any other case of serious employee misconduct.

Sexual harassment is generally defined as:

any deliberate or repeated unsolicited behavior of a sexual nature which is unwelcome to the recipient, which causes the recipient discomfort or humiliation or which interferes with the recipient's work performance, or any incident in which a supervisor uses implicit or explicit coercive sexual behavior or influence to affect the career, salary, or employment of another employee or prospective employee.

Sexual harassment does not refer to casual conversation or compliments of a socially acceptable nature. It refers to behavior that is not welcome and which is personally offensive, interfering with the effectiveness or creating discomfort on the job.

Written examples of sexual harassment include suggestive or obscene letters, emails, notes and invitations. Verbal examples include derogatory comments, slurs, unwanted sexual comments, suggestions, jokes or pressure for sexual favors. Physical examples include assault, pats or squeezes, repeated brushing against someone's body, touching,

impeding or blocking movements. Visual examples include leering, sexually-oriented gestures, or display of sexually suggestive or derogatory objects, pictures, cartoons, or posters. Other examples include the threat or insinuation that lack of sexual favors will result in reprisal, such as: withholding support for job appointment, promotion or transfer; rejection on trial period; punitive actions; change of assignments; or a poor performance report.

For example, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct constitute sexual harassment when:

- It is part of an Executive Director's or manager's decision to hire or fire;
- It is used to make other employment decisions like pay, promotion or job assignments, or discipline; or
- It creates an intimidating, hostile or offensive work environment.

It is the policy of the FWPDA to prevent and/or eliminate sexual harassment in the workplace, as well as to alleviate any effects sexual harassment may have on the working conditions, or work environment, of an employee. In response to reports of sexual harassment, the FWPDA will seek to protect all parties involved from retaliation, false accusations, or future harassment and, where appropriate, will take prompt and adequate remedial measures.

Employees engaging in harassment are subject to discipline, up to and including termination. (See following Discrimination/Harassment Complaint Procedure, for guidance on what to do if you or a co-worker experience sexual harassment.)

## **2.7 DISCRIMINATION/HARASSMENT COMPLAINT PROCEDURE**

Each employee is responsible for creating an atmosphere free of discrimination and harassment in any form. Each employee is responsible for respecting the rights of co-workers and others, including the citizens we serve.

**The procedure an employee is to follow:** The following procedure outlines the steps an employee should follow if the employee believes he/she is experiencing harassment or discrimination on the job:

- 1) If comfortable doing so, identify the offensive behavior to the harasser and request that it stop. If such informal direct communication is impractical or the offensive behavior does not immediately cease:
- 2) Report the incident(s) to the immediate non-involved supervisor within the department, the Finance Manager or the FWPDA Executive Director.

Where possible, this should include the specific allegation, date of the occurrence, the individuals involved, and the names of any witnesses. A non-involved supervisor is defined as the first supervisor in an employee's department who is not the object of the complaint and is not otherwise involved in the harassing behavior. In the event that there is no non-involved supervisor, and the behavior involves the Executive Director and Finance Manager, the employee should report the incident to the FWPDA Attorney or FWPDA Board Chair.

No employee will suffer retaliation for reporting a good faith concern. Any employee involved in reporting a concern, or who participates in an investigation, may request that his or her identity be kept confidential. FWPDA officials and those involved in the

investigation will honor this request to the extent possible under law, business necessity, and the needs of the investigation. Confidentiality, however, cannot be guaranteed.

Employees are encouraged to take all action necessary to correct a workplace problem or harassment, so problems can be identified and corrected. They should not refrain from taking these steps due to a fear of retaliation. If retaliation occurs, promptly report such conduct in the same manner as outlined in this Section. With a prompt complaint from employees, the FWPDA will take all appropriate steps to correct a problem of harassment, discrimination or retaliation in the workplace and will assist the employee affected if further problems arise. Thus, employees are encouraged to utilize these procedures to resolve concerns about workplace discrimination before they allow such conduct to interfere with their performance or such conduct affects their satisfaction with the workplace.

**The procedure a manager or executive director is to follow:** Supervisors who are aware of situations involving discrimination or harassment must respond to such situations regardless of whether or not a complaint is received. Supervisors who receive complaints or become aware of such incidents must:

- 1) Take prompt action to insure the behavior is not repeated; and
- 2) Promptly notify the appropriate department director of the allegations, including all information known to or received by the supervisor

Managers shall be required to take the above steps and may be disciplined if they do not.

Department directors who are aware of situations involving discrimination or harassment must respond to such situations regardless of whether or not a complaint is received. Department directors who receive complaints or become aware of such incidents must promptly notify the FWPDA Executive Director:

**The investigation process:** Employees are prohibited from interfering in any investigation or retaliating against anyone who in good faith has filed a complaint or participated in an investigation of such a complaint.

The FWPDA Executive Director will direct an investigation, which may include an outside investigator appointed by the FWPDA Executive Committee. The Executive Director, will begin an investigation within a reasonable period of time after the report of alleged harassment is received. In determining whether alleged conduct constitutes harassment, the totality of circumstances, the nature of the harassment and the context in which the alleged incidents occurred will be investigated. Confidentiality will be maintained to the extent permitted by law.

The investigation will be directed at determining the facts concerning the allegations. If warranted, a comparison will be made of the treatment of others with that of the employee allegedly affected to see whether others have also been treated in the same manner. If, during the course of investigation, the investigator finds evidence of harassment involving other employees, the investigator shall either expand the original investigation to include the new matter or recommend that the FWPDA initiate a separate investigation.

The investigator shall advise the accused person of the allegations and afford him or her opportunity to reply. The employee shall also be advised that any retaliation will be subject to disciplinary action, regardless of the outcome of the investigation.

The results of each investigation shall be written and a finding made regardless of whether or not there is reasonable cause for disciplinary action. Disciplinary action, if harassment is found to have occurred, will occur, and may range from a verbal warning to termination, depending on the seriousness of the harassment. Nothing shall limit the authority of the FWPDA to modify policies or practices to correct any appearance of harassment without finding cause for disciplinary action or taking any disciplinary action. If an investigation determines the accused employee engaged in harassment or discrimination, appropriate action will be taken, as in the case of any other serious employee misconduct. Such actions may include warnings, verbal and/or written reprimands, a letter to the employee's file, or an employee transfer, demotion, suspension or termination. An employee may at his or her request have a statement of rebuttal or correction placed in his/her personnel file. Nothing limits the authority of the FWPDA to modify policies or practices to correct any appearance of harassment without finding cause for disciplinary action or taking any disciplinary action.

Employees participating in an investigation shall refrain from discussing the investigation process, interviews or issues under investigation to prevent harmful gossip and to prevent the possibility of tainting the investigation.

It is also the right of all employees to seek redress from the Washington State Human Rights Commission, the Equal Employment Opportunity Commission, or through the courts. However, employees are encouraged to exhaust the administrative remedies outlined by this policy before outside agencies are consulted.

**Responsibility for Implementation:** The FWPDA Finance Manager shall be responsible for disseminating information on this Policy against harassment, for developing training programs and guidelines for preventing sexual or other forms of harassment, and for investigating and resolving allegations of harassment.

All managers, supervisors, and Executive Director are assigned responsibility for implementing this policy, ensuring compliance with and knowledge of its terms, and for taking immediate and appropriate corrective action if they witness inappropriate behavior or receive a complaint. Managers must open and maintain channels of communication to permit employees to raise concerns of sexual or other workplace harassment without fear of retaliation, stop any observed harassment, and treat harassment matters with sensitivity, confidentiality, and objectivity. A manager's failure to carry out these responsibilities may result in disciplinary action up to and including discharge.

## **2.8 EMPLOYEE PERSONNEL RECORDS**

A personnel file is kept for each employee in a locked file in the Finance Manager's office in the Park Office. 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; all training received; performance evaluations; personnel actions affecting the employee, including discipline; accommodation and other pertinent information. Medical information about employees is contained in a separate confidential file. Employees are required to keep personnel information up to date by notifying Finance Manager of changes in address or telephone number, as well as changes in marital status or dependents if relevant to insurance plans.

Employees have the right to review their own files. An employee may request, through the FWPDA Executive Director, removal from his/her personnel file of information the employee believes to be irrelevant or erroneous. If the FWPDA Executive Director denies an employee's request to remove information, the employee may file a written

rebuttal statement to be placed in his/her file. A former employee shall retain this right of rebuttal for two years after the last day of FWPDA employment.

Personnel files are kept confidential to the extent permitted by law (e.g. Chapter 42.56 RCW and RCW 42.56.230). An employee's position title, job location, compensation, and dates of employment are public information. Except as required by law, access will be limited to the employee, employee's immediate manager, Finance Manager, FWPDA Attorney, FWPDA Executive Director, and FWPDA Executive Director's designee. If an employee engages in misconduct, such information may become available to the public under current interpretations of the public disclosure laws.

## **2.9 EMPLOYMENT REFERENCES AND VERIFICATION OF EMPLOYMENT**

**References:** Only the FWPDA Executive Director, General Manager, or Finance Manager will provide employment references on current or former FWPDA employees. Other employees shall refer requests for references to the appropriate Director or Manager. References will be factual in nature and job related. All written references need to be filed with Finance Manager.

The FWPDA has immunity under RCW 4.24.730 for certain disclosures of employee information to a prospective employer. The FWPDA Finance Manager will endeavor to retain a written record of the identity of the person or entity to which information is disclosed under RCW 4.24.730 for a minimum of two years from the date of disclosure, and the employee or former employee shall have the right to inspect any such written record upon request; any such written record shall become part of the employee's personnel file.

**Verification of Employment:** The Finance Manager may respond to requests from persons or entities seeking confirmation/verification of employment (including compensation, dates of employment, and position title.)

## **2.10 EMPLOYEE APPEARANCE AND BEHAVIOR**

Members of the public judge an organization not only by service, but also by the appearance of its personnel, equipment and facilities. Good public relations cannot be guaranteed by merely doing a good job; the public must be convinced the service is good through appearance, behavior and personal demeanor.

While on the job, the personal appearance of all employees, especially those who come into contact with the public, is important and should conform to community standards. Dress should be appropriate to the division/area in which an employee works. This may include required uniforms or dress code. All employees should, to the extent reasonable for their job duties, be neat and clean in dress and personal appearance, and convey a professional appearance while engaged in FWPDA business. The FWPDA Executive Director or Department Managers may establish reasonable standards of appearance and clothing which are appropriate for the job assignment. These standards may be verbal or in writing. Any accommodations must comply with safety requirements and overall professional appearance.

Those employees provided uniforms (e.g., fleece vests) by the FWPDA must maintain the uniform in good condition and wear the uniforms. The appearance of uniformed personnel is one of particular importance, since the public is more apt to recognize these employees as FWPDA personnel. Uniforms should be clean, pressed and mended properly. The appearance of the uniform depends on the way it is worn, as well as its condition.

The behavior and bearing of all personnel is an important factor in the formulation of public opinion. Individuals coming into government offices should perceive a positive work environment with inclusive cooperative attitudes. All FWPDA employees are expected to represent the FWPDA in a professional manner which is courteous, efficient and helpful. Employees are also expected to use appropriate language for a professional workplace. Profanity and other potentially offensive behavior are prohibited.

## **2.11 EMPLOYEE ISSUES**

Employees are encouraged to make recommendations or suggestions for the improvement of FWPDA services and internal operations. Non-represented employees may, in a non-disruptive manner, raise questions which affect salary and benefits and working conditions. Employees should address such questions to their immediate supervisor and, if a satisfactory response is not received, may ask for a meeting with the appropriate department director to discuss the issue. In the event the issue is not resolved at the department level, it may be brought to the Executive Director for his/her review and decision, which shall be final.

# **CHAPTER 3 RECRUITMENT, APPLICATIONS, AND SELECTION**

## **3.1 RECRUITMENT**

Recruiting practices are conducted solely on the basis of ability, merit, qualifications and competence, without regard to any individual's sex, race, color, religion, national origin, sexual orientation, pregnancy, age, marital status, military status, disability or any other characteristic protected by law. Public announcement of vacant positions shall be distributed in a manner which will attract a sufficient number of qualified persons. The vacancy shall be posted at designated public places for a minimum of ten (10) calendar days prior to the closing date for filing applications, unless an emergency has been declared by the FWPDA Executive Director.

Applications received which are not in response to an open position will not be retained on file. Applications must be received by the main office consistent with the published solicitation. A closing date may be extended by the FWPDA. Applications, whether accepted or rejected, will not be returned. Applications will be maintained in FWPDA archives consistent with the adopted records retention schedule.

**Expenses incident to recruitment and hiring:** The FWPDA Executive Committee has authority to authorize the expenditure of FWPDA funds to cover all or a portion of the actual expenses incident to employee recruitment, including, but not limited to, actual moving expenses for newly hired employees. The employee may be required to execute an agreement obligating the employee to reimburse all or a portion of the moving expenses paid by the FWPDA if the employee fails to remain in the service of the FWPDA for a specified period of time.

## **3.2 NEW HIRE SELECTION**

When a position becomes vacant, and prior to any posting or advertisement of the vacancy, the department manager shall review the position, its job description and the need for such a position prior to any posting or advertisement of the vacancy. The position will be posted and/or advertised only upon approval of the FWPDA Executive Director.

Finance Manager shall establish selection procedures for filling existing and anticipated vacant positions. Selection procedures for regular positions may be open and/or promotional, as may be determined by the FWPDA Executive Director, depending upon which approach will best serve the interests of the FWPDA with regard to a particular vacancy. If an open process is utilized, the selection process shall be competitive and related to the abilities and qualifications required of the position. The FWPDA may also conduct background procedures, to the extent allowed by law. Examples of such procedures include: requiring applicants/employees to show proof they are authorized to work in the United States, and requiring applicants/employees who have unsupervised access to children or vulnerable adults to complete a criminal history disclosure statement.

Applicants for positions involving the operation of a motor vehicle must be at least 18 years old and will be required to present a valid Washington State driver's license with any necessary endorsements. Applicants with poor driving records, as determined by the FWPDA, may be disqualified for employment in positions requiring driving duties.

Finance Manager may arrange for or conduct a background investigation including contact of references, prior and present employers, and a review of the applicant's listed education and work history. If the results of this investigation uncover information concerning the applicant's qualifications, rating or eligibility, Finance Manager may reevaluate the applicant.

### **3.3 TEMPORARY EMPLOYEES**

Department managers may use temporary employees in place of regular employees on vacation or other leave, to meet peak workload needs or temporarily fill a vacancy until a regular employee is hired. In an emergency, temporary employees may be hired without competitive recruitment or examination, although all hiring processes must comply with applicable state and federal laws.

#### **Temporary employees include, without limitation:**

- 1) Grant-funded projects: These employees will be involved in projects or activities that are funded by special grants for a specific time or activity. These grants are not those that are regularly available to, nor is their receipt predictable, by the FWPDA.
- 2) Miscellaneous or special projects: Other significant and substantial bodies of work may be appropriate for temporary employees. These bodies of work should be either non-routine projects for the department or related to the initiation or cessation of a FWPDA function, project, or department.
- 3) Seasonal positions: Temporary seasonal employees doing bargaining unit work but not included in the bargaining unit. These employees shall not be required to join the union and may work for the FWPDA between the dates of April 1 and October 15 and may exceed eighty (80) hours per month.
- 4) Temporary placement in regular positions: Employees who fill regular positions due to a regular employee's temporary absence such as extended leave or during the recruitment and selection process for a regular position.
- 5) Internships/Job Training Programs: Employees hired to work in a position for the purpose of gaining practical experience related to his/her course of study



in an undergraduate or graduate school program, or other type of formal job training program.

Temporary employees are employed on an at will basis and can be terminated at any time with or without cause. They are not entitled to any of the procedural protections contained in the Personnel Policies Manual. Temporary employees are paid on an hourly basis and are eligible to receive worker's compensation, unemployment, and social security benefits; they are not eligible to receive any FWPDA benefits (such as vacation, sick leave, health insurance, holidays). Temporary employees pay contributions to the Social Security system, as does the FWPDA on their behalf.

It is the intent of the FWPDA that temporary employees will be employed to adjust to peak demand and seasonal needs, for time-limited projects, or to provide assistance and/or services which are supplemental to regular FWPDA positions and require substantially fewer hours per week on an ongoing basis. When there are temporary employees doing work similar to work done by regular employees in a division or department, the manager is expected to annually evaluate regular staffing levels and to make appropriate recommendations to limit the use of temporary employees in the future.

**Selection of former temporary employees within two years:** In the interest of efficient and economical operation of the FWPDA's various departments, department directors may address short-term personnel needs through the standard hiring process for temporary employees. Due to the recruitment and training costs associated with temporary employees, opportunities for rehire may be pursued when an applicant is willing to return to employment within two years of his/her date of first hire as a temporary employee, so long as this applicant has performed effectively during periods of previous employment. This policy is intended to allow managers to draw on developed expertise and eliminate costs associated with a new employee selection process. This policy does not preclude the activation of a standard selection process in the event that either no former employees are available, or the skills and abilities of returning employees do not meet the needs of the affected department.

### **3.4 TRIAL PERIOD**

Upon hire or appointment, non-represented employees enter a 3-month trial period that is considered an integral part of the selection and evaluation process. Trial periods for represented employees are covered under applicable bargaining agreements and/or civil service rules. The trial period is designed to give the employee time to learn the job and the manager time to evaluate whether the match between the employee and the job is appropriate.

While the normal trial period is three months from the employee's date of hire, rehire or promotion, the FWPDA Executive Director may authorize a manager to extend the trial period for one or more additional 3-months extensions. If extended, trial period means the initial three month trial period and any extensions. An extension may be granted due to circumstances such as an extended illness or a continued need to evaluate an employee's performance.

Satisfactory completion of the trial period does not create an employment contract or in any way guarantee continued employment with the FWPDA, and unless specific rights are granted in employment contracts, civil service rules or elsewhere, the employee is considered an at-will employee and may be terminated from FWPDA employment at any time, with or without cause and with or without notice.

**Use of Paid Time Off during Trial Period:** Newly hired employees serving a trial period may use paid time off for illness, but may not use earned vacation until successful completion of the trial period (including any extensions), unless authorized by the FWPDA Executive Director.

### **3.6 EMPLOYMENT OF RELATIVES (NEPOTISM)**

Business necessity requires the establishment of policies regarding the employment of immediate family and members of the same household in order to avoid conflicts of interest or the perception of favoritism and to assure and maintain accountability.

The Immediate Family (as defined in Section 1.5 of these policies) or any member of the same household of current FWPDA employees will not be employed by the FWPDA under any of the following circumstances:

- 1) When one of the parties would have authority or practical power to supervise, appoint, remove, influence salary or compensation decisions or discipline the other;
- 2) When one party would handle confidential material that creates improper or inappropriate access to that material by the other;
- 3) When one party would be responsible for auditing the work of the other; or
- 4) When other circumstances exist that might lead to potential conflict among the parties or conflict between the interest of one or both parties and the best interests of the FWPDA.

**Change in Circumstances:** If two employees marry, begin sharing living quarters with one another, or become related by marriage or adoption and, if in the FWPDA's judgment, the potential problems noted above exist or reasonably could exist, only one of the employees will be permitted to remain employed by the FWPDA, unless appropriate action can be taken to reduce or eliminate the potential conflict, as determined by the FWPDA Executive Director. The decision as to which employee will remain with the FWPDA must be made by the two employees within thirty (30) calendar days of the date they marry, become related, or begin sharing living quarters with each other. If no decision is made during this time, the FWPDA reserves the right to terminate either employee. Employees affected by this Policy shall promptly report the change of circumstances to the department director and/or FWPDA Executive Director.

## **CHAPTER 4 HOURS AND ATTENDANCE**

### **4.1 WORK DAYS AND WORK WEEK**

Due to the nature of the hospitality business at Fort Worden, for most FWPDA full time employees, the designated work week is forty (40) hours within a seven (7) day work period, from midnight Sunday to 11:59 p.m. the following Sunday. Due to the nature of the FWPDA's operations, alternative work schedules and longer hours may be required by the FWPDA in some instances.

A normal working schedule for regular, full-time employees consists of forty (40) hours each work week. Different work schedules may be established by the Executive Director or Hospitality General Manager to meet job assignments and provide necessary FWPDA hospitality services (e.g. night watch/janitorial). Each employee's manager will advise the employee regarding his/her specific working hours. Part-time and temporary employees will work hours as specified by respective managers.

### **4.2 HOURS OF WORK AND OVERTIME**

Any FWPDA employee may be required, as a condition of employment, to work overtime when necessary as determined by his or her department manager. All overtime must be authorized in advance by the employee's manager. Working overtime hours without proper authorization may result in employee discipline, up to and including termination.

Matters involving wages and hours, including but not limited to minimum wage and overtime compensation, shall conform to applicable requirements of the federal Fair Labor Standards Act (FLSA) and the Washington Minimum Wage Act, chapter 49.46 RCW. All FWPDA positions are designated as either "exempt" or "non-exempt" according to the FLSA and Washington Minimum Wage Act regulations. Each employee's status may be obtained from Finance Manager.

**Recording time by non-exempt employees:** Non-exempt employees must personally check in at their scheduled time prior to beginning work. Verification would be based on the FWPDA time and attendance electronic system. Misrepresenting information on the time and attendance system, may result in discipline action.

**Recording time by exempt employees:** Because exempt employees are compensated to do a job and are not compensated based upon specific time worked and because they are expected to be available for evening meetings and work outside of regular work hours, including weekends, exempt employees may have more flexibility in their work schedule. Nevertheless, exempt employees must maintain good work habits, be accountable and available to their staff and direct supervisor, show demonstrated accomplishments, and make themselves regularly available during working hours to allow FWPDA business to be accomplished.

If an exempt employee has an absence of more than four (4) hours during a regularly scheduled work day, all hours during which the employee is absent that day must be deducted from an applicable PTO bank. Exempt employees are required to accurately report all time off that should be charged to the employee's leave bank.

**Overtime pay and compensatory time off for non-exempt employees:** Non-exempt employees are entitled to additional compensation, either in cash or compensatory time

off as determined by the FWPDA, when they work more than the maximum number of hours during a work period under applicable requirements of FLSA. For most employees, this is forty hours during a work week. Overtime pay is calculated at one and one-half times the employee's regular rate of pay for all time worked beyond the established work period, based on a forty hour work week. When computing overtime, work performed by regular employees, will be compensated at the overtime rate for hours in excess of forty (40) hours per week. An employee should record his/her time to the nearest quarter hour. When computing overtime, time paid for but not worked is not counted as hours worked and therefore does not count towards overtime.

**Exempt employees:** Exempt employees are not covered by the FLSA or Washington Minimum Wage Act overtime provisions and do not receive either overtime pay or compensatory time. An exempt employee is paid to perform a job, which may not necessarily be completed in a normal work week.

**Telecommuting:** Telecommuting will only be allowed with the approval of the FWPDA Executive Director; for example, to accommodate an employee who is temporarily unable to come to work but can perform job duties by telecommunicating.

### **4.3 COMPENSATORY TIME FOR NON-EXEMPT EMPLOYEES**

A regular full-time or regular part-time non-exempt employee may request compensatory time off ("comp time") in lieu of overtime pay. This is approved on a case-by-case basis by the employee's manager. The FWPDA is not required to grant comp time instead of overtime pay. If the comp time option is exercised, the employee is credited with one and one-half times the hours worked as overtime. All earned and used comp time must be accounted for on the employee's time sheet. Maximum accruals of compensatory time shall be limited to one hundred twenty (120) hours. After maximum accrual, overtime compensation shall be paid.

Employees are encouraged to use comp time accrued within ninety (90) days of earning it, unless, in the opinion of the manager, FWPDA operations would be unduly disrupted. Comp time should be used for short term absences from work during times mutually agreed to by the employee and his/her department director.

Employee comp time balances may be reviewed periodically as part of the FWPDA's financial process. The FWPDA retains the right to periodically cash out an employee's accrued comp time or any portion thereof.

**Accruing and Using Paid Time Off:** Paid Time Off will continue to accrue at the regular rate. When an employee takes a full day off, the time charged will be equivalent to the full number of hours the employee was scheduled to work. This compensates for actual time absent for regularly scheduled work hours.

**Paid Holiday falling on regularly scheduled work day:** When a paid holiday falls on an employee's regularly scheduled work day, the employee will be paid eight (8) hours of holiday pay.

**Paid Holiday falling on regularly scheduled day off:** When a paid holiday falls on an employee's regularly scheduled day off, the employee will be paid eight (8) hours of holiday pay unless.

**Meal Periods and Breaks:** Employees on alternative schedules are required to take an unpaid lunch break of at least 30 minutes per work day. Employees are entitled to a paid 15 minute break for every four (4) hours of working time; this break should be

taken near the midpoint of each work period. Breaks may neither be accrued nor added to lunch periods or start or end of work days.

#### **4.5 ATTENDANCE**

Punctual and consistent attendance is a condition of employment and is considered an essential function of the job for all FWPDA employees. All employees are expected to report to work as scheduled and perform productive work for the FWPDA during their scheduled work shifts. Each employee is responsible for maintaining an accurate record of his or her attendance.

Employees unable to work or unable to report for work on time are to notify their supervisor as soon as possible, ordinarily before the work day begins or within thirty (30) minutes after the employee is scheduled to start work. Absent extraordinary circumstances, other employees are not allowed to handle this responsibility for them and should not be asked to do so. Employees must also notify and obtain permission from their supervisor for any early departures or absences during the work day. If an absence continues beyond one day, the employee is responsible for reporting in each day, unless other arrangements have been approved in advance by the employee's immediate supervisor or Finance Manager. If the supervisor is unavailable, the employee may leave a message with the department director or his/her designated representative, stating the reason for being late or unable to report for work.

An employee who is absent without authorization or notification on a scheduled work day is subject to disciplinary action, including possible termination.

Employees may also be disciplined up to and including termination for failing to report to work without notice or with insufficient notice, for excessive absenteeism or tardiness, or for other attendance and tardiness problems. An employee who is absent without notification or authorization for three (3) consecutive scheduled work days shall be considered as having abandoned his or her job and may be terminated.

#### **4.6 EMERGENCY CONDITIONS**

**Reporting to work:** During times of inclement weather, natural or man-made disaster or other emergencies, it is essential the FWPDA continue to provide vital public services. Therefore, unless the FWPDA notifies employees otherwise, employees are expected to make every reasonable effort to report to work and/or remain at work without endangering their personal safety or the safety of others.

Any regular full-time or regular part-time employee unable to report to work as a result of emergency or extreme weather conditions will be given the option of using any form of paid time off, or taking time off without pay for time missed if all other leaves are exhausted. The employee shall promptly advise his/her supervisor, as in any other case of late arrival or absence.

#### **4.7 BREAKS AND MEAL PERIODS**

Employees will take one (1) fifteen-minute break, near the midpoint of each work period, for every four (4) hours worked. All breaks shall be arranged so they do not interfere with FWPDA business or service to the public and must be coordinated with other employees. Breaks may not be used to justify either a late arrival or an early departure from work.

Employees who work for more than five (5) consecutive hours are allowed an unpaid meal period of at least 30 minutes that begins no less than two (2) hours or more than five (5) hours from the beginning of the shift. Meal periods shall be scheduled by the employee's supervisor. The scheduling of meal periods may vary depending on department workload. Meal periods are unpaid and are usually one hour in length.

#### **4.9 PAYROLL RECORDS**

The official payroll records are kept by the Finance Department. Each employee shall turn in to his or her supervisor twice a month (in accordance with a form and schedule from the Payroll Benefits Administrator), a signed work record, noting hours worked, leave taken and overtime worked. Exempt employees will turn in an "Exempt Employees Leave" form if they have taken leave during a subject pay period. An employee's signature on his/her work record constitutes his/her verification that the time reported as worked or paid leave taken away from work was in accordance with the policies of the FWPDA and all time has been recorded accurately. All employee time must be reviewed and approved by the managers. The FWPDA Executive Director shall sign work records for department managers.

### **CHAPTER 5 COMPENSATION**

#### **5.1 SALARY AND WAGES**

All salaries and wages are included in the FWPDA's annual budget. The FWPDA Executive Director, within the total amount approved for salary and wages in the annual budget, may set employee compensation and provide for raises and/or decreases in employee compensation based on performance, merit, longevity, additional tasks and the like.

#### **5.2 JOB DESCRIPTIONS**

Job descriptions are the official description of the representative duties, responsibilities and supervisory relationships of a classification. The job description sets forth the following information for each position: title; summary of nature of work; essential duties and responsibilities; minimum requirements and qualifications, including knowledge, skills and abilities essential for satisfactory performance in the position. The descriptions may also include a summary of the physical demands, work environment and key relationships an employee may encounter while performing the essential functions of the position. Finance Manager maintains a master set of all job descriptions.

The content of any job description is intended to be descriptive rather than restrictive and shall not to be construed to limit or modify the authority of the FWPDA Executive Director and General Manager to take from, add to, eliminate entirely or otherwise change the job content of any position. To make the most efficient use of personnel, the FWPDA reserves the right to change an employee's work conditions and duties as originally assigned either on a temporary or permanent basis. If these arrangements become necessary, the FWPDA expects the employee's best cooperation.

#### **5.4 PAYDAYS**

The FWPDA will pay employees at least twice monthly. If a designated payday falls on a Saturday, Sunday or holiday, the paycheck for that payday will be ready for each employee on the preceding business day.

#### **5.5 DEDUCTIONS**

Some regular deductions from the employee's earnings are required by law; other regular deductions are specifically authorized by the employee. The FWPDA will withhold from the employee's paycheck those deductions required by law and any voluntary regular deductions authorized by the employee, or statute. The FWPDA will deduct other contributions and/or payments upon written employee authorization, subject to approval by the FWPDA Executive Director and the capabilities of the FWPDA's accounting system. FWPDA employees will be required to sign an agreement authorizing payroll deductions for any personal expenses incurred through the use of programs such as employee cell phones or FWPDA purchasing cards, prior to the initial use of such FWPDA instruments. The authorization will apply to any amounts the employee fails to pay on a timely basis, including any payments due prior to or coming due after issuance of the employee's final paycheck at the end of the pay period.

## 5.7 TRAVEL EXPENSE REIMBURSEMENT

FWPDA employees and officials will be reimbursed for reasonable and customary expenses incurred in the conduct of their business for the FWPDA, including food, lodging and travel expenses while away, but excluding any expenses for personal entertainment and alcoholic beverages.

Reimbursement for such expenses will be made subject to conformance with the following:

- these policies,
- travel expense reimbursement policy,
- Chapter 42.24 RCW, Payment of Claims for Expenses, Material, Purchases—Advancements, and
- The State of Washington Administrative & Accounting Manual Issued by the Office of Financial Management (OFM Manual) (including amendments) (<http://www.ofm.wa.gov/policy/.htm>).

A specific provision in these policies governs over any conflicting provision in the OFM Manual.

Managers must approve any employee travel in advance. Employees should provide their supervisor with a copy of their itinerary before leaving on business travel.

Under normal circumstances, employees should use the most appropriate form of transportation available, book the least expensive fares, and stay in and eat at moderately priced establishments.

Employees may use either actual expenses or per diem allowance to seek reimbursement. Whichever method is used to account for expenses, the maximum the FWPDA can reimburse is limited to the per diem amounts adopted by the Finance Department approved reimbursement per diem policy. The FWPDA Executive Director may approve higher travel costs on a case-by-case basis.

Employees will not be reimbursed for the travel (including lodging and meal) expenses of their spouses, domestic partner, or other non-employees who may accompany the employee.

**Meal Reimbursement - No overnight stay:** Consistent with OFM Manual (section 10.40.50), the FWPDA may authorize the reimbursement of meal expenses incurred during authorized trips that do not involve an overnight stay subject to the following two criteria:

Three Hour Rule: A traveler may be reimbursed for meal expenses only after the traveler is in travel status for three hours beyond the traveler's regularly scheduled working hours for any one day. The three hours may consist of hours occurring before, after, or a combination of both before and after the traveler's regular scheduled working hours for the day.

In Travel Status During the Entire Meal Period: Travelers must be in travel status during the entire agency-determined meal period(s) in order to qualify to collect meal



payment for meal(s) (except as provided in OFM Manual Subsection 70.15.10 . The traveler may not stop for a meal just to meet the three hour rule.

If meals qualify under the above criteria, the FWPDA may authorize reimbursement. Where this occurs, the reimbursement will be added to the employee's regular paycheck as the IRS has determined that such reimbursement is subject to federal taxation.

## **5.8 COMPENSATION FOR TRAVEL TIME**

**Exempt Employees:** Employees who are exempt from the Fair Labor Standards Act (FLSA) are not compensated for travel time.

**Non- Exempt Employees:** Employees working in positions which are not exempt from the Fair Labor Standards Act (FLSA) may be on paid time for all or part of the time traveling on FWPDA business. Paid time for travel shall be clearly resolved in accordance with FLSA guidelines in advance of authorizing travel. The following guidelines will resolve the question in most cases. Managers are required to evaluate and resolve whether and to what extent travel time is paid in each situation. Cost to the FWPDA should be a key factor in authorizing travel for FWPDA business. Managers should consult with the FWPDA Executive Director or FWPDA Attorney to resolve any questions before authorizing travel.

Same day travel and return: An employee traveling and returning in the same day is considered to be working while engaged in approved travel on FWPDA business as necessary to meet the assignment (example: driving to another FWPDA for a training session). However, those components of the travel time that could be regarded as ordinary travel time between home and work are excluded (for example, traveling from home to Port Hadlock might take about the same time as driving to and from work).

Overnight travel: On overnight business trips, the time an employee spends traveling is considered work time whether the travel occurs on a normal workday or a day off. However in some instances not all of the time traveling may be compensated; for example: employee travels to Spokane on business and chooses to stay an extra night to drive home rather than flying. Only the time it would have taken to fly home would be compensated. In addition, if the cost of mileage is more than the cost of an average flight, compensation will be limited to cost of a flight.

Managers must approve the mode of travel and amount of anticipated travel compensation time in writing prior to the trip. Any expenses above and beyond those agreed to are the responsibility of the employee.

## **5.9 COMPENSATION UPON TERMINATION**

When an employee's employment with the FWPDA is terminated, the employee will receive the following compensation on the next regularly scheduled payday:

- 1) Regular wages for all hours worked up to the time of termination which have not already been paid;
- 2) Any overtime or holiday pay due;
- 3) Accrued and unused PTO;
- 4) Authorized overtime;

- 5) Less any authorized deductions for any unpaid personal expenses, for any expenses due to the failure to return FWPDA property as required prior to the date of termination.

In case of an employee's death, payment shall be made in accordance with the provisions of RCW 49.48.120 pertaining to payment on employee's death.

## **CHAPTER 6 PERFORMANCE EVALUATIONS AND TRAINING**

### **6.1 PERFORMANCE EVALUATIONS**

To achieve the FWPDA's goal to train, promote and retain the best qualified employee for every job, the FWPDA conducts periodic performance evaluations for all regular full and part-time positions. Employee reviews are normally conducted by department managers prior to completion of a trial period and usually once every twelve (12) months thereafter. Annual performance evaluations should be completed by December 31<sup>st</sup> of each year to support performance based raise recommendations impacting the next annual budget. The evaluation function is a communication tool to provide an opportunity for managers and employees to discuss, in a structured way, what each can do to make the workplace more productive.

### **6.2 TRAINING**

The FWPDA encourages continued education to enhance and develop the potential of each employee. The FWPDA seeks, within the limits of available resources, to offer training to increase an employee's skill, knowledge and abilities directly related to FWPDA 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.

## **CHAPTER 7 BENEFITS**

### **7.1 RETIREMENT BENEFITS**

The FWPDA makes contributions on behalf of all eligible employees to the Social Security System, in addition to those contributions made by the employee through FICA payroll deductions. Employees may voluntarily choose to enroll in the Washington State Deferred Compensation Plan program. The FWPDA will assist employees in enrolling in the Washington State Deferred Compensation Program (DCP). This is a voluntary program that allows employees to save toward retirement in via tax-deferred investments. To enroll, employees would complete a [Participation Agreement](#) and return the form by mail to PO Box 40931 Olympia, WA 98504.

### **7.2 HEALTH INSURANCE**

FWPDA provides health insurance for all full-time employees. Every employee who works 32 hours or more per month is considered full-time. Unless otherwise indicated, these benefits are available on the first of the month following the hire date and are subject to any limitations imposed by the insurance provider. Under the FWPDA's initial health insurance plan, the FWPDA will pay 80% of the health insurance benefit for full-time employees; the employee will pay 20%. FWPDA reserves the right to make changes in health insurance providers and plans, including cost-share, at its discretion, and will give employees ample notification of any such changes. Employees may obtain health insurance for family members through the FWPDA plan, but the employee is responsible for 100% of the monthly premium, to be paid through payroll deduction. For the purposes of health insurance, the employee's family includes any and/or all of the following: spouse, domestic partner and children less than 26 years of age. Temporary, part-time, and seasonal employees are not eligible for participation in health insurance programs

The FWPDA reserves the right to make changes in the carriers and provisions of these contracts when it deems necessary or advisable, and shall provide notice as soon as practical to employees.

Temporary employees are not eligible for insurance coverage, unless otherwise provided by authority of the FWPDA Executive Director.

### **7.3 DISABILITY BENEFITS AND WORKERS COMPENSATION**

All employees, are covered by the Washington State Workers' Compensation Program. This insurance covers employees in case of on-the-job injuries or job-related illnesses. For qualifying cases, Washington State Worker's Compensation Insurance will pay the employee for work days lost and related injury or illness medical costs. All job-related accidents and injuries must be reported immediately to the employee's supervisor. The supervisor shall direct the injured employee to seek immediate medical treatment if necessary, and shall be responsible for ensuring, as soon as physically possible, that the injured employee completes the Washington State Labor and Industries claim form and the FWPDA's Personal Injury Accident Report form. The supervisor is required to complete the supervisor portion of the FWPDA accident report form.

## 7.4 RETURN TO WORK

Before being allowed to return to work, an employee who has been away from work due to an injury or illness will normally be required to provide a written statement from the appropriate medical personnel certifying that the employee is able to resume his or her job duties, or specifying limitations on any duties. If restrictions or limitations are placed on the employee's ability to perform the job, the FWPDA, in cooperation with the employee and any medical personnel, will determine if there are any reasonable accommodations that it can make to enable the employee to return to work and perform the essential functions of his or her job. The FWPDA may require a medical examination at FWPDA expense, performed by a physician or physicians of its choice, to determine when the employee can return to work and if he/she is capable of performing the duties of the position. This requirement applies to all employees who have been unable to perform their duties for an extended period of time, whether their injury was initially work-related or not.

## 7.5 CONTINUATION OF INSURANCE COVERAGE

**Workers Compensation Leave:** An employee receiving Workers Compensation time loss benefits continues to accrue vacation leave and sick leave for up to six (6) months. The FWPDA also continues to pay the employer's portion of health insurance premiums, provided the employee continues to pay his/her share of premiums, if any. After six (6) months, the employee's benefits shall cease unless the FWPDA Executive Director makes an exception in accordance with the provisions of Section 1.4. The employee may continue health care benefits by self-paying insurance premiums for the remainder of the time he/she receives Workers Compensation benefits, unless that time frame exceeds the period provided under COBRA.

**COBRA Rights:** Upon an employee's termination from FWPDA employment or upon commencement of an unpaid leave of absence, at the employee's option and expense, the employee may be eligible to continue FWPDA health insurance benefits to the extent provided under the federal COBRA regulations. An administrative handling fee may be charged to the employee or his/her dependents who elect to exercise their COBRA continuation rights.

## 7.6 UNEMPLOYMENT COMPENSATION

FWPDA employees may qualify for State Unemployment Compensation after termination from FWPDA employment depending on the reason for termination and if certain qualifications are met. Employees who voluntarily quit are often not eligible for these benefits, but some exceptions exist, such as the geographic relocation of the employee's spouse. Gross misconduct is also grounds for denying these benefits. Check with the State Employment Security Department for additional information.

## **CHAPTER 8 PAID TIME OFF, HOLIDAYS & LEAVES**

### **8.1 Paid Time Off (PTO)**

Vacation, personal days and sick leave days are integrated into a Paid Time Off protocol, described below. Employees are welcome to use their Paid Time Off at their discretion, but it must be scheduled upon approval of their manager, subject to the conditions below.

Employees are eligible for PTO after the employee's 90-day orientation period, that is, on the 90th day of employment.

During the first year of employment, PTO is accrued at one day for every two months (maximum of six paid days off).

- After one year of employment, the employee is eligible for eight (8) paid days off.
- After two years of employment, the employee is eligible for fourteen (14) paid days off.
- After three years of employment, the employee is eligible for eighteen (18) paid days off.
- After 10 years of employment, the employee is eligible for twenty-two (22) paid days off.

Exception to the above PTO provisions: If the FWPDA employee had been an employee of Washington State Parks during the previous 12 months, that employee's paid time off provisions are determined in a different way. The employee's tenure with Washington State Parks is automatically taken into account regarding the earned Paid Time Off determined on the FWPDA schedule above. For example, if a FWPDA employee had worked for Parks for three years prior to joining FWPDA, that employee begins his/her job eligible for 18 paid days off.

All paid PTO days renew on the employee anniversary date. Any PTO not used by the anniversary date will be lost; it cannot be carried over to the next year. Part time employees are also eligible for paid time off. Their PTO allowance is determined using the same schedule as full-time employees, but pro-rated to reflect their part-time hours worked against a full-time schedule of 40 hours. For example, a 20-hour per week employee qualifies for half of the PTO benefits above.

### **Paid Holiday Policy**

Full time employees also receive paid holiday benefits. Part-time or seasonal employees are not eligible for paid holiday time off. Depending on staffing levels and schedules, full-time employees may be required to work designated paid holidays. If a full-time employee works a designated holiday the employee is required to take a paid day off within the next 30 days of the designated holiday. The paid holiday date will be approved by the employee's supervisor.

The following days are recognized by FWPDA as paid holidays:

- New Year's Day
- Memorial Day

- Fourth of July
- Labor Day
- Thanksgiving Day
- December 25

Holidays that fall on a Saturday will be observed on the preceding Friday and those that fall on Sunday will be observed on the following Monday.

**Scheduling of vacation time:** Each department manager is responsible for scheduling its employees' vacations without undue disruption of department operations. Leave requests should normally be submitted a minimum of two weeks prior to taking vacation leave. A manager may deny a request for vacation usage because of work demands or may cancel a vacation leave in case of an emergency. Any disputes in vacation usage may be informally taken to the department manager, and his/her determination shall be final.

**Paid time off cash out at termination:** Eligible employees whose employment is terminated by reduction in force, resignation, dismissal or retirement, and who have accrued vacation leave shall be paid for unused vacation leave as established in this Manual. In the event of an employee's death, payment shall be made in accordance with the provisions of RCW 49.48.120 pertaining to payment on employee's death.

### **8.3 BEREAVEMENT LEAVE**

The FWPDA provides regular full-time and regular part-time employees with paid leave in the event of the death of a member of an employee's immediate family. In such an event, an employee may, with the consent of his/her department head, be absent from duty for not more than three (3) work days. The FWPDA Executive Director may authorize use of Paid Time Off for additional bereavement leave beyond three (3) days.

### **8.4 LEAVE OF ABSENCE WITHOUT PAY**

Unless otherwise required by law, a leave of absence without pay, not to exceed five (5) working days, may be granted to an employee by the department manager; leaves of absence that exceed five (5) working days may be granted only upon the recommendation of the department director and approval of the FWPDA Executive Director.

Unless otherwise required by law, a leave of absence without pay shall result in adjustment of the employee's anniversary date for the length of the unpaid leave; the period of the leave will not be included in the "length of service" calculations.

An employee shall not accrue PTO and other benefits while on leave without pay status, unless otherwise required by the law. The employee has the option of paying his/her own medical benefit premiums while in unpaid leave status to insure continued coverage and avoid any new waiting periods required under contracts with health carriers. An employee who is temporarily absent due to an injury covered by Worker's Compensation or on a qualified Family Medical Leave will not lose seniority or health benefits due to the unpaid absence. Leaves without pay must be requested in writing at least thirty (30) days prior to the date the leave is to commence, except when an emergency precludes such notice. The written request for leave without pay shall state:

1) reason for requesting leave; 2) date leave is to begin; and, 3) the date of return to work.

## 8.5 JURY AND WITNESS DUTY LEAVE

**Jury Duty:** The FWPDA encourages jury duty and does not discriminate against employees who take time off for jury duty. The FWPDA reserves the right to ask employees to request a postponement of jury duty on the grounds of hardship.

In accordance with chapter 2.36 RCW, employees will be allowed necessary leave from employment to serve on the jury of a federal, state or municipal court. In the case of regular full-time and regular part-time employees such leave shall be paid for up to four weeks jury duty time actually served in a twelve month period. All other jury duty leave shall be unpaid. Because state law, RCW 2.36.150 provides that payments received by jurors from the court for each day's attendance constitute "expense payments," the FWPDA does not require employees to remit such payments to the FWPDA, including for periods of paid leave. The employee must give the FWPDA prompt notice of the call for jury duty, and in order to be eligible to receive paid jury duty leave the employee must furnish the FWPDA a written statement from the court showing the dates and times of jury duty served.

**Witness Duty:** All employees summoned to testify in court are allowed time off for the period they serve as witnesses. In general, witness duty leave is unpaid unless the employee is a witness on behalf of the FWPDA in a case involving the FWPDA or in connection with the employee's official FWPDA duties. For exempt employees, however, salary payment will continue except for full-day absences caused because the employee is a party in a lawsuit unconnected with the employee's official duties.

## 8.6 ADMINISTRATIVE LEAVE

On a case-by-case basis, the FWPDA may place an employee on administrative leave, with or without pay, for an indefinite period of time. Administrative leave may be used in the best interests of the FWPDA, as determined by the FWPDA Executive Director, pending an investigation or other administrative proceeding, or for other good cause.

## 8.8 FAMILY LEAVE

In accordance with the federal Family and Medical Leave Act of 1993 (FMLA) and all applicable state laws related to family and medical leave, including but not limited to the Washington Family Leave Law, Chapter 49.78 RCW, regular FWPDA employees may be eligible for an extended leave of absence for certain family or medical reasons.

### **Family Leave under Federal Law:**

**Family Leave Eligibility:** The FMLA provides up to twelve (12) weeks of unpaid, job-protected leave every twelve (12) months to eligible employees for certain family and medical reasons. To be eligible, one must have worked for the FWPDA for at least twelve (12) months with a minimum of 1,250 hours worked during the previous twelve (12) month period.

**Reasons for Taking Leave:** Unpaid FMLA leave is granted for any of the following reasons:

- 1) To care for a newborn child, newly adopted child, or foster care child;



- 2) To care for a spouse, child, or parent who has a serious health condition; or
- 3) An employee's own serious health condition which leaves the employee unable to perform the functions of his or her position, or for an employee's disability due to pregnancy.

Leave to care for a child following birth or placement for adoption or foster care must be concluded within 12 months of the birth or placement. Disability due to a pregnancy may permit the pregnant employee leave for the period of her disability, as well as up to 12 weeks of unpaid leave to care for the newborn, under Washington law.

A serious health condition is one which affects a person's health to the extent that inpatient care is required or absences are necessary on a recurring basis for more than a few days for treatment or recovery.

Under some circumstances, FMLA leave may be taken intermittently (that is, taken in blocks of time, or by reducing the normal weekly or daily work schedule), if medically necessary because of a serious health condition. If FMLA leave is for birth, placement for adoption or foster care, use of intermittent leave is subject to the FWPDA's approval.

**Concurrent Running of Leave:** Leave taken under the Washington Family Leave Law must be taken concurrently with any leave taken under the Federal Family and Medical Leave Act of 1993 and also will be taken concurrently with any accrued paid leave.

It is the FWPDA's policy to pay employees on Family Medical Leave their accrued leave benefits at the same time as they exhaust their FMLA leave.

If an employee has any form of accrued leave available, it must be used for the FMLA leave taken.

If an employee uses paid leave for a purpose which is eligible for FMLA leave, the FWPDA will designate the paid leave as counting against the employee's FMLA leave allowance. The employee is required to notify the FWPDA if paid leave is being used for possible FMLA qualifying purposes.

**Advance Notice and Medical Certifications:** The FWPDA requires employees provide advance leave notice, with medical certification of the need for a leave related to a health condition. As with any medical leave, a fitness for duty or release to work certificate will also be required before the employee can return to work. Taking leave, or reinstatement after leave, may be denied if these requirements are not met.

An employee must give the FWPDA at least thirty (30) days' advance notice of a request for leave. If circumstances do not allow the employee to give the required notice, notice shall be given as soon as possible once the need for leave becomes known. If thirty (30) days' advance notice is not given, and the need for the leave and the approximate date of the leave were clearly foreseeable, the FWPDA may deny the request for leave until thirty (30) days after the date of notice.

Prior to approving a request for medical leave, including intermittent or part-time leave, the FWPDA will require medical certification from a health-care provider of the need for and probable duration of the leave for a serious health condition of the employee or the employee's immediate family member.

The FWPDA will require a medical certification of fitness for duty to return to work after a medical leave where the employee's own serious health condition made the employee unable to perform the employee's job, or where the medical condition or job are such

that the FWPDA believes there may be a serious risk of injury to the employee or others if the employee is not fit to return to work.

**Health Insurance Benefits While on Leave:** An employee will be allowed to continue health insurance coverage under the same conditions as before the leave commenced. However, the FWPDA's payment of the employer-paid portion of the premium is conditioned upon the employee's return to work. If the employee is able to return from a family leave, but does not do so, the FWPDA is entitled to recover all insurance premiums it paid to continue the coverage while the employee was on leave, unless the failure to return was beyond the employee's control.

**Other Insurance Benefits While on Leave:** If the employee is covered by other FWPDA insurance plans, such as life or disability insurance, those coverage's will continue during the paid leave on the same basis as during regular employment. If the employee takes unpaid FMLA leave, he/she will be responsible during the leave for the premiums normally paid plus the premiums normally paid by the FWPDA.

Taking a FMLA leave will not cause an employee to lose any employment benefits which accrued before the start of the leave. However, the employee will not accrue these benefits during FMLA leave.

Not all details concerning state or federal family leave are covered in this policy. If an employee needs to take family leave, the employee should discuss this policy with the Finance Manager. Finance Manager may also assist in completing the required forms.

## 8.9 DOMESTIC VIOLENCE LEAVE

In accordance with the Washington Domestic Violence Leave law, Chapter 49.76 RCW, the FWPDA will provide reasonable leave from work, including leave on an intermittent or reduced-schedule basis, for an employee to:

- 1) Seek legal or law enforcement assistance or remedies to ensure the health and safety of the employee or employee's family members including, but not limited to, preparing for, or participating in, any civil or criminal legal proceeding related to or derived from domestic violence, sexual assault, or stalking;
- 2) Seek treatment by a health care provider for physical or mental injuries caused by domestic violence, sexual assault, or stalking, or to attend to health care treatment for a victim who is the employee's family member;
- 3) Obtain, or assist a family member in obtaining, services from a domestic violence shelter, rape crisis center, or other social services program for relief from domestic violence, sexual assault, or stalking;
- 4) Obtain, or assist a family member in obtaining, mental health counseling related to an incident of domestic violence, sexual assault, or stalking, in which the employee or the employee's family member was a victim of domestic violence, sexual assault, or stalking; or
- 5) Participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the employee or employee's family members from future domestic violence, sexual assault, or stalking.

The employee may elect to use Paid Time Off leave. Domestic violence leave, including documentation of such leave, will be applied and administered in accordance with the provisions of the state Domestic Violence Leave law, including, that taking of leave does result in the loss of any pay or benefits to the employee that accrued before the date on which the leave commenced; and that upon an employee's return, the FWPDA shall either restore the employee to the position of employment held by the employee when the leave commenced; or restore the employee to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.

Nothing in this section shall be construed to provide greater or lesser leave rights to employees who are victims of domestic violence, sexual assault, or stalking than those required by Chapter 49.76 RCW. Employees requesting Domestic Violence leave will be required to notify Finance Manager for the require forms.

## **CHAPTER 9 EMPLOYEE RESPONSIBILITIES**

### **9.1 OUTSIDE EMPLOYMENT AND CONFLICTS OF INTEREST**

Employees shall not, directly or indirectly, engage in any outside employment or possess a financial interest which may, in the judgment of the FWPDA Executive Director, compete with, conflict with, or compromise the FWPDA's interests, or adversely affect job performance and the ability to fulfill all responsibilities to the FWPDA, Examples include, but are not limited to, outside employment which:

- 1) Prevents the employee from being available for work beyond normal working hours, such as during emergencies or peak work periods, when such availability is a regular part of the employee's job;
- 2) Is conducted during the employee's work hours;
- 3) Utilizes FWPDA telephones, cellular telephones, computers, supplies or any other FWPDA resources, facilities or equipment;
- 4) Is employed with a firm which has contracts with or does business with the FWPDA; or
- 5) May reasonably be perceived by members of the public as creating a conflict of interest or one which otherwise discredits public service.

All FWPDA employees shall abide by, and this section 9.1 shall be interpreted in accordance with, Chapter 42.23 RCW, the Washington State Code of Ethics for Municipal Officers, and the FWPDA Code of Ethics.

### **9.3 POLITICAL ACTIVITIES**

FWPDA employees may participate in political or partisan activities of their own choosing provided that FWPDA resources and property, including the employee's FWPDA work time, are not utilized, and the activity does not adversely affect the responsibilities of the employees in their positions. FWPDA employees may not campaign on FWPDA time or in a FWPDA uniform or while representing the FWPDA in any way. Employees should follow guidelines from the state Public Disclosure Commission relating to election campaigns.

**FWPDA employees may not:** FWPDA employees may not use FWPDA facilities, supplies, equipment or vehicles for any campaign purpose. This includes (but is not limited to), copiers, fax machines, mail facilities, typewriters, telephones, automobiles, computers, e-mail, websites, and paper products or the reimbursement for usage of these facilities.

FWPDA employees may not solicit for a contribution to a political cause or campaign while on FWPDA property or FWPDA time or while in FWPDA uniform.

FWPDA employees may not have a petition available for signature at FWPDA Hall, or other FWPDA facility or vehicle.

FWPDA employees may not allow others to use FWPDA facilities or equipment for political activities, except in accordance with established FWPDA policy for use of public meeting space when it is the employee's responsibility to manage the use of that space.

FWPDA employees may not use, or allow others to use, FWPDA funds for political activities.

FWPDA employees while at work may not wear lapel buttons while in uniform or while wearing clothing with the FWPDA's name on it, or while meeting with members of the public.

**FWPDA employees may:** FWPDA employees may, on their own time and not with the use of FWPDA property or equipment, participate in campaign-related activities.

FWPDA employees may, on their own time and not in a FWPDA facility, gather petition signatures, wear lapel buttons, distribute material, speak before groups, write letters to the editor or display campaign stickers on their personal car. Private employee vehicles displaying bumper stickers may be parked on public property.

FWPDA employees may identify their position with the FWPDA in a letter to the editor (written on their own time). They may not imply that they are expressing an opinion on behalf of the FWPDA.

FWPDA employees may, in the course of work, respond to a political inquiry by providing routine factual information.

FWPDA employees may respond to requests for public records even if the records will be used in support of or opposition to a measure or candidate, so long as the record isn't exempt from disclosure under state law.

FWPDA employees may under the direction of the FWPDA Executive Director prepare and distribute to citizens neutral factual information relevant to a ballot proposition, if such action is part of the normal and regular conduct of the FWPDA.

Except as noted in this policy, FWPDA employees are otherwise free to fully exercise their constitutional First Amendment rights.

#### **9.4 NO SMOKING POLICY**

**Smoking Prohibited in FWPDA Vehicles and Facilities:** For health and safety considerations, the FWPDA prohibits smoking by employees in all FWPDA vehicles and facilities, including FWPDA-leased buildings and offices or other facilities rented or leased by the FWPDA, including individual employee offices and other Fort Worden buildings.

**Outdoor Smoking Restrictions:** Chapter 70.160 RCW significantly restricts the outdoor areas where individuals may smoke in relation to the location of FWPDA buildings, work areas and public places. Smoking is prohibited within twenty-five (25) feet of any entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited. The law also applies to any "place of employment," which the law defines, in part, as "work areas" and any area which employees are required to pass through during the course of employment.

#### **9.6 FWPDA PROPERTY / PERSONAL POSSESSIONS / PRIVACY LIMITATIONS**

**FWPDA Property/Privacy Limitations:** The FWPDA may furnish desks, closets and/or lockers for security of employee coats, purses and other personal possessions. The FWPDA does not, however, assume responsibility for any theft or damage to the personal belongings of employees.

**Employee Personal Property:** The FWPDA recognizes that employees may need or want to bring personal property to work. The FWPDA permits employees to do so but asks its employees to refrain from bringing unnecessary or inappropriate personal property to the workplace.

Improper or excessive use of personal property brought onto FWPDA property or worksites or during work hours (for example, the excessive or inappropriate use of personal cell phones for personal phone calls, text-messaging, imaging or videotaping), may also result in disciplinary action, up to and including termination.

## **9.7 ELECTRONIC MEDIA POLICY**

It is the policy of the FWPDA to maximize the cost-effective use of computer systems as a means of improving productivity. The FWPDA provides communication resources including computing resources, electronic mail (email), internet access, personal digital assistants, and other electronic communications devices (collectively referred to as the FWPDA's Technology Resources) to employees to assist in and facilitate FWPDA business and communications. The primary purpose of the FWPDA's network and systems is to provide service to the public as part of the FWPDA's business, in a manner that is consistent with the FWPDA's vision and values. de minimus, incidental personal use of the FWPDA's Technology Resources by employees is permitted if accomplished in compliance with the provisions of this policy, as set forth below.

This policy does not address all required, allowed, or prohibited behaviors by employees, but covers common examples. In general, the FWPDA relies on the good judgment of its employees to ensure that FWPDA Technology Resources are used in the public's best interest.

**No Expectation of Privacy:** By using the FWPDA's Technology Resources, employees acknowledge and agree that they have no expectation of privacy or confidentiality vis-à-vis the FWPDA in their use of these systems or in any data that they create, store, or transmit on or over the systems, including any data created, stored or transmitted during an employee's incidental personal use of the Technology Resources as permitted under this policy. Employees further agree that they are aware of, understand and will comply with the provisions of this policy, and that their use of the Technology Resources can and will be monitored and any data that they create store, or transmit on or over FWPDA systems may be inspected by FWPDA management at any time. Employees should understand that certain email messages (even if personal in nature), other electronic communications, and documents created on FWPDA computer systems may be considered a public record subject to disclosure and/or subject to discovery in the event of litigation.

In addition, employees should recognize that cellular and other wireless transmissions are not secure; thus, employees should exercise discretion when relating confidential information during a cellular telephone call.

**Standardized Software and Hardware:** The FWPDA has established standard software and hardware for commonly used applications. The use of unauthorized, non-standard software or hardware, including personally owned software or hardware, on FWPDA computer systems without approval of the Executive Director is prohibited.

**Ownership and Confidentiality:** All software, programs, applications, templates, data, data files and web pages residing on FWPDA computer systems or storage media or developed on FWPDA computer systems are the property of the FWPDA. The FWPDA retains the right to access, copy, modify, destroy or delete this property. Data files

containing confidential or sensitive data should be treated accordingly and should not be removed from the workplace without proper authorization.

**Copying Software, Programs, Applications, Templates, etc.:** Employees must notify the Finance Manager and receive proper authorization before attempting to copy software, applications, programs or templates. In many cases, copyright laws and/or licenses for commercial software, programs, applications and templates used by the FWPDA prohibit the making of multiple copies. The FWPDA and its employees are required to abide by the federal copyright laws and to abide by all licensing agreements.

**Acceptable Uses of FWPDA's Technology Resources:** The FWPDA's Technology Resources are to be used by employees or volunteers for FWPDA business.

Employees should create and send only courteous, professional and businesslike messages and documents that do not contain objectionable offensive or potentially discriminatory material.

Incidental, de minimus personal use may be permitted where, in the judgment of the employee's supervisor or department manager, such use does not interfere with employee or department productivity, nor distract/take time away from the worker or co-workers assigned work. Generally speaking, incidental, de minimus personal use means: (1) it is occasional and of short duration; (2) it is done on an employee's personal time, such as on a lunch break; (3) it does not interfere with job responsibilities; (4) it does not result in any expense to the FWPDA; (5) it does not solicit for or promote commercial ventures; (6) it does not utilize excessive network resources; and (7) it does not constitute any prohibited use, as discussed below. Long distance personal use is prohibited.

Any personal use of the FWPDA's computer, Internet and email services must comply with all applicable laws and FWPDA policies, including anti-discrimination policies and Internet usage policy.

While use that results in a cost the FWPDA is prohibited, if such use occurs, employees must reimburse the FWPDA for costs that would not otherwise have been incurred by the FWPDA resulting from the employee's personal use of such devices.

In order to prevent potential FWPDA liability, it is the responsibility of all Internet users to clearly communicate to the recipient when the opinions expressed do not represent those of the FWPDA.

**Prohibited Uses of FWPDA's Technology Resources:** Use of the FWPDA's Technology Resources to engage in any communication that violates federal, state, or local laws or regulations, or any FWPDA policy, is strictly prohibited at all times. In addition, the following uses of the FWPDA's Technology Resources are inappropriate and are prohibited at all times, unless specifically exempted below:

- Personal commercial use (meaning use that benefits an employee's outside employment or commercial business);
- Accessing, receiving or sending pornographic, sexually explicit or indecent materials, including materials of an offensive nature (unless as part of a law enforcement investigation conducted by authorized Police personnel);
- Usage for any type of unlawful harassment or discrimination, including the transmission of obscene or harassing messages to any individual or group



because of their sex, race, religion, sexual orientation, national origin, age, disability or other protected status;

- Gambling;
- Usage for recreational purposes including the loading of computer games or playing online games;
- Usage that precludes or hampers FWPDA network performance; such as viewing or listening to streaming audio and/or video (unless for FWPDA business, such as for online training);
- Unauthorized copying or downloading of copyrighted material;
- Usage that violates software license agreements;
- Downloading of software programs (unless specifically approved by applicable Director and coordinated with the IT Department);
- Usage for political purposes, including partisan campaigning;
- Sending anonymous messages and/or misrepresenting an employee's name, position, or job description;
- Deliberately propagating any virus, worm, trojan horse, malware, spyware, or other code or file designed to disrupt, disable, impair, or otherwise harm either the FWPDA's networks or systems, or those of any other individual or entity;
- Releasing misleading, distorted, untrue or confidential materials regarding FWPDA business, views or actions;
- Using abusive, profane, threatening, racist, sexist, or otherwise objectionable language in either public or private messages;
- Use of Technology Resources in an excessive manner so as to deprive others of system use or resources, including the sending of bulk email for other than official business or forwarding "chain letter" emails of any kind;
- Connecting to the FWPDA network, or any specific software package, utilizing somebody else's security identification login information to gain alternate security permissions; gaining unauthorized access to another employee's e-mail messages, or sending messages using another employee's password.
- Any personal use, even if incidental, that result in expense to the FWPDA;
- Usage that violates the guidelines set forth in the Standards of Conduct described in this Manual.

Any employee who violates these policies could be subject to disciplinary action, up to and including termination. In addition, employees may be held personally liable for damages incurred as a result of copyright and licensing requirements.

**Downloading Files from the Internet or Opening Email Attachments:** Downloading files from the internet or opening email attachments from sources outside the FWPDA can lead to spyware and/or virus attacks that can severely damage, or degrade the FWPDA's network and/or data. The FWPDA has installed anti-virus and anti-spyware software on all FWPDA computers and continuously updates signature definition files. However, that does not guarantee that all spyware is blocked, or that all viruses are caught.

If you are downloading a file and receive a message that a virus or spyware has been detected, you must call the Finance Manager immediately for assistance.

**Payment for Wireless Device Use:** Recognizing that FWPDA supplies, services and equipment cannot be used for personal purposes, any person who is assigned a cellular telephone or other device must make provision to assure payment for personal calls in accordance with Finance Manager requirements. Exempt employees may use personal cell phones and receive a quarterly allowance toward the monthly cost of using it for FWPDA business.

**Use of Handheld Wireless Communication Devices While Driving is Prohibited:** Except as provided below, the use of handheld wireless communication devices, including but not limited to cellular telephones and smart phones (including text messaging), is not permitted while operating a car or other moving vehicle unless a hands free device is used. If a hands free device is not used, all necessary phone calls must be made before leaving the previous location or after arriving at the next destination. In the event an employee must make or receive a call or message while driving, he/she must find a safe place to pull over and stop the vehicle.

## **9.8 USE OF PERSONAL COMPUTER OR COMMUNICATION DEVICES FOR FWPDA BUSINESS:**

Employees shall not use personal computers or devices for FWPDA business without first obtaining FWPDA Executive Director approval. Among considerations concerning any such use is that records (including electronic records) or communications relating to FWPDA business generated by or sent to or from personal computers or devices are public documents under the public records act, and are subject to disclosure in response to a public records request.

The FWPDA reserves the right to review the contents of any record, document or communication, created or stored on a personal computer or electronic device, including electronic mail, text messaging, and voicemail, that relates to FWPDA business. Employees do not have a reasonable expectation of privacy in use of such devices that relate to FWPDA business.

## **9.9 AUTOMOBILE USAGE**

The FWPDA provides vehicles for business use, to allow employees to drive on FWPDA business, and to reimburse employees for business use of personal vehicles according to the guidelines below. The term "vehicle" as used in these guidelines includes, but is not limited to cars, vans trucks and other gasoline powered equipment that can be driven on public right of ways..

(1) Employees may not drive any vehicles for FWPDA business without prior approval of their supervisor.

(2) Employees who need transportation in the course of their normal work may be assigned a FWPDA vehicle for their use. All other employees needing transportation for FWPDA business may use vehicles assigned to their department or those drawn from the fleet. As a last alternative, when no FWPDA vehicles are available, employees may use their own vehicles for business purposes with prior approval of their supervisor.

(3) All FWPDA vehicles shall remain on FWPDA property while not in service, unless specifically authorized.

(4) Employees who drive a vehicle on FWPDA business must exercise due diligence to drive safely, follow all traffic laws (including the prohibitions on using cell phones and other similar devices), avoid distractions while driving, and maintain the security of the vehicle and its contents. Employees are also responsible for any driving infractions or fines as a result of their driving a FWPDA vehicle and must report them to their supervisors. Employees who drive a FWPDA vehicle also should ensure that the vehicle is kept clean and free of litter.

(5) As required by Washington law, anyone operating or riding in FWPDA vehicles or a personal vehicle on FWPDA business must wear a seat belt at all times.

(6) Non-employees and non-business passengers (for example, family and friends) are prohibited from riding in FWPDA vehicles,

(7) Employees who use their personal vehicle for approved business purposes will receive a mileage allowance equal to the Internal Revenue Service optional mileage allowance for such usage. This allowance is to compensate for the cost of gasoline, oil, depreciation, and insurance. Employees who operate personal vehicles for FWPDA business should obtain auto liability coverage for bodily injury and property damage with a special endorsement for Business Use, when necessary as determined by their personal insurance agent.

(8) Employees must report any accident, theft, or malicious damage involving a FWPDA vehicle to their supervisor, regardless of the extent of damage or lack of injuries. Such reports must be made as soon as possible but no later than twenty-four hours after the incident. Employees are expected to cooperate fully with authorities in the event of an accident. However, employees should make no voluntary statement other than in reply to questions of investigating officers.

(9) Employees are not permitted, under any circumstances, to operate a FWPDA vehicle, or a personal vehicle for FWPDA business, when any physical or mental impairment causes the employee to be unable to drive safely. Additionally, employees shall not operate any FWPDA vehicle at any time, or operate any personal vehicle while on FWPDA business, while using or consuming alcohol, illegal drugs, or prescription medications that may affect their ability to drive. These prohibitions include circumstances in which the employee is temporarily unable to operate a vehicle safely or legally because of impairment, illness, medication, or intoxication.

(10) In most circumstances, time spent by nonexempt employees (those covered by the minimum wage and overtime provisions of the Fair Labor Standards Act) in driving a FWPDA or personal vehicle on FWPDA business is considered hours worked for pay purposes. However, under most circumstances, commuting time before the start and after the end of the workday is not treated as work time for pay purposes.

## **9.10 DRIVER'S LICENSE REQUIREMENTS**

Any employee operating a FWPDA vehicle, or using a motor vehicle for FWPDA business, must be at least 18 years of age and have a valid driver's license.

As part of the requirements for certain FWPDA positions, an employee may be required to hold a valid Washington State Driver's license and/or hold a valid commercial driver's license (CDL) and continue to meet all the requirements for maintaining such licenses. If such an employee's license is revoked, suspended or lost, or is in any other way not current, valid and in the employee's possession, the employee shall promptly notify his/her department director and immediately suspend driving duties. The employee may not resume driving until proof of a valid, current license is provided to his/her department director. Depending on the duration of license suspension, revocation or other inability to drive, an employee may be subject to disciplinary action, including termination. An employee's failure to notify his/her department director of such a license suspension, revocation or other license disqualification may also result in disciplinary action, up to and including termination.

### **9.11 ACCIDENT PREVENTION AND SAFETY**

**On the Job Employee Injuries:** When an on-the-job injury occurs, employees are required to report to their immediate supervisor each injury or illness regardless of the degree of severity. As soon as possible after an accident or occupational illness is discovered, the employee must complete the FWPDA's Accident or Incident Report form and submit it to the Finance Manager within twenty-four (24) hours of the accident or the occupational illness is discovered. The supervisor is required to submit an accident investigation report to Finance Manager within three days of the accident or incident. If applicable, the employee is responsible for completing the Washington State Labor and Industries claim form. Managers are required to complete the supervisor portion of the accident report form. Should the injury require attention beyond basic first aid, the employee should have his or her treating physician complete the applicable portion of the Washington State Labor and Industries Claim form. Injured employees must submit physician time loss certification to their Manager.

**Accidents/Incidents:** Employees shall report any work-related accidents involving a third party personal injury and/or damage to public/private property or equipment, regardless how minor, to their immediate supervisor or department director, FWPDA Executive Director or designee. Such report shall be made as soon as possible, but in no event later than one (1) hour following such accident. So that an accident may be timely reported, the initial report may be given verbally. Accident report forms are available from managers. A written accident report shall be completed by the employee as soon as possible, and, unless the employee is medically unable to, no later than twenty-four (24) hours following the accident, or sooner if required by the employee's department director or FWPDA administration.

### **9.12 SAFE WORKPLACE**

The FWPDA is committed to providing a safe and secure work environment for employees, contractors, visitors, and the general public. In an effort to prevent the possibility of violence in our workplace, the FWPDA has implemented this Safe Workplace policy. The FWPDA strictly prohibits threatened or actual workplace violence. This includes, but is not limited to, the following types of behavior:

Bullying, threatening injury or damage against a person or property;

Fighting or threatening to fight with another person;

Stalking, following, or invading another employee's personal life;

Violation of section 9.13 regarding the use or possession of a weapon on FWPDA premises;

Engaging in shoving, fighting, blocking, impeding another person, even if done "all in fun";

Abusing or injuring another person;

Using obscene or abusive language or gestures in a threatening manner;

Raising voices in a threatening manner; and

Any other behavior that causes others to feel unsafe.

Because of the potential for misunderstanding, joking about any of the above misconduct is also prohibited. Any employee who violates this policy will be subject to immediate discipline, up to and including termination.

**Reporting Procedure:** Any employee who reasonably believes that a situation with an aggressive employee, member of the general public, or other party (e.g., any person who uses obscene or abusive language or gestures, makes threats, or acts in a violent or threatening manner) may or has become violent should immediately leave the area and call 911. The employee should also immediately report the situation to his/her supervisor and department director. If the supervisor and director are unavailable or are part of the violence, the employee shall report the situation to the FWPDA Executive Director. Once the situation has been defused, the supervisor or department director must contact the FWPDA Executive Director to initiate a full investigation. The report will be investigated and the appropriate disciplinary or corrective action will be taken.

**Duty to Report Protective orders:** Any employee who is the subject of or protected by a domestic violence protective order or civil protective order shall immediately report the existence of the order to his/her department manager or FWPDA Executive Director. The department manager shall notify the FWPDA Executive Director.

**Duty to Report Criminal Arrests and Convictions:** Any employee who is arrested or convicted for a felony, gross misdemeanor or misdemeanor offence shall immediately report such arrest or conviction to the Executive Director.

### 9.13 FIREARMS AND DANGEROUS WEAPONS

In order to facilitate a safe work environment, employees are prohibited from bringing, carrying, exhibiting or using any dangerous weapon in the workplace or into a FWPDA facility. This includes, but is not limited to, a weapon for which employees have a valid permit. "FWPDA facility" means all areas within the ownership and/or control of the FWPDA, and includes, but is not limited to, offices, buildings, parking lots associated with a FWPDA building, FWPDA vehicles, desks, cabinets, lockers, or storage areas. This prohibition includes keeping a dangerous weapon in an employee's vehicle while the vehicle is on a parking lots associated with a FWPDA building.

Any employee violating this policy may be subject to disciplinary action, up to and including termination.

### 9.14 SUBSTANCE ABUSE

The FWPDA recognizes alcoholism and drug abuse have an adverse effect on job performance and public safety. The FWPDA's policy on substance abuse reflects its concern for the well-being of the employee and the safety of other employees and members of the public.

The FWPDA strictly prohibits the possession, consumption, sale, distribution, or being under the influence of, alcohol or controlled substances in the workplace or during work time. When employees are on the job, they are expected to be free from any impairment or substance which would contribute to an injury, accident, property damage, or interfere with productivity. They are to be free of illegal drugs or potentially impairing levels of legal substances. In short, all employees are expected to be "drug- and alcohol-free" and "fit for work."

**Manager Responsibilities:** If a manager has reasonable grounds to believe an employee is under the influence of alcohol or drugs when reporting for work or during the work shift, the manager has an obligation to verify the employee's condition and relieve the employee of his/her duties. The supervisor should seek the opinion of at least one manager, if practical.

The possibility of FWPDA or manager liability exists if an employee who is under the influence of alcohol or drugs is allowed to remain working, operate or drive vehicles or equipment on the job or drive a private vehicle from the work site. An employee who is believed to be under the influence of alcohol or drugs should not be allowed to operate equipment or drive a vehicle, including a private vehicle, until it is determined the employee possesses the ability to safely operate the equipment or drive a vehicle. If an employee is impaired, a supervisor should transport or arrange transportation of the employee to a medical facility or the employee's home, as appropriate.

**Drug-Free Workplace:** Based on the federal Drug-Free Workplace Act of 1988, the manufacturing, distribution, dispensation, possession or use of unlawful drugs or alcohol on FWPDA premises or during work hours by FWPDA employees is strictly prohibited. Employees also must notify the FWPDA within five (5) days of any conviction for a drug violation occurring in the workplace or during work hours. Violation of this policy can result in disciplinary action, up to and including termination. Continued poor performance or failure to successfully complete a rehabilitation program is grounds for termination.

## **9.16 CONTACT WITH THE NEWS MEDIA**

The FWPDA Executive Director, employees designated by FWPDA Executive Director or designated department managers are responsible for all official contacts with the news media during working hours, including answering questions from the media. The FWPDA Executive Director or General Manager may designate specific employees to give out procedural, factual or historical information on particular subjects. Other employees should refer questions from the media to the FWPDA Executive Director or designated media representative.

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## **CHAPTER 10 DISCIPLINE AND TERMINATIONS**

### **10.1 ACTIONS SUBJECT TO DISCIPLINARY ACTION**

Success in providing excellent service to Fort Worden visitors and tenants and maintaining good relationships with the community depends on FWPDA employees. These policies provide guidance for conduct which, if engaged in, would be detrimental to the FWPDA's mission and could lead to disciplinary action up to and including termination. The following is a non-exclusive list of specified conduct which is considered detrimental to the workplace, constitutes a violation of expressly stated FWPDA policy prohibiting such conduct, and may lead to disciplinary action by the FWPDA. The list contains examples of misconduct which should be considered illustrative and not comprehensive. The misconduct refers to conduct in the workplace and also to conduct outside the workplace where such conduct brings disrepute to the FWPDA or otherwise adversely impacts the FWPDA.

- 1) Making a false or misleading statement of fact or practicing any deception, fraud or misconduct in connection with securing employment with the FWPDA.
- 2) Illegal or unauthorized use or misuse of any FWPDA facilities/ property/, supplies, equipment, services, funds or time; or
- 3) Authorized operation, use or possession of machines, tools, or equipment to which the employee has not been specifically assigned;
- 4) Violation of any policy or other provision of this handbook, including violation of the anti-discrimination or anti-retaliation policy.
- 5) Unauthorized use of position with the FWPDA for personal gain or advantage, accepting unlawful gratuities or bribes.
- 6) Lying.
- 7) Insubordination.
- 8) Violation of a lawful duty.
- 9) Smoking in an unauthorized area or creating fire hazards in any area.
- 10) Violation of appearance and behavior standards.
- 11) Failure to report an occurrence causing damage to, or misuse of, FWPDA, customer or public property; or failure to properly secure FWPDA facilities or property.
- 12) Loitering outside of work hours which results in the disruption of the FWPDA's business or the work effort of other employees.
- 13) Vending, soliciting, or collecting contributions for any purpose whatsoever during working time on the premises without the permission of the supervisor or in violation of the non-solicitation policy.



- 14) Unauthorized recording of another employee's time record (both employees can be subject to disciplinary action).
- 15) Intentional falsification of records or paperwork.
- 16) Habitual tardiness or absences from work;
- 17) Absences without proper notification to immediate supervisor, excessive absenteeism, absenteeism unrelated to an approved leave or insufficient reasons for absenteeism; or
- 18) Loitering, goofing off or failing to assist others in a work situation.
- 19) Making malicious, false or derogatory statements that are intended to or could reasonably be expected to damage the integrity or reputation of the FWPDA or its employees, on or off premises;
- 20) Disorderly conduct, including fighting on the premises;
- 21) Rudeness, discrimination, harassment, intimidation, coercion, use of obscene language, gesture or lack of courtesy to the public or fellow employees; or
- 22) Immoral conduct.
- 23) Inability, inefficiency, or negligent work performance, including a refusal or failure to perform assigned work;
- 24) Concealing defective work; or
- 25) Unsatisfactory job performance.
- 26) Failure to observe safety practices, rules, regulations and instructions;
- 27) Negligence which results in injury to others;
- 28) Failure to wear required safety clothing and equipment; or
- 29) Any conduct that impairs job safety or endangers another or the employee.
- 30) Failure to promptly report an on-the-job injury or accident involving an employee, equipment, property or visitor to the employee's immediate supervisor.
- 31) Dishonesty or theft, including deliberate destruction, damage or removal of the FWPDA's or another's property from FWPDA property, facilities or any job site.
- 32) Possession, use, sale, distribution, or being under the influence of alcohol, illegal drugs or other controlled substances in the workplace or while on FWPDA business, including while on standby duty;
- 33) Arriving on the job under the influence of, or while in possession of, alcohol, illegal drugs or other controlled substances;

- 34) Abuse of non-prescription or prescription drugs on the job; or
- 35) Failure to notify supervisor of any on-the-job use (including already being under the influence of) or possession of prescription or over the counter drugs which could impair the employee's work efficiency or the safety of the employee or others.
- 36) Possession of explosives, firearms or weapons on the premises or at any job site, except when required for the job.
- 37) Conviction of a felony, gross misdemeanor, or misdemeanor involving moral turpitude, which impacts the employee's ability to effectively perform all of the duties of his or her position or the public's confidence in the employee for the duties the employee carries out; or the filing of criminal charges against the employee alleging such a felony or gross misdemeanor, which charges are reasonably believed by the FWPDA to be true.
- 38) Any act of dishonesty or willful disregard of the FWPDA's interests.
- 39) Failure to maintain skills, certifications, licenses or other requirements of the job.
- 40) Violation of the duties or rules imposed by this Manual or any other FWPDA ordinance, resolution, rule, regulation, administrative order or applicable state or federal law.

This list is not all-inclusive, but only serves as a general guide. The FWPDA may discipline or terminate employees for other reasons not stated above.

## **10.2 POSSIBLE DISCIPLINARY ACTIONS**

The FWPDA retains complete discretion as to when a situation calls for discipline or correction. In addition, the FWPDA retains complete discretion as to what form and level of discipline is appropriate in any given situation, up to and including termination. In the event discipline is necessary, the types of disciplinary actions which may be used include but are not limited to the following:

- 1) Verbal Warning;
- 2) Written Reprimand;
- 3) Suspension;
- 4) Demotion; and
- 5) Termination.

The choice of disciplinary action in any particular case is solely the FWPDA's, and shall be made by the department manager, except in cases of suspension, demotion or termination, the decision shall be made by the department manager in consultation with the FWPDA Executive Director.

The actual discipline imposed will depend on the particular situation. Employees who are exempt from overtime laws will not be suspended without pay for disciplinary purposes for periods less than a full workweek, unless the infraction involves violation of safety rules of major significance.

## **10.4 LAYOFF**

The FWPDA Executive Director may lay off employees for lack of work, budgetary restrictions, reorganization, elimination of a position or service, or other changes that have occurred or are expected to take place.

Temporary employees or employees who have not completed a trial period will usually be laid off before regular employees are affected.

Options such as part-time work schedules, furloughs, job sharing and voluntary time and/or pay reductions may also be explored, if, in the opinion of the FWPDA Executive Director, such options are feasible.

## **10.5 RESIGNATION**

An employee should provide two (2) weeks notice of resignation. This time limit may be waived by the employee's department director or the FWPDA Executive Director.

An employee wishing to leave the FWPDA service in good standing shall file with the department director, at least two (2) weeks before leaving, a written resignation letter including the effective date of employment termination. A copy of the resignation shall be forwarded to the FWPDA Executive Director and Finance Manager.

## **CHAPTER 11 COMPLAINT PROCEDURES**

### **11.1 COMPLAINT PROCEDURES**

**THIS COMPLAINT PROCEDURE DOES NOT APPLY TO DISCRIMINATION, RETALIATION OR WHISTLEBLOWER COMPLAINTS.** Employees having complaints about workplace harassment, discrimination or retaliation should follow the anti-discrimination complaint procedure outlined in section 2.7. Employees wishing to complain about improper governmental action or retaliation for filing such a complaint should follow procedures outlined in section 11.2.

The FWPDA recognizes that sometimes situations arise in which employees feel they have not been treated fairly or in accordance with FWPDA policies. For this reason the following procedures for resolving complaints are provided:

Step 1: Employees should first try to resolve any problem or complaint with their immediate supervisor.

Step 2: When normal communication between an employee and a supervisor is not successful, or when an employee disagrees with the application of FWPDA policies and procedures, the employee should attempt to resolve the problem with the department director. The department director will respond to the employee, in writing, after meeting with him/her.

Step 3: If the employee is not satisfied with the response from the department director, he/she may submit the problem, in writing, to Finance Manager for review by the FWPDA Executive Director. The written complaint must contain, at a minimum: a description of the problem, the specific policy or procedure which is believed to be violated or misapplied, the date of the circumstances leading to the complaint or the date when the employee first became aware of the circumstances, and the remedy sought by the employee to resolve the complaint.

The written complaint must be submitted to the FWPDA Executive Director within thirty (30) days of the occurrence leading to the complaint, or thirty (30) days after the employee becomes aware of the circumstances, whichever date last occurs.

The FWPDA Executive Director may meet with the parties, either individually or together, and will usually respond in writing to the aggrieved employee within ten (10) working days of the meeting. A longer period for response may be required when the situation warrants. The FWPDA Executive Director's response and decision shall be final and binding.

Certain employees may have more than one source of dispute resolution procedure, i.e., the FWPDA's Civil Service rules, a collective bargaining agreement, if any, and this complaint process. Employees represented by a bargaining unit or who are covered under civil service rules must follow grievance procedures set out in the respective labor contracts or civil service rules, where applicable. Under no circumstances shall an employee have the right to utilize more than one complaint or appeal procedure available to employees.

## 11.2 REPORTING IMPROPER GOVERNMENTAL ACTION

In compliance with the Local Government Employee Whistleblower Protection Act, Ch. 42.41 RCW, the FWPDA encourages employees to disclose any improper governmental action taken by FWPDA officials or employees without fear of retaliation. This policy also safeguards legitimate employer interests by encouraging complaints to be made first to the FWPDA, with a process provided for speedy dispute resolution.

### Key Definitions:

**Improper Governmental Action:** any action by a municipal official or employee that is:

- 1) Undertaken in the performance of the official's or employee's official FWPDA duties, whether or not the action is within the scope of the employee's employment, and
- 2) Is in violation of any federal, state or local law or rule; an abuse of authority, of substantial and specific danger to the public health or safety; or 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, violations of collective bargaining or civil service laws, alleged violations of labor agreements or reprimands. In addition, employees are not free to disclose matters which would affect a person's right to legally-protected confidential communications, such as attorney-client privilege or executive session communications.

**Retaliatory Action:** any material adverse change in the terms and conditions of an employee's employment as defined in RCW 42.41.020(3), that is substantially motivated by the employee's decision to prepare or participate in a whistleblower complaint

**Emergency:** a circumstance that if not immediately changed may cause damage to persons or property.

**Procedure for Reporting Improper Government Action:** FWPDA employees who become aware of improper governmental action should follow this procedure:

- 1) Bring the matter to the attention of his/her supervisor, if the supervisor is not involved in the matter, in writing, stating in detail the basis for the employee's belief that an improper action has occurred. This should be done as soon as the employee becomes aware of the improper action.
- 2) Where the employee believes the improper action involves the supervisor, the employee may raise the issue directly with the FWPDA Executive Director or FWPDA Attorney. The complaint

should be in writing, stating in detail the basis for the employee's belief that an improper action has occurred.

- 3) In the case of an emergency, where the employee believes that damage to persons' property may result if action is not taken immediately, the employee may report the improper governmental action directly to the appropriate government agency responsible for investigating the improper action, or the Jefferson County Prosecutor.
- 4) After an investigation is completed (usually within thirty (30) days of the employee's report), the employee will normally be advised of the results of the investigation; however, personnel actions taken as a result of the investigation may be kept confidential.

Employees involved in reporting improper governmental action or participating in the investigation may request that their identities be kept confidential. FWPDA officials and those involved in the investigation will honor this request to the extent possible under law, business necessity and the needs of the investigation. Confidentiality however cannot be guaranteed.

An employee who fails to make a good faith effort to follow this policy shall not be entitled to the protection of this policy against retaliation. "Good faith" includes a requirement that, except in an emergency, before an employee provides information of an improper governmental action to a person or an entity who is not a person listed above, the employee shall submit a written report to the local government. The employee is also charged with the responsibility to reasonably ascertain correctness of the information furnished and may be subject to disciplinary action, including but not limited to termination, for knowingly furnishing false information as determined by the appointing authority.

Employees may report information about improper governmental action directly to an outside agency if the employee reasonably believes that an adequate investigation was not undertaken by the FWPDA to determine whether an improper government action occurred, or that insufficient action was taken by the FWPDA to address the improper action or that for other reasons the improper action is likely to recur. Whistleblower actions can be reported to the Washington State Auditor's Office, the Washington State Attorney General's Office, as well as other state and federal offices.

**Protection Against Retaliation:** It is unlawful for a local government to take retaliatory action because an employee, in good faith, provided information that improper governmental action occurred. Employees who believe they have been retaliated against for reporting an improper governmental action should comply with the following procedures.

**Procedure for Seeking Relief Against Retaliation:**

- 1) Employees must provide a written complaint to the FWPDA Board of Directors within thirty (30) days of the occurrence of the alleged retaliatory action. The written charge shall specify the alleged retaliatory action and the relief requested.

- 2) The FWPDA Board of Directors may use whatever appropriate means it deems necessary to facilitate an investigation of the employee's written complaint of retaliation. A written response to the charge of retaliatory action and request for relief shall be provided within thirty (30) days of receipt of the written charge, unless the FWPDA Board of Directors determines additional time is needed to determine the validity of the allegations in the complaint.
- 3) After receiving the FWPDA's response, the employee may request a hearing before a state administrative law judge to establish that a retaliatory action occurred and obtain relief according to law. The employee must deliver the request for hearing to the FWPDA Executive Director within fifteen (15) days of receipt of the FWPDA's response to the retaliation charge.
- 4) Within five (5) working days of receipt of a request for hearing, the FWPDA shall apply to the Office of Administrative Hearings for an adjudicative proceeding before an administrative law judge, at the following address:

Office of Administrative Hearings  
PO Box 42488  
Olympia, WA 98504-2488  
(360) 664-8717

At the hearing, the employee must prove that retaliation occurred by a preponderance of the evidence. The administrative law judge will issue a final decision not later than forty-five (45) days after the date of the request for hearing, unless an extension is granted.

Violations of the Whistleblower policy and these procedures may result in appropriate disciplinary action, up to and including termination. The FWPDA will consider any recommendation provided by the administrative law judge that the retaliator be suspended, with or without pay, or terminated.