

# EMPLOYEE



# PERSONNEL HANDBOOK

**NOTE:**

Portions of this document have been superceded by collective bargaining agreements and new laws.

Please contact Human Resources (HR) [hr@co.whatcom.wa.us](mailto:hr@co.whatcom.wa.us) for policy clarifications.

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# TABLE OF CONTENTS

<b>INTRODUCTION</b> .....	<b>i</b>
<b>PERSONNEL SYSTEM</b> .....	<b>i</b>
<b>PERSONNEL POLICIES</b> .....	<b>i</b>
1. <b>Collective Bargaining Agreements and Unrepresented Resolution</b> .....	<b>i</b>
2. <b>Employee’s Personnel Handbook</b> .....	<b>ii</b>
3. <b>Administrative Policies and Procedures On-Line (APPOL)</b> .....	<b>ii</b>
4. <b>Departmental Policies and Procedures</b> .....	<b>ii</b>
<b>Whatcom County Code Chapter 3.04</b> .....	<b>iii</b>
3.04.010 Purpose.....	iii
3.04.020 Scope.....	iii
3.04.030 Union labor agreements.....	iii
3.04.040 Authority and functions.....	iii
3.04.050 Administration.....	iv
3.04.060 Political activity.....	iv
3.04.070 Prohibited acts.....	iv
3.04.080 Severability.....	iv
<b>Organizational Structure</b> .....	<b>v</b>
<b>Prohibiting Harassment</b> .....	<b>Error! Bookmark not defined.</b>
<b>100.0 INTRODUCTION</b> .....	<b>4</b>
100.1 AUTHORITY.....	4
100.2 OBJECTIVE.....	4
100.3 SCOPE AND APPLICATION.....	4
100.4 DEFINITIONS.....	5
100.5 RESPONSIBILITY AND AUTHORITY.....	8
<b>101.0 PERSONNEL DEPARTMENT</b> .....	<b>10</b>
101.1 FUNCTIONS OF THE PERSONNEL DIRECTOR.....	10
<b>102.0 EQUAL EMPLOYMENT OPPORTUNITY</b> .....	<b>10</b>
102.1 POLICY STATEMENT.....	10
102.2 RESPONSIBILITY.....	10
<b>103.0 EMPLOYEE RELATIONS</b> .....	<b>11</b>
103.1 UNIONS.....	11
103.2 EXEMPT EMPLOYEES.....	11
103.3 FORMER CETA EMPLOYEES.....	11
<b>104.0 PERSONNEL RECORDS</b> .....	<b>12</b>
104.1 PURPOSE.....	12
104.2 RESPONSIBILITY AND AUTHORITY.....	12
<b>105.0 POSITION CLASSIFICATION PLAN</b> .....	<b>13</b>
105.1 PURPOSE.....	13
105.2 ALLOCATION OF POSITIONS.....	14
105.3 POSITION DESCRIPTIONS.....	14
105.4 RECLASSIFICATION.....	14
<b>106.0 SALARY ADMINISTRATION</b> .....	<b>15</b>
106.1 THE PAY PLAN.....	15
106.2 STANDARDS FOR DEVELOPMENT OF THE PAY PLAN.....	16

106.3	ADOPTION OF THE PAY PLAN.....	16
106.4	ADMINISTRATION AND AMENDMENTS .....	16
106.5	ENTRY LEVEL PAY RATE .....	16
106.6	STEP INCREASES .....	17
106.7	PART-TIME AND TEMPORARY EMPLOYMENT .....	18
106.8	PAY RATE ADJUSTMENT .....	18
106.9	OVERTIME.....	19
106.10	CALL BACK PAY.....	20
106.11	UNEMPLOYMENT COMPENSATION.....	20
106.12	WORKING OUT OF CLASSIFICATION.....	21
<b>107.0</b>	<b>GROUP INSURANCE .....</b>	<b>21</b>
107.1	ELIGIBILITY .....	21
107.2	COVERAGE.....	21
<b>108.0</b>	<b>SICK LEAVE .....</b>	<b>21</b>
108.1	GENERAL.....	21
108.2	SICK LEAVE DEDUCTIONS.....	21
<b>109.0</b>	<b>HOLIDAYS.....</b>	<b>22</b>
109.1	GENERAL.....	22
109.2	WEEKEND HOLIDAYS .....	22
<b>110.0</b>	<b>VACATION .....</b>	<b>22</b>
110.1	VACATION SCHEDULING.....	22
110.2	NEW EMPLOYEES.....	23
110.3	PRO RATED VACATIONS .....	23
<b>111.0</b>	<b>BREAKS .....</b>	<b>23</b>
<b>112.0</b>	<b>PAID LEAVES OF ABSENCE .....</b>	<b>23</b>
112.1	JURY SERVICE.....	23
112.2	MILITARY LEAVE.....	24
112.3	BEREAVEMENT LEAVE.....	24
112.4	ABSENCE DUE TO ADVERSE WEATHER OR EMERGENCIES.....	24
<b>113.0</b>	<b>LEAVE OF ABSENCE WITHOUT PAY .....</b>	<b>25</b>
113.1	NON-DISABILITY LEAVE .....	25
113.2	DISABILITY LEAVE.....	25
113.3	MATERNITY LEAVE.....	26
<b>114.0</b>	<b>WORK RULES.....</b>	<b>26</b>
114.1	DISCIPLINARY ACTION.....	29
114.2	DRUG-FREE WORKPLACE ACT REQUIREMENTS.....	29
114.3	ADMINISTRATION OF WORK RULES .....	30
<b>115.0</b>	<b>GRIEVANCES .....</b>	<b>30</b>
115.1	DEFINITION OF A GRIEVANCE.....	30
115.2	COUNTY POLICY .....	31
115.3	PERSONNEL DIRECTOR .....	31
<b>116.0</b>	<b>DISCIPLINARY PROCEDURES – GENERAL.....</b>	<b>31</b>
116.1	INVESTIGATION OF THE INCIDENT .....	32
116.2	LETTER OF REPRIMAND.....	32
116.3	SUSPENSION/TERMINATION – GENERAL .....	33
116.4	SUSPENSION/TERMINATION – NOTICE.....	33
116.5	DEMOTION.....	34

<b>117.0</b>	<b>SELECTION PROCEDURES .....</b>	<b>35</b>
<b>118.0</b>	<b>PERSONNEL EVALUATION.....</b>	<b>39</b>
118.1	EVALUATION OF PROBATIONERS: .....	39
118.2	EVALUATION FOR STEP RAISES.....	40
<b>119.0</b>	<b>PROMOTION OR TRANSFER TO A NEW DEPARTMENT - RECALL AFTER LAY-OFF .....</b>	<b>40</b>
119.1	TRANSFERS TO A NEW DEPARTMENT .....	40
119.2	RECALL AFTER LAYOFF.....	40
<b>120.0</b>	<b>SAFETY .....</b>	<b>41</b>
120.1	WORKER'S COMPENSATION .....	41
120.2	COORDINATION OF SICK LEAVE.....	42
120.3	SEAT BELTS .....	43
120.4	SMOKING.....	44
120.5	SAFETY MEETINGS .....	44
120.6	HAZARDOUS MATERIALS - WORKER'S RIGHT TO KNOW LAW .....	44
<b>121.0</b>	<b>COBRA .....</b>	<b>45</b>
121.1	CONDITIONS FOR CONTINUED COVERAGE.....	45
121.2	WHEN CONTINUED COVERAGE ENDS .....	45
121.3	CONVERSION.....	46
121.4	NOTICES .....	46
121.5	COST OF CONTINUED COVERAGE .....	46
121.6	YOUR RESPONSIBILITIES UNDER THE LAW .....	46
<b>122.0</b>	<b>EMPLOYEES WITH LIFE THREATENING ILLNESSES .....</b>	<b>47</b>
122.1	GUIDELINES.....	47
122.2	POLICY .....	48
122.3	AIDS (ACQUIRED IMMUNE DEFICIENCY SYNDROME) .....	49

# Employee's Personnel Handbook

## INTRODUCTION

Whatcom County is a Home Rule county, which means the legislative and executive/administrative functions of government are separate. Whatcom County voters elect a non-partisan seven-member, part-time county council and a full-time, County Executive. The charter establishes elected offices of the County Auditor, Assessor, Treasurer, Sheriff, and Prosecuting Attorney. The County Council consists of two members elected from each of three Council Districts plus one member elected from the County at large. The Council performs the legislative functions of the County, establishing ordinances, resolutions, and governing policies. The County Executive is the Chief Executive Officer for Whatcom County supervising all administrative and executive departments, presenting the annual budget, and signing all contracts. State law establishes a third branch of government, the judicial branch, comprised of elected judges in Superior Court and District Court.

## PERSONNEL SYSTEM

The Personnel System is described in County Code – Chapter 3.04 (p. *iii*). County departments under the personnel system are included in the Annual Budget (see organizational chart (p. *v*) or on-line: <http://www.whatcomcounty.us/Archive.aspx?AMID=38>

## PERSONNEL POLICIES

### 1. Collective Bargaining Agreements and Unrepresented Resolution

Unless you are an elected official or exempt from union membership, you will have the option of joining a collective bargaining unit. Each unit, through its union or guild representative, bargains agreements with the County consistent with RCW 41.56. The policies related to wages, benefits, hours, and working conditions are covered in:

- **Master Collective Bargaining Agreement** (covers most departments except Sheriff and Executives Offices)
- **Deputy Sheriff's Guild Collective Bargaining Agreement** (Sheriff's Office)
- **Washington State Nurses Association** (Health Department)
- **IFPTE Local 17 Collective Bargaining Agreement** (Health Department)
- **Correction Officers Collective Bargaining Agreement** (Sheriff's Office)
- **Inland Boatmen's Union/Masters, Mates and Pilots Collective Bargaining Agreement** (Public Works)

Salaries and policies for non-represented employees are outlined each year by the County Council in the **Unrepresented Resolution**.

Bargaining Agreements & Resolutions on-line: <http://www.whatcomcounty.us/1656/Key-Employment-Policies>.

## **2. Employee's Personnel Handbook**

The Employee's Personnel Handbook is currently in the process of being updated.

Nothing in the Handbook supersedes the provisions of collective bargaining agreements to the Unrepresented Resolution.

An important section of the Handbook to review is Section 114.0 – WORK RULES.

## **3. Administrative Policies and Procedures On-Line (APPOL)**

Since 1998, Whatcom County has been working on re-writing and updating its administrative policies in plain English and publishing them on-line. Portions of the old "Employee Handbook," which provide guidance to managers and human resources about administrative policies and procedures, are being added over time to **Administrative Policies and Procedures ON-Line (APPOL)**.

When new policies and procedures are added, all employees are notified by email. If you do not have access to email or the County's computer system, your supervisor will provide sections which may apply to your job.

A key policy in the new format to review is AD142300Z **Prohibiting Harassment** (p. vi).

## **4. Departmental Policies and Procedures**

Department Heads may develop their own policies to amplify or clarify how things are done within their departments so long as those policies do not conflict with County Code, collective bargaining agreements, the Unrepresented Resolution, the employee's Personnel Handbook, Administrative Policies and Procedures, or other County policies.

## Whatcom County Code Chapter 3.04 PERSONNEL SYSTEM<sup>1</sup>

Sections:

3.04.010 Purpose.

3.04.020 Scope.

3.04.030 Union labor agreements.

3.04.040 Authority and functions.

3.04.050 Administration.

3.04.060 Political activity.

3.04.070 Prohibited acts.

3.04.080 Severability.

3.04.010 Purpose.

It is the intent of this chapter to establish a centralized system of personnel management including, but not limited to the following functions: insuring an objective candidate recruitment and a standardized selection process; providing for written standardized personnel policies and procedures; providing a clear definition of personnel and employment functions; employing the most highly qualified personnel; developing a high level of staff morale, productivity and efficiency; administering cost effective self-insured and/or experienced based health and welfare plans which address the needs of a diverse work force; offering appropriate education and training which meet the needs of Whatcom County employees and is reflective of a changing work environment; and ensuring a safe work environment for employees and volunteers, including safety education programs which are preventive in nature. (Ord. 93-042 Exh. B; formerly 2.57.010. Ord. 82-36 § 2 (part)).

3.04.020 Scope.

This chapter applies in its entirety to all county positions except:

A. Those positions exempted from coverage by the County Charter;

B. Employees of the sheriff's department in all matters of selection, appointment, promotion, transfer, reinstatement, demotion, discipline, suspension and discharge under the Whatcom County civil service commission rules and regulations;

C. The court reporters of the superior court, and any other employee of the court identified by the court to be exempt from this chapter;

D. Deputy prosecuting attorneys;

E. Any employees of the district court identified by the court to be exempt from this chapter;

F. Multi-agency groups who have no contractual agreement with the county for personnel services;

G. Those employees serving in temporary, seasonal, or part-time county positions. (Ord. 93-042 Exh. B; formerly 2.57.030. Ord. 82-36 § 2 (part)).

3.04.030 Union labor agreements.

The special requirements, if any, of collective bargaining agreements which affect any section of this chapter shall be respected in the interpretation and

application of this chapter. (Ord. 93-042 Exh. B; formerly 2.57.040. Ord. 82-36 § 2 (part)).

3.04.040 Authority and functions.

Personnel system functions shall include the following elements:

A. Encourage and exercise leadership in the development of effective personnel administration within the various departments the county;

B. Foster employee effectiveness by developing programs for training, safety, health, counseling and welfare;

C. Evaluate from time to time the effectiveness of this chapter and of the policies made thereunder;

D. Develop an annual report outlining the activities and accomplishments of the personnel system;

E. Establish, maintain and administer a secure, centralized personnel record system for all employees in the county;

F. Establish, maintain, and administer the entry level and promotional recruitment, screening, and selection practices for all departments of Whatcom County, except those departments and positions covered by civil service or otherwise exempted from this chapter;

G. Promote good union-management relations; resolve grievances and personnel problems; participate in union negotiations; and assure compliance by all departments with the provisions of the various collective bargaining agreements between unions and the county;

H. Assist the prosecuting attorney's office in arbitration proceedings and related litigation involving personnel matters;

I. Monitor and insure the county's compliance with federal, state, and local laws or regulations dealing with personnel matters;

J. Maintain the affirmative action program and provide periodic reports to the Equal Employment Opportunity Commission, the Washington State Human Rights Commission, and similar agencies;

K. Conduct studies or research necessary to administer the personnel function including but not limited to wage studies, job analysis, reclassification of positions, and minority representation in employment;

L. Monitor the effectiveness of the merit and evaluation system, implementing changes when necessary;

M. Develop and periodically update written standardized personnel policies and procedures which affect county employees, hereinafter referred to as the "Whatcom County Employee's Personnel Handbook."

1. The "Whatcom County Employee's Personnel Handbook" shall be developed after taking into account input from county administrators and from the employee groups affected.

2. The "Whatcom County Employee's Personnel Handbook," once approved by the county executive and adopted by resolution of the county council, may only be

amended by resolution. (Ord. 93-042 Exh. B; formerly 2.57.050. Ord. 82-36 § 2 (part)).  
3.04.050 Administration.

The director of the administrative services department shall have full authority and responsibility for the operation of the personnel system under the direction of the county executive. (Ord. 93-042 Exh. B; formerly 2.57.060. Ord. 82-36 § 2 (part), 1982).

3.04.060 Political activity.

A. Whatcom County recognizes the right of every employee to express his or her views as a citizen, to pursue legitimate involvement in the political system, and to vote as he or she pleases, provided that no county employee shall expend public funds, or supplies, or work towards the campaign of any candidate or issue while on county time unless the activity is permitted by law.

B. There shall be no discrimination of employees of Whatcom County with reference to their affiliation with any organization or union. (Ord. 93-042 Exh. B; formerly 2.57.120. Ord. 82-36 § 2 (part)).

3.04.070 Prohibited acts.

A. No person shall make any false statement, certificate, mark, rating or report with regard to any application, test, certification or appointment made under any provision of this chapter or in any manner commit or attempt to commit any fraud preventing the impartial execution of this chapter and related policies.

B. No person shall directly or indirectly give, render, pay, offer, solicit, or accept any money, service, or other valuable consideration for any appointment, proposed appointment, promotion or proposed promotion to, or any advantage in, a position with the county.

C. No employee of Whatcom County or other person shall defeat, deceive or obstruct any person in his or her right to examination, eligibility, certification, or appointment under this chapter, or furnish to any person any special or secret information for the purpose of affecting the rights or prospects of any person with respect to employment by the county.

D. Discovery of an unlawful act as identified above shall establish reasonable cause for immediate dismissal. (Ord. 93-042 Exh. B; formerly 2.57.140. Ord. 82-36 § 2 (part)).

3.04.080 Severability.

If any provision of this chapter is held to be invalid, the remainder of the chapter shall remain in effect. (Ord. 93-042 Exh. B; formerly 2.57.150. Ord. 82-36 § 2 (part)).

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#### **Footnotes**

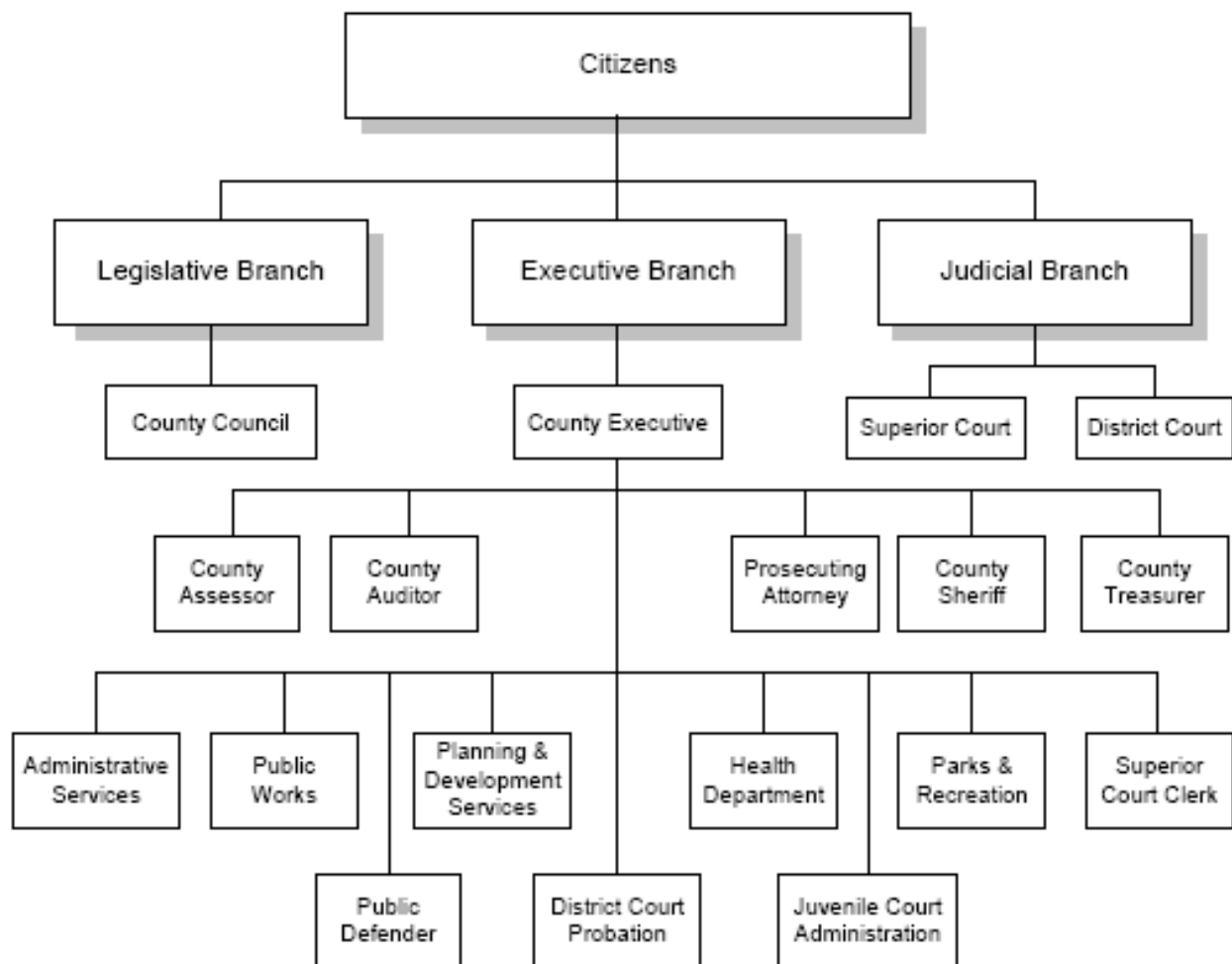
1. Prior legislation: Ords. 82-36, 80-8 and 80-6.



# Organizational Structure

## Whatcom County Government

### Organizational Structure



# Prohibiting Harassment

POL AD142300Z

This policy applies to all employees, volunteers, contractors, and others performing work for Whatcom County.



"Sexual harassment" is defined as sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when such conduct impacts terms or conditions of employment.

"Harassment" is defined as disrespectful conduct toward others based on their age, sex, marital status, sexual orientation, race, creed, color, national origin, religion, veteran status, or the presence of any sensory, mental or physical disability or the use of a trained dog guide or service animal by a disabled person. Examples of harassment may include derogatory comments, displays, pictures, drawings, cartoons, gestures, or jokes in the workplace. For purposes of this policy, "harassment" refers to actions that fit either of the above definitions.

## **1. Whatcom County Promotes a Respectful Work Environment**

### **2. Whatcom County Prohibits Harassment**

Whatcom County prohibits conduct that interferes with an employee's work performance or creates an intimidating, hostile, or offensive work environment.

### **3. Employee Encouraged to Tell Harasser Behavior is Unwanted**

If an employee believes he or she has been subjected to harassment, Whatcom County encourages the employee to tell the accused that the behavior is unwanted.

### **4. Employee Reports Harassment**

The employee will report harassment to one of the following:

- Employee's supervisor or Department Head
- Supervisor of the accused person
- Administrative Services (A.S.) Human Resources Manager or designee

Whatcom County encourages any employee who observes harassment of another employee to report the incident to one or all of the persons listed above. If an employee has reported an incident and believes the complaint did not receive adequate attention, or if the harassment continues, the employee will report the matter again.

### **5. Whatcom County Prohibits Retaliation**

Whatcom County prohibits retaliation against any employee who, in good faith, reports harassment and any witnesses to reported incident(s).

### **6. Whatcom County Responds Promptly to ALL Harassment Complaints**

A supervisor or Department Head who receives a complaint or becomes aware of potential incident (s) of harassment will immediately:

- Notify the Department Head (if the complaint was not made to the Department Head).
- Notify the A.S. Human Resources Manager or Associate Manager.

### **7. Accused Party Ceases Inappropriate Behavior and Cooperates In Investigation**

Upon notice that he or she is the subject of a harassment complaint, the accused party will immediately cease any inappropriate behavior. The accused will cooperate with Whatcom County in any investigative efforts related to the complaint.

**8. Whatcom County Investigates ALL Harassment Complaints**

The A.S. Human Resources Manager or designee will coordinate with the Department Head to promptly and thoroughly investigate each reported incident. The Department Head or designee will take action based on the findings from the investigation.

If an investigation uncovers evidence of criminal activity, the Department Head or designee will refer the matter to the Prosecutor and Sheriff. If an investigation shows parties have provided false information, the Department Head or designee will follow Whatcom County's process for disciplinary action.

**9. Whatcom County Protects Confidentiality to Extent Possible**

All parties to a complaint (investigator, complainant, witnesses, and accused) will limit discussions about the incident(s) to the investigation and will NOT disclose information outside the investigation process, except as may be required by law.

**Whatcom County Administrative Policy - AD142300Z  
Prohibiting Harassment**

**Topic:** Discipline & Rules

**Effective Date:** 12/13/02; revised 6/08/06; revised 3/23/12

**Approved by:** Jack Louws

**Cancels:** n/a (new)

## 100.0 INTRODUCTION

100.1 AUTHORITY        The following policies and procedures are promulgated under the authority of the Whatcom County Personnel System Ordinance.

100.2 OBJECTIVE        The Personnel Policies and Procedures Manual is intended to supplement the Personnel Ordinance and establishes specific policies and procedures for the personnel management system in order to insure the achievement of the objectives outlined in Section 2 of the Ordinance.

## 100.3 SCOPE AND APPLICATION

- A.    This Employee Handbook should be retained throughout the employee's tenure with the County. It summarizes general statements of County policy. It is not all-inclusive, however, and for additional information or interpretation, talk to your immediate supervisor, or contact the Personnel Department. This Handbook is not to be construed as a contract or covenant of employment. The County may revise this Handbook or its personnel policies, practices or procedures without prior notice, as it deems necessary, from time to time. Employees will be kept advised of changes through notices on bulletin boards, employee meetings or issuance of revisions to the Handbook. When written changes are made, add them to your copy of the Handbook.
  
- B.    The Personnel Policies and Procedures Manual shall govern and affect the personnel administration of all employees and departments within the jurisdiction of Whatcom County except those exempted by the personnel ordinance. Employees of Nor-Bell are subject to policies developed for that institution, but, in addition, are subject to all but the following sections of this Manual.

Section	Title
105	Position Classification Plan
106	Salary Administration
107	Group Insurance
109	Holidays
110	Vacation
111	Breaks
113	Leave of Absence without Pay

- C. Collective Bargaining Agreements negotiated with unions representing employee groups will complement these Policies and Procedures.
- D. Nothing contained in this manual will supersede the provisions of collective bargaining agreements between the County and any labor organizations.
- E. Adoption of these policies does not preclude individual departments from developing policies of their own to amplify or expand this manual, provided that all such policies are reviewed and approved by the Personnel Director.

#### 100.4 DEFINITIONS

**ALLOCATION:** The assignment of a position to the proper class.

**ANNIVERSARY DATE:** The date of assignment to the employee's current pay range and position or the date of appointment as a probationary or CETA employee, whichever is the most recent. Annual step raises, when authorized, are awarded on the anniversary date. An exempt employee's anniversary date for step raises is always adjusted to January 1<sup>st</sup> of the year following employment.

**APPOINTING AUTHORITY:** County officials who have the authority to appoint individuals to positions in the County service.

**CETA EMPLOYEE:** A person who was originally employed with the County under the terms of the federal Comprehensive Employment Training Act. CETA employees were temporary employees.

**CLASSIFICATION:** One or more positions which are sufficiently alike with respect to duties and responsibilities to warrant using the same title, qualification requirement and pay grade.

**CLASSIFICATION PLAN:** The sum total of all classifications in service.

**CONTRACTOR:** A contractor is an individual, organization, or firm which has a contract with the County. The County may also contract with independent licenses professionals, such as an attorney to accomplish a certain task. Contractors or persons under contract to the County are not employees. They are not subject to the County pay or benefit program nor do they fall under the provisions of any collective bargaining agreement nor the Unrepresented Employee's Salary Resolution.

**DEMOTION:** The re-assignment of an employee from one classification to another classification of a lower pay grade or lower maximum rate of pay.

**DEPARTMENT HEAD:** A County official with the designated responsibility for the operation of a County department or office.

**DISCIPLINARY ACTION:** The action taken to discipline an employee ranging from a verbal reprimand up to and including discharge.

**DISMISSAL:** The involuntary termination of an employee regardless of the reason.

**ELECTED OFFICIAL:** An elected official is a person who is elected by vote of the people of the County, or who has been legally appointed to fill a vacancy in an elected position in County government.

**EMPLOYEE:** An individual who has been legally appointed to a position in a department in Whatcom County government. Recent employees will have been appointed in writing to a temporary position, an exempt position, or to a probationary position. Employees are paid through the County payroll system, and are subject to the Personnel Ordinance, the respective collective bargaining agreement (if any), and these policies.

**ENTRY LEVEL PAY RATE:** The minimum rate in the pay range prescribed for a class.

**EXEMPT OR UN-REPRESENTED EMPLOYEE:** An exempt employee is a County employee who is not represented by a union. Exempt employees are employees at will, that is, they may be discharged with or without cause, with or without notice, at any time.

**HIRE DATE:** The date at which the present continuous service as an exempt, a CETA or a probationary employee began.

**JOB SPECIFICATION OR JOB DESCRIPTION:** A written description of a job classification containing the title of the position, department and location, a general statement or summary of the purpose of the position, examples of the typical major duties performed, and minimum qualification requirements.

**LAYOFF:** The involuntary separation of an employee because of lack of work, lack of funds, or the abolishment of a position.

**PART-TIME OR TEMPORARY EMPLOYEE:** A part-time or temporary employee is one who is exempt from union membership by the terms of the respective collective bargaining agreement. Part-time/temporary employees have not received probationary appointments nor are they entitled to the employee benefit package unless the terms of the pertinent collective bargaining agreement are met.

**PAY PLAN:** The schedule of pay ranges for all classified County Jobs.

**PAY RANGE:** The minimum, intermediate, and maximum rates of pay established for each class of positions.

**PAY RATE:** The specific dollar amount established for each step within a pay range.

**POSITION:** An aggregate of duties and responsibilities to be performed by an employee. A position may be filled or vacant; full-time or part-time.

**PROBATIONARY PERIOD:** A preliminary trial period of employment during which an employee is required to demonstrate his/her fitness for employment. Probationary employees may be terminated without cause during the probationary period. Exempt employees have no probation period since they are employees at will. They may be terminated at any time without cause.

**PROMOTION:** The assignment of an employee from one classification to another, with increased responsibility and a higher maximum rate of pay.

**RATER:** The supervisory official who is required to conduct performance evaluations for all employees under his/her immediate supervision.

**RECLASSIFICATION:** The reassignment of a position from one classification to a different classification to correct an error in the original assignment or to recognize a significant change in the nature of duties and responsibilities being performed.

**REINSTATEMENT:** The action by which an employee after leaving County service is reinstated to a position with pay and fringe benefits comparable to that which he/she received at the time of his/her separation or leave, e.g., return from military or disability leave.

**REVIEWING OFFICER:** The rater's immediate supervisor who is required to review each performance evaluation before it becomes part of an employee's permanent record.

**SEASONAL APPOINTMENT:** An appointment made to a position which requires the services of an incumbent only during certain specific periods of the year. Seasonal employees are temporary employees.

**SELECTION DEVICE:** Devices used separately or in combination as appropriate to obtain the best-qualified candidates for vacant positions. Such devices include work sample and performance tests, practical written tests, oral examination, rating of training and experience, etc.

**SEPARATION:** The removal of an employee from the payroll for either voluntary or involuntary reasons, to include dismissal, resignation, layoff, retirement, or death.

**STEP INCREASE:** A pay increase of one step granted to employees on their anniversary date based on a combination of satisfactory work performance and length of service in their present position.

**TEMPORARY EMPLOYEE:** See PART-TIME EMPLOYEE.

**TRANSFER:** The assignment of an employee from one position to another in the same or a different classification with the same pay range.

## 100.5 RESPONSIBILITY AND AUTHORITY

Proper organization and delegation of authority are essential to effective and efficient County government administration and management. The responsibilities and authorities delineated in this section are intended to establish a clear understanding of the role that each segment of County government must play in order to create a sound personnel management program.

- A. **COUNTY COUNCIL:** The Council has among other responsibilities indicated in the Home Rule Charter and the Whatcom County Code, the responsibility and authority to:
  - 1. Approve the County's budget
  - 2. Approve all Personnel Rules included with the County personnel system ordinance.
  - 3. Establish and approve system-wide Policies and Procedures for the efficient operation of the County's work force.
- B. **COUNTY EXECUTIVE:** The County Executive is accountable for the overall administration of the Whatcom County Personnel System. The County Executive Shall hold all subordinate



Line management accountable for the performance of their departments which includes the delivery of services and consistent management of assigned employees.

- C. PERSONNEL DIRECTOR: The Personnel Director is responsible to the County Executive for carrying out all of the tasks outlined in Section 101. of this Manual.
  
- D. DEPARTMENT HEADS: Depart Heads shall have the responsibility and authority consistent with these Policies and Procedures, the Personnel Ordinance and applicable collective bargaining agreements to:
  - 1. Administer and comply with the County-wide Personnel Ordinance, Policies Manual, and Merit System provision as they apply to the management of their departments.
  - 2. Keep employees in their departments informed of current personnel policies and procedures.
  - 3. Appoint employees to positions within their respective departments in accordance with established personnel procedures and policies.
  - 4. Develop, as needed, employee training programs for employees within their respective departments.
  - 5. Administer discipline within their respective departments and delegate such authority to supervisory personnel as deemed appropriate.
  
- E. SUPERVISORS: To the extent that superiors delegate authority to them, and consistent with these Policies and Procedures, the Personnel Ordinance, and applicable collective bargaining agreements, supervisors shall:
  - 1. Interview applicants for positions under their supervision.
  - 2. Implement personnel policies, rules and regulations in the units under their supervision.
  - 3. Administer discipline to employees under their supervision.

4. Conduct first step grievance hearings.
5. Conduct personnel evaluations.

## **101.0 PERSONNEL DEPARTMENT**

### **101.1 FUNCTIONS OF THE PERSONNEL DIRECTOR**

The Personnel Director shall direct all of the personnel department's administrative and technical activities, administer the provisions of the Personnel Ordinance and in addition shall perform the following duties:

1. Appoint employees to the personnel department and such other special assistants as may be necessary to effectively implement the provisions of the personnel system ordinance.
2. Develop and maintain the classification plan.
3. Develop and administer the compensation plan, subject to the approval of the County Council.
4. Insure uniformity in the application of discipline and the processing of employee grievances by developing standardized procedures for all departments.
5. Maintain and revise, when necessary, the Personnel Policies and Procedures Manual.
6. Prepare and adopt such forms, reports and procedures as may be necessary to carry out the County's personnel programs.

## **102.0 EQUAL EMPLOYMENT OPPORTUNITY**

### **102.1 POLICY STATEMENT**

It is the policy of Whatcom County to provide equal employment opportunities to all persons without regard to race, color, religion, age, sex, national origin, marital status, sensory, mental or physical handicap, except where such characteristics are a bona fide occupational qualification, as defined in the Washington State Law Against Discrimination (RCW 49.60). This policy is applied to recruitment, selection, promotion, demotion, transfer, lay off, recall, termination, compensation, benefits and all other terms and conditions of employment.

### **102.2 RESPONSIBILITY**

- A. **COUNTY EXECUTIVE:** The Whatcom County Executive has the overall responsibility to ensure that the County's equal employment

opportunity policy is communicated and carried out. The Executive will periodically review the affirmative action program with special emphasis on the effectiveness, timeliness and completeness of the program. The Executive will enlist and require the cooperation and support of all department heads and supervisory personnel of the County to meet their personal responsibilities in achieving the County's equal employment opportunity objectives.

- B. **EQUAL EMPLOYMENT OPPORTUNITY:** The development and overall implementation of the Affirmative Action program shall be the responsibility of the Personnel Director acting as the Equal Employment Opportunity Coordinator. The Personnel Director shall have the responsibility of assuring that the County is in compliance with the current anti-discrimination laws, rules and regulations.
- C. **DEPARTMENT HEADS:** Department Heads and their supervisors have the responsibility to implement County Equal Employment Anti-Discrimination and Affirmative Action Policies within their respective departments.

### **103.0 EMPLOYEE RELATIONS**

#### **103.1 UNIONS**

It is the County's intent to promote and maintain a positive employer-employee relationship and to comply with the Public Employees Collective Bargaining Act, RCW 41.56, and related rules and regulations.

#### **103.2 EXEMPT EMPLOYEES**

Unless specifically noted, all of the policies and procedures apply to exempt employees as well as union employees. The Unrepresented Employee's Salary Resolution, passed each year by the County Council, sets the salary of each exempt position, and outlines the specific benefits to which exempts are entitled.

#### **103.3 FORMER CETA EMPLOYEES**

Employees hired under the CETA program were temporary employees. They had no seniority rights. CETA employees who have been hired as full time employees begin accruing seniority within the hiring department as of their probationary appointment date in the department. However, they accrue vacation, sick leave and longevity credit based on their CETA hire date.

## 104.0 PERSONNEL RECORDS

### 104.1 PURPOSE

The development and maintenance of an effective personnel transaction procedure and personnel records management system is essential to a sound personnel program. The primary purpose of these systems and procedures shall be to:

- A. Establish and maintain clear lines of authority for the processing of personnel transactions and management of personnel records.
- B. Establish and maintain uniform, easily accessible and complete employment records of all County employees.
- C. Establish and maintain clear and efficient procedures for processing all transactions that affect each employee.

### 104.2 RESPONSIBILITY AND AUTHORITY

- A. **PERSONNEL DIRECTOR:** The Personnel Director shall:
  - 1. Have overall responsibility for establishing, maintain, and coordinating personnel transactions, records management systems, and procedures for all County employees.
  - 2. Establish and maintain a central personnel file to include the transactions, records and other pertinent legal employment information for each County employee.
  - 3. Establish and maintain personnel transaction forms and procedures.
  - 4. Establish and maintain position complement control records and procedures.
  - 5. Advise and assist department heads on all County personnel transaction and records management system policies and procedures.
- B. **DEPARTMENT HEADS:** Department heads shall:
  - 1. Initiate and process personnel transactions affecting their employees using forms prescribed by the Personnel Director.
  - 2. Maintain a written record of contacts with employees in accordance with good personnel management practices. Appropriate records shall be forwarded to the personnel director for inclusion in the central personnel file.

- C. EMPLOYEES: All employees shall be responsible for notifying their supervisor of any changes which affect their personal status.

Employees have the right under state law to inspect their personnel records, and to receive copies of the documents in the file. A record must be maintained by the supervisor of all such inspections.

## 105.0 POSITION CLASSIFICATION PLAN

105.1 PURPOSE: The position classification plan provides the County with standardized titles and common job language which is critical to the effective administration of personnel activities, such as:

- A. Human Resource planning and budgeting;
- B. Establishing job performance standards;
- C. Establishing fair and equitable pay;
- D. Developing valid selection and recruitment pay;
- E. Developing training programs, and
- F. Establishing appropriate career lines.

Under the position classification plan, all County positions covered under the personnel system ordinance shall be grouped, divided, and graded into designated classifications having distinctive titles, based upon the type of service and the character of work performed, the qualifications required, the duties and functions involved, the responsibility assigned and the supervision received. In this regard, the following principles shall apply:

- A. The classification shall be made on the basis of all the positions taken as a whole, and not on a department basis, so that similar positions in different departments shall be included in the same classifications; provided however that this provision shall not apply to those positions involving functions, duties or responsibilities which are substantially unique to a particular department.
- B. Each classification shall consist of one or more positions sufficiently similar with respect to duties and responsibilities so that job titles and minimum qualifications for each classification will be substantially the same.

- C. Two or more classifications performing the same or substantially similar work, but differing as to the duties, responsibilities and supervision involved, shall be arranged and graded similarly and in the established line of promotion.

## 105.2 ALLOCATION OF POSITIONS

The personnel director shall analyze and evaluate the duties, responsibilities and qualifications required of each position in the classified service and then allocate each position to the appropriate class.

## 105.3 POSITION DESCRIPTIONS

Written position descriptions shall be prepared and maintained for each position in the classification plan. The descriptions shall include a title, department, a summary of the position purpose, examples of the major duties or tasks performed in the position, and the statement of the desired or requisite qualifications for the particular position. Special requirements, where appropriate, such as licensing or certification, shall also be included. Qualifications for a position must be reasonably related to the ability to perform the job in questions.

## 105.4 RECLASSIFICATION

- A. Request for reclassification – Department Head: Whenever it becomes necessary to make a permanent and/or substantial change in the duties or responsibilities of a position, the department head shall submit to the Personnel Director a written report of the facts and the proposed change.
- B. Requests for reclassification: Whenever an employee believes that his/her position is improperly classified, the employee (or the employee's bargaining representative) may submit a written request for reclassification to the Personnel Director. The request must include the pertinent facts involved, the reasons for the request, and a definition of the duties actually and currently being performed. The request may be submitted through either the department head or the employee's bargaining representative.

- C. Investigation of reclassification request: Requests for reclassifications shall be investigated by the personnel director. If the job is improperly classified, or the duties and responsibilities of the position are no longer within the scope of the existing position, the personnel director, with the approval of the department head, shall forward his/her recommendation for placement to the County Executive for final approval or disapproval. If it is determined that the position is properly classified, the position will remain at its current level. Except under extraordinary circumstances, reclassifications become effective on January 1<sup>st</sup> of the coming year.

In order to justify a reclassification the position must have had a significant change in duties and responsibilities since the position was originally classified.

- D. Maintenance of the classification plan: The Personnel Director shall periodically review the entire classification plan or any part thereof at his/her own initiative or at the request of a department head, employee or other interested party. The purpose of such review shall be:
  - 1. To ascertain whether or not the plan accurately reflects existing alignment of job classifications;
  - 2. To determine the accuracy of class specifications, and
  - 3. To assure that positions are properly classified. As appropriate, the Personnel Director shall take whatever action eh/she deems appropriate to amend and update the classification plan.

## **106.0 SALARY ADMINISTRATION**

### **106.1 THE PAY PLAN**

The pay plan shall include the schedule of pay ranges, consisting of minimums, intermediate, and maximum rates of pay for all classes of position employed the County. The objectives of the pay plan shall be to:

- A. Provide an appropriate salary structure to recruit and retain competent employees.
- B. Provide appropriate pay incentives for high employee productivity.

## 106.2 STANDARDS FOR DEVELOPMENT OF THE PAY PLAN

The pay plan shall be directly linked to the classification plan and shall be based on the principle of equal pay for equal or similar work. Pay ranges within the pay plan shall be determined with due regard to such factors as:

- A. Uniformity of pay for each class;
- B. The relative difficulty and responsibility of work;
- C. The recruiting experience of the County;
- D. The prevailing rates of pay in both public service and private industry;
- E. Cost of living factors;
- F. The financial policies and circumstances of the County
- G. Other pertinent economic considerations.

## 106.3 ADOPTION OF THE PAY PLAN

The Personnel Director, subject to the approval of the County Executive and the County Council, shall be responsible for the development and maintenance of the pay plan. The plan shall be submitted to the County Council for adoption by resolution.

## 106.4 ADMINISTRATION AND AMENDMENTS

The Personnel Director shall be responsible for administering the pay plan. He/she shall insure that the plan is kept current through periodic reviews and comparative studies of pertinent factors affecting levels of pay. When appropriate, the Personnel Director shall recommend to the County Executive necessary amendments to the pay plan.

## 106.5 ENTRY LEVEL PAY RATE

The entry-level pay rate shall normally be the Step to which a new employee is assigned. A department head may, with the prior approval of the County Executive make an appointment above the entry level Step. Approval of appointments above the entry-level pay rate shall be granted only when there are no available or acceptable candidates at the entry-level rate or in recognition of qualifications which clearly exceed the minimum requirements for the position. IN no instance will an appointment be made above the minimum where equally qualified County employees earn less or where equally



Qualified applicants are available at the starting rate. Under no circumstances will an employee receive an entrance pay rate below the minimum rate prescribed for the classification to which appointed.

## 106.6 STEP INCREASES

### A. UNION Employees:

#### 1. Inside, Public Works, Parks, and Juvenile Contracts.

A new employee, placed in any step in the pay plan, shall be eligible for the first step increase upon completion of six months of service. Six months later, (after twelve months service) they move to the next step in the Pay Plan which is 1.9% higher than their present Step, and so on until they reach the top Step, provided any job performance evaluations required for a Step raise under the union contract is satisfactory.

Advancement from Entry Step to Step 3 shall be made on an automatic basis if the probation period is successfully completed. Advancements to steps 3A, 4A, 5A, 6A, and 7A shall not be granted automatically but will be based on satisfactory work performance in addition to length of service in a classification. The performance of the employee shall be evaluated by his or her supervisor at least forty-five days prior to the decision for each pay step increment. The employee must have an overall evaluation of "satisfactory" or higher for the in-grade increment to be granted. Eligibility for progression to the next pay step shall occur on the first day of the month in which the employee annual, or semi-annual anniversary date falls.

#### 2. Sheriff's Deputy and Corrections Officer and Support Staff Contracts.

The first two steps for Deputies and Corrections Officers in these Pay Schedules are six months each. All other steps in the Pay Schedule are annual. Should an employee receive a promotion, the employee's anniversary date for pay purposes shall be changed to the effective date of the promotion.

#### 3. Ferry. The Ferry contract does not provide step raises.

### B. EXEMPT Employees. Exempt employees shall be granted step increases in accordance with the schedule in the Unrepresented Employees Salary Resolution.

## 106.7 PART-TIME AND TEMPORARY EMPLOYMENT

Part-time and temporary employees shall be compensated on an hourly basis equivalent to the entry-level hourly rate established for the classification in which they work. They are not eligible for step increases regardless of length of service. Such employees are not eligible for benefits unless they meet the minimum requirements of the respective union agreement or an RCW which applies.

Seasonal employees working in non-classified positions may be paid at rates established by the employing department, after a rate review by the Personnel Director.

## 106.8 PAY RATE ADJUSTMENT

The following personnel actions shall affect the pay status of an employee in the manner described:

- A. **TRANSFERS:** When an employee is transferred from one position to another within the same pay range, the employee shall continue to receive the same pay step and shall maintain the same anniversary date.
- B. **PROMOTIONS:** When an employee covered by a union contract is promoted, from one class to another having a higher pay range, that employee shall receive an increase based on the terms of the particular union contract. Exempt employees shall follow the rule established in the Unrepresented Employees Salary Resolution.

When a union employee is promoted to an exempt position, the calculation of the new salary is based on the Unrepresented Employees Salary Resolution. If the employee is currently paid longevity, the longevity amount is added to the base salary before the calculation is made.

- C. **DEMOTION:** When an employee is demoted for cause from one class to another having a lower pay range, the individual shall be placed in a step within the lower range which provides at

least a 3% reduction in pay. When an employee is demoted for administrative purposes through no fault of the employee, the employee shall be paid the top step in the lower pay range, if their pay is greater than the top step, or the nearest pay step to their current rate of pay, rounded down, whichever is appropriate.

- D. REINSTATEMENT AFTER LAY-OFF: Seniority rights to reinstatement are governed by the appropriate collective bargaining agreement.

Employees under the Inside, Parks, Public Works, and Juvenile contracts who have been laid-off shall continue to accrue seniority during a twelve month period. Upon recall to work, they retain any sick leave accrual which was not paid off, and accrue vacation at the rate dictated by their seniority.

Employees in these contracts are afforded the opportunity to fill vacancies in any department covered by these agreements after department employees have had an opportunity to fill the vacancy, but prior to vacancies being opened to the public, provided:

1. all members who had been laid off under the terms of the respective contract have been recalled to work or have rejected such an offer;
2. the employee is qualified to fill the position
3. the employee has the greatest seniority among those still laid off;
4. the employee satisfactorily completes a 180-calendar day probation period.

Reinstated employees will be paid at the salary level which has been budgeted for the position to which they are hired, unless their salary before lay off is less than the amount budgeted. In that event they will be paid at the closest higher step to that earned when they left County employment. If they retain their seniority rights, step raises are awarded on their original anniversary date. If the twelve-month period has expired, seniority rights expire, and the former employee begins employment anew at the entry-level pay step.

#### 106.9 OVERTIME

- A. Employees, other than those exempt from the Fair Labor Standard's Act, (FLSA) will be paid overtime in accordance with the provisions of their respective collective bargaining agreements. Employees not exempt from FLSA, but exempt from union membership are entitled to compensatory time off (maximum of 240 hours) at time and one half for all overtime hours worked.
- B. Employees shall not work overtime without departmental authorization.

- C. Overtime for exempt employees is authorized only under conditions outlined in the Unrepresented Employees Salary Resolution.
- D. Calculation of the "regular rate of pay" will comply with Fair Labor Standard's Act Regulations.

#### 106.10 CALL BACK PAY

Employees other than exempt employees shall receive call back pay when they are requested to return to work on a week-end, or after completing a regular working day and having left work for the day in accordance with provisions of their respective collective bargaining agreements.

In those contracts with call back provisions, the overtime rate of the calendar day on which the time is worked is paid. For example if a call out is made at 10:00 PM on Saturday and work continues after midnight the Saturday rate is paid for the hours worked on Saturday; the Sunday rate is paid for hours worked on Sunday.

If call out overtime is worked prior to the beginning of a shift, and extends into regular shift hours, the rate paid changes to straight time. All work performed during normal shift hours is paid at straight time.

Once an individual is called out and paid a guaranteed number of hours at overtime, the individual is considered on duty for that period of time, even though the work may be finished and s/he returns home. If the guarantee was four hours at overtime, a second call out within four hours of the original call out does not warrant a second four-hour guarantee. A second call out after the four hours has elapsed, would begin a second period.

#### 106.11 UNEMPLOYMENT COMPENSATION

The County shall provide unemployment compensation for employees who may be laid off. Washington State laws and Employment Security Department Rules and Regulations regarding unemployment compensation shall be observed by the County.

Unemployment claims are processed and paid through the Personnel Department. All correspondence concerning unemployment including the "Notice to Employer" is to be forwarded to the Personnel Department, and not submitted directly to the Washington State Employment Security Department.

## 106.12 WORKING OUT OF CLASSIFICATION

With regard to those Teamsters contracts which contain a Section on "Working out of Classification", an employee is entitled to pay in the higher classification if the employee is assigned by the supervisor to perform the duties of the higher paid employee. Such assignments should be made in writing.

## 107.0 GROUP INSURANCE

107.1 ELIGIBILITY All employees meeting the requirements of their respective collective bargaining agreement or the Unrepresented Employees Salary Resolution shall be eligible for insurance benefits in accordance with the terms of the respective carrier contract with the County.

107.2 COVERAGE The County shall provide benefit coverage for employees in accordance with the terms of their respective collective bargaining agreements.

## 108.0 SICK LEAVE

108.1 GENERAL Cumulative sick leave with pay shall be provided to eligible County employees in accordance with the provisions of their respective collective bargaining agreement. In general, one day of sick leave is accrued each month even if an employee has accrued the maximum sick leave permitted under a union contract. In such a case, the County's policy is first in, first out; that is, sick leave accrued ten years ago is the first used or lost if the individual loses time because of illness, or if an additional day is accrued after a month of no time loss.

Upon request, an employee shall provide the County with proof of incapacitating illness.

## 108.2 SICK LEAVE DEDUCTIONS

There shall be full deductions from any sick leave accumulation for all absences from work on account of doctor, or dentist appointments, illness or disability, exclusive of any illness or disability covered by Worker's Compensation. Whenever any earned sick leave is used by an employee, the number of working hours used rounded to the nearest quarter hour, shall be deducted from his/her total accumulated sick leave. The employee shall accrue sick leave credit at the prescribed rate up to the maximum amount authorized by the terms of their respective collective bargaining agreement.

Sick leave may be used to care for dependent children under the age of eighteen (18) when they have a health condition that requires supervision or treatment.

Because exempt employees are able to cash out unused sick leave under the terms of the Unrepresented Employees Salary Resolution, it is necessary to keep track of sick leave used by exempt employees. Therefore, when an employee exempt from the Fair Labor Standards Act is ill, a deduction will still be made from the sick leave bank, even though they are salaried employees.

## **109.0 HOLIDAYS**

109.1 GENERAL Employees shall be paid for holidays in accordance with the provisions of their respective collective bargaining agreement.

### 109.2 WEEKEND HOLIDAYS

If a holiday falls on a Sunday, the following Monday shall be observed as a holiday. If a holiday falls on a Saturday, the preceding Friday shall be observed as a holiday.

## **110.0 VACATION**

Vacations shall be granted to all full-time employees in accordance with the provisions of their respective collective bargaining agreement.

### 110.1 VACATION SCHEDULING

Employees are responsible for knowing their vacation standing. Seniority shall be the determining criteria for vacation schedule priority. Each employee may select the vacation dates desired from the departmental vacation chart. If more than one employee signs up for the same vacation period, the employee with the most seniority shall have priority. Normally, only two weeks' vacation time will be given priority on the initial sign-up. Vacation time in excess of two weeks will be allotted after everyone has chosen dates for the one or two week vacation to which they are entitled. This policy may be modified by the department head if circumstances warrant it. Those failing to sign up within the scheduled time period will lose their vacation priority, provided they have received prior notification of the deadline. Each vacation request must be approved by the department head and the County reserves the right at all times to restrict the taking of vacations during peak workload periods, or to determine the number of employees that may be on vacation at one time in a single department. Departments may specify vacation scheduling deadlines.

## 110.2 NEW EMPLOYEES

New employees covered under Teamster contracts shall be eligible for their first vacation January 1st of the year following their employment date on the basis of one day for each month of service during the previous year, to a maximum of ten (10) days. This period constitutes the 1st employment year even if it consists of only one month. Thereafter, vacation accrual will be on a calendar year basis. For the purpose of this section, the employment year in the Treasurer's Department shall be June 1st to June 1st.

## 110.3 PRO RATED VACATIONS

When an employee eligible under the collective bargaining agreement terminates or is terminated, he/she shall be paid for any unused vacation accrued including vacation accrued from January 1st to date of severance of employment. Employees of the Treasurer's Department shall use June 1st to date of severance of employment in calculating final accrual.

## 111.0 BREAKS

Union Employees shall be allowed a rest period of fifteen (15) minute for each four (4) hours of working time. Rest periods shall be scheduled as near as possible to the mid-point of the work period. No employee shall be required to work more than three hours without a rest period.

A lunch break of at least thirty (30) minutes but not more than sixty (60) minutes shall be allowed which commences no less than two hours nor more than five hours from the beginning of the shift.

## 112.0 PAID LEAVES OF ABSENCE

### 112.1 JURY SERVICE

The department head shall be informed promptly when a staff member receives a letter requesting his/her appearance for jury selection or to serve as a juror. Written evidence of selection for jury duty may be requested by the department head. While serving on the jury, the employee shall receive the difference between his/her actual salary and the jury duty pay. If an employee reports for jury duty and is dismissed early in the day, the employee shall, if possible, return to work for the remainder of the calendar day and continue his/her normal work schedule.

## 112.2 MILITARY LEAVE

The County shall observe the State Statute regarding military leave which states the following:

Every officer and employee of the state or of any county, city, or other political subdivision thereof who is a member of the Washington National Guard or of the Army, Navy, Air Force, Coast Guard, or Marine Corps Reserve of the United States, or of any organized reserve or armed forces of the United States shall be entitled to and shall be granted military leave of absence from such employment for a period not exceeding fifteen days during each calendar year. Such leave shall be granted in order that the person may take part in active training duty in such manner and at such time as he may be ordered to active training duty. Such military leave of absence shall be in addition to any vacation or sick leave to which the officer or employee might otherwise be entitled, and shall not involve any loss of efficiency rating, privileges, or pay. During the period of military leave, the officer or employee shall receive from the state, or the county, city or other political subdivision, his/her normal pay. (RCW 38.40.060).

## 112.3 BEREAVEMENT LEAVE

If an employee suffers a death in the immediate family, the employee shall be allowed bereavement leave in accordance with the provisions of his/her respective collective bargaining agreement.

## 112.4 ABSENCE DUE TO ADVERSE WEATHER OR EMERGENCIES

Absence from work due to an employee's inability to report for scheduled work because of severe inclement weather, conditions caused by severe inclement weather or other unusual emergency conditions shall be charged first to any compensatory time which had been accrued. If the employee has no compensatory time accrued, the absence will be charged to one of the following in sequential order, unless the employee wishes to designate a specific alternative option.

- a. Any accrued vacation leave,
- b. Accrued sick leave up to a maximum of three days in a calendar year,
- c. Leave without pay.

Tardiness due to an employee's inability to report for scheduled work because of severe inclement weather, conditions caused by severe inclement weather, or other unusual emergency will be allowed up to one hour at the beginning of the work day.



Tardiness in excess of one hour shall be charged as provided above. Employees who wish to leave work early during adverse weather conditions may do so with the concurrence of their supervisor. The time lost will be charged as provided above.

## **113.0 LEAVE OF ABSENCE WITHOUT PAY**

### **113.1 NON-DISABILITY LEAVE**

On rare occasions, leave of absence without pay may be granted an employee. Requests for such leave must be made in writing and be approved by the department head in question with the period of leave being specified and approved in writing. Leaves of absence without pay for periods of five or less workdays may be granted by the Department Head. Requests for longer periods of time will be forwarded to the County Executive for final approval. Leave of absence without pay may be granted with the actual time period contingent upon the reason for the leave, the needs of the department, the needs of the employee, the past performance of the employee, the availability of a temporary replacement, and other pertinent facts. Except as otherwise provided in a collective bargaining agreement, leaves of absence will not be granted for periods longer than eight-nine (89) calendar days. Leave of absence without pay must be requested at least two weeks prior to the date the leave is to begin to allow time to process the request and to find a replacement, if that is necessary. Leave without pay will not be considered until after the employee has used or scheduled all compensatory time, vacation, or other paid holiday time which has been accrued.

### **113.2 DISABILITY LEAVE**

Unless a collective bargaining agreement specifies otherwise, disability leave without pay may be granted a non-work related ill or injured employee for periods not to exceed eighty-nine (89) calendar days. Leave without pay will not be considered until after the employee has used all sick, compensatory, vacation, and holiday time which has been accrued. Approval of a request for Disability Leave is subject to the conditions outlined in 113.0 above, and upon the expectation that the employee will return to work within the allotted time period. An estimate from the doctor of the length of time the employee is expected to be off work may be requested prior to approval. Benefit premium coverage is not provided the employee by the County during leave without pay unless such coverage is provided for in either a collective bargaining agreement or the terms of the benefit coverage. Depending upon the terms of the contract, self-payment for coverage maybe an option.

Employees returning from disability leave within the allotted period will be reinstated to their original job or to a position of like status and pay without loss of service credit or seniority rights. Vacation and sick leave are not accrued during a period of leave without pay, but accrual will begin again upon return to employment. Failure to return to work on or before the end of the leave period will result in termination of employment.

### 113.3 MATERNITY LEAVE

The County's policy concerning maternity leave is in compliance with the pregnancy and disability amendment to Title VII of the Civil Rights Act of 1964, which generally provides that maternity leave be treated as a temporary disability.

There is no fixed time when an employee must stop work. That determination is made on advice of her doctor. The policy governing disability leave set out above in this section applies to maternity leave. Sick leave, compensatory time, vacation time, and accrued holiday time is to be used before leave without pay is granted.

There is no fixed time for an employee to return to work, again that is a determination to be made on advice of her doctor. However, sick leave may only be used while the employee is unfit to return to work due to illness, pregnancy and/or delivery. Once the doctor authorizes a return to work, (usually about six weeks) use of sick leave is no longer authorized. Upon return to work, women have a right to their same (or similar) job and rate of pay.

### 114.0 WORK RULES

The orderly and efficient operation of the County government requires that certain work rules be established. Work rules covering personal standards of conduct as well as standard operating procedures are necessary to protect the health and safety of all employees, maintain uninterrupted service, and to protect the County's goodwill and property. The following work rules shall be applicable to all County employees. These rules are not intended to be all-inclusive and the County shall, when it deems appropriate, modify or establish different rules to insure the effective operation of the County government.

- A. Employees must be at their designated work area on time and ready to work. Employees shall remain at their work area, at work, until the scheduled quitting time unless permission to leave is granted by their supervisor.
  - 1. Non-union employee's schedules and work hours may vary depending upon department requirements.

- B. Where the operations are continuous, an employee shall not leave his/her post until replaced by the next shift employee or until he/she is relieved by his/her supervisor. The employee must notify the supervisor that overtime may be necessary no later than 30 minutes before the next shift commences when a need for overtime is anticipated.
- C. Employees shall follow all safety regulations to include the wearing of safety articles and the using of protective equipment. Employees shall immediately report accidents or injury to their supervisor.

It is the state law and the policy of the County that seat belts be worn by all drivers and passengers riding in County vehicles. Only County employees shall operate County vehicles.

- D. Employees shall be responsible for and shall not misuse County property, records, or other materials in their care, custody and control. County property, records or other materials shall not be removed from County premises without written permission or under the direction of a manager or official who has the responsibility for the items. Property, records and other materials which are needed to perform work off the premises must be returned. Theft of County property is grounds for dismissal.
- E. Employees shall avoid littering work areas.
- F. Employees shall deal with the public, their supervisors, and their fellow employees in a courteous and professional manner.
- G. An employee shall immediately report to his/her supervisor his/her inability to report to work and the reason therefore. Notification should be made prior to the beginning of the work period and as early as is practical so the employer can schedule around the absence.
- H. Employees shall not park in designated prohibited areas.
- I. Employees shall notify their supervisor whenever there is a change in personal data which relates to their job benefit package or other work related particular.
- J. Employees shall not restrict or interrupt work, or interfere with the work of others.

- K. Employees shall report for and remain at work only in a physical condition that enables them to perform the full range of their responsibility.

Employees shall report for work dressed in clothing which is appropriate for their job assignment.

- L. Employees shall not neglect their duties and responsibilities, or refuse to perform assigned work, or to comply with a lawful directive.

- M. Employees shall not engage in immoral conduct, fight, engage in horseplay, gamble or use abusive language while on duty or on County premises.

- N. Employees shall not use County telephones for personal calls, or conduct personal business during working hours on County premises.

- O. Employees shall not post notices on the County premises without prior approval from the appropriate authority.

- P. Employees shall not possess or use intoxicating beverages or illegal drugs during the work day,

1. Employees shall not possess or use intoxicating beverages or illegal drugs on County premises.
2. Employees who report for work, or who are discovered to have the odor of intoxicants on their breath while at work may be subject to the full range of disciplinary action.
3. Employees are required by federal law to notify their department head within five days of their conviction of any violation of a federal or state criminal drug statute which occurred in the workplace.
4. Employees shall not possess or use firearms or other weapons on County premises unless such possession or use is necessary to the performance of their duties.

- Q. Employees shall not falsify records, reports or claims of illness or injury.

- R. Employees shall not engage in activities during working hours that are harmful to other County employees or which inhibits their effectiveness on the job.

- S. Employees shall follow all work orders and instructions unless they violate a rule or regulation or impose health or safety hazards. Willful disobedience of a lawful order is an offense which is grounds for dismissal.
- T. Absence from work other than on authorized leave shall be treated as leave without pay, and may be grounds for disciplinary action. Unauthorized absence from duty may result in separation from service.
- U. Conviction of a crime related to the circumstances of employment may constitute grounds for disciplinary action pursuant to WAC 162-16-060. Evidence of probable cause which results in a formal charge against any employee for a crime which is related to the job, shall constitute sufficient grounds for suspension without pay, and/or dismissal.
- V. Sexual harassment of another person by a County employee within the scope of employment will not be tolerated, and, depending upon the seriousness of the offence, may be grounds for dismissal. (See Resolution 83-10 - defining County Policy on Sexual Harassment, included in this Manual.)
- W. Employees who have knowledge of wrongdoing or illegal activity which has an effect on County operations or property have a duty to communicate this information to their supervisor.
- X. Supervisors shall not be assigned direct supervisory responsibility over other close family members. Close family members are defined as husband, wife, or mother, father, sister, brother or grandchildren of either spouse.

#### 114.1 DISCIPLINARY ACTION

Employees who violate any of the work rules set forth in Section 114.0 shall be subject to disciplinary action up to and including discharge.

#### 114.2 DRUG-FREE WORKPLACE ACT REQUIREMENTS

Federal law requires that appropriate disciplinary action, up to and including discharge, be taken against employees convicted of drug violations in the workplace. Employees convicted of such drug violations will be terminated, or, if circumstances warrant a less severe penalty, they must agree to begin participation in a drug or alcohol assistance or rehabilitation program within thirty (.30) days of the County being notified of the violation. Failure to satisfactorily complete such a program, or the occurrence of any future drug related violation will result in termination.

The Personnel Department is available to assist employees in locating a suitable rehabilitation program.

### 114.3 ADMINISTRATION OF WORK RULES

The Personnel Director shall be responsible for the overall administration of the work rules to include recommending revisions, deletions, or adoption of new rules. He/she shall also be responsible for advising department heads on the proper implementation of work rules.

### 115.0 GRIEVANCES

Any employee having a problem or grievance regarding his or her employment shall first discuss the problem with his/her immediate supervisor. If the problem is not solved to the employee's satisfaction, the employee has the right to discuss the problem with the next level of supervision, and so on, in an effort to resolve the problem within the department.

#### A. Union employees.

If the problem cannot be solved within department channels, the employee has the right to file a grievance with his or her union representative about the matter. **Follow Grievance Procedure in the bargaining agreement.**

#### B. Exempt employees.

Exempt employees who are unable to resolve problems concerning employment within their departments, may appeal their case to the County Executive for final resolution. The County Executive may at his/her discretion refer the matter to an impartial three person panel (which normally will include the Personnel Director and two others appointed by the Executive) for investigation and recommendation.

### 115.1 DEFINITION OF A GRIEVANCE

A grievance, for the purpose of this document, is a complaint regarding any dispute or controversy which might arise as to the interpretation or application of a collective bargaining agreement; alleged poor working conditions; unjust application of discipline; or unfair application, interpretation, or violation of rules, policies and procedures of the County, or of the department for which the employee works. Grievances involving union employees covered by a collective bargaining agreement will be handled in accordance with the terms of that agreement.

## 115.2 COUNTY POLICY

It is the policy of Whatcom County to treat all employees equitably and fairly in matters affecting their employment. Each employee of the County will be provided ample opportunity to understand and resolve matters affecting his/her employment which the employee believes are unjust. Any employee having the right to file a grievance may do so without fear of reprisal. Employees are encouraged to resolve their employment problems through the channels described above before going outside the system. Nothing in this section shall be deemed to abrogate any legal means of redress to the courts.

## 115.3 PERSONNEL DIRECTOR

The Personnel Director shall be advised of all grievances which:

- A. cannot be resolved at the first line supervisor's level or
- B. have been referred to the Union, as soon as the department learns of this action.

The purpose of this notification is to insure that issues which may affect more than one department are handled in a uniform manner, and that the resolution of a problem does not conflict with any law, regulation, policy or the provisions of a collective bargaining agreement.

## 116.0 DISCIPLINARY PROCEDURES – GENERAL

The purpose of disciplinary action is to rehabilitate an employee who is not performing satisfactorily. The selection and training process is very expensive and it is to the advantage of both the County and the employee to correct behavior before serious problems develop. Most incidents can be resolved by bringing the problem to the employee's attention, but in some cases, stronger sanctions become necessary. This section outlines the process to be taken in dealing with these more serious infractions.

Formal disciplinary action will normally take the form of:

- A. a letter of reprimand,
- B. a suspension with or without pay,
- C. a demotion, or
- D. termination of employment.

The choice of which sanction to impose depends largely on the seriousness of the violation, although in the case of an employee who continually violates work rules, imposition of more serious sanctions for second or third infractions may become necessary.

#### 116.1 INVESTIGATION OF THE INCIDENT

When an incident occurs which appears to call for formal disciplinary action, the department head shall be notified immediately. In serious cases, where a suspension or termination is likely, department heads, or their authorized subordinate, may immediately suspend an employee, with pay, while the matter is being investigated.

The Personnel Director and Civil Deputy Prosecutor shall be consulted as soon as possible in all suspension or termination cases before any action (other than immediate suspension) is taken with regard to the incident.

Inquiries shall be made to determine who witnessed the incident, what physical evidence is available, if any, and what the facts surrounding the incident are. If the incident is of a criminal nature, the police or the sheriff's office should be notified immediately.

Once sufficient information has been gathered, preferably in writing, the employee must be confronted and asked for his or her explanation. Employees should be advised that they have a duty to the employer to tell the truth concerning the incident, and that lying about a work related violation may, in itself, be cause for dismissal. This meeting is investigatory only, and must not result in disciplinary action being taken immediately.

#### 116.2 LETTER OF REPRIMAND

After an investigation of the incident, the employee's explanation and an evaluation of the facts have been made by the department head, the department head may decide that a letter of reprimand is an appropriate disciplinary action to be taken. Personnel and the Chief Civil Deputy shall be consulted prior to serving the letter on the employee.



The letter of reprimand should summarize the violation briefly, advise the individual that their behavior is not acceptable and will not be tolerated in the future. Depending upon the circumstances, the individual may be advised that future incidents may result in a suspension or termination.

The original letter shall be given to the individual, a copy sent to the Personnel Department to be placed in the individual's personnel file, and at least one copy retained by the department. If the employee is represented by a union, a copy of the letter shall be forwarded to the union. The letter shall be signed by the employee indicating only that he/she has received it.

### 116.3 SUSPENSION/TERMINATION – GENERAL

In the event the department head believes that a suspension or a termination should be imposed for the violation, the Personnel Director and Civil Deputy Prosecutor shall be consulted prior to any notification to the employee. A "reasonable period" of disciplinary suspension shall be determined on a case-by-case basis by the department head. The following factors shall be taken into consideration when the length of suspension is being determined:

- A. The particular cause or reason for the suspension;
- B. Prior conduct and service record of the employee;
- C. The necessity and purpose of the suspension and the desired objectives to be attained by such discipline;
- D. The best interests of the County and its personnel;
- E. All other factors which may be pertinent in particular case.

These same factors shall be examined when considering the termination of an individual.

### 116.4 SUSPENSION/TERMINATION – NOTICE

- A. The termination or disciplinary suspension without pay of an employee by a department head shall be accomplished only:

1. By serving upon such employee, either personally or by mail, a copy of the written notice of such suspension or termination.
  2. Filing such notice, together with evidence of such service, with the Personnel Director.
- B. A notice of disciplinary suspension or termination shall be in a form prescribed by the Personnel Department and the Prosecutor's office, shall be dated and signed by the department head and shall set forth:
1. the name, classification, department, rank, and status of the employee;
  2. the time and duration of any suspension;
  3. the reason or reasons for a suspension or termination.
- C. A copy of the notice of suspension or termination shall be forwarded to the union which represents the employee.
- D. The dates of any suspension or termination shall be set at least three working days later than the notice of suspension so that the employee and the union have an opportunity to review the notice and, at their option, file a grievance under their respective collective bargaining agreement.
- E. The dates of the suspension may be set to minimize its effect on departmental operations.
- F. Subparagraph D. above does not preclude relieving an employee of duties immediately because of the emergency nature of the violation. In the event of an emergency suspension of duty, the Personnel Director, and the union must be notified as quickly as is reasonably possible.

## 116.5 DEMOTION

- A. Demotion may be called for under certain circumstances, primarily where a person in a position of authority has abused that authority or committed a serious violation of some sort related to the authority of the position.

As with other forms of disciplinary action, the Personnel Director and the Prosecutor's Office shall be consulted on the proposed action prior to serving any notice on the employee. Notice of Demotion is given in the same manner as for a suspension or termination.

A copy of the notice of demotion shall be forwarded to the union which represents the employee.

The effective date of the demotion should be set at least three working days later than the notice date, so that the employee and the union have a opportunity to review the notice and at their option, file a grievance under their respective collective bargaining agreement.

The delay in implementation of the demotion contained in the notice does not preclude the department head relieving the individual of the duties of the position immediately.

In the case of a demotion, the pay of the individual drops to the lower Range on the effective date of demotion.

## **117.0 SELECTION PROCEDURES**

- A. **ENTRY LEVEL POSITIONS:** Entry level positions shall be open to any individual who wishes to apply. The Personnel Department shall insure that positions are advertised in one or more newspapers for at least three days in addition to other dissemination methods, and that applications are accepted for at least five working days. The selection process shall conform to Affirmative Action and Equal Employment Opportunity Commission (EEOC) requirements.
- B. **PROMOTIONAL POSITIONS:** Vacancies in union positions shall be filled by first opening the job to qualified individuals currently employed in the Department. Notice of intent to fill a vacancy shall be published within the department for at least three days. The conditions of applicable collective bargaining agreements must be met. If no satisfactory applicant applies, the position shall be advertised to the general public as outlined in Paragraph A.

C. EXEMPT POSITIONS:

1. In order to promote morale and encourage personal development on the part of employees, as well as insure the recruitment of the best qualified individuals, exempt vacancies may be filled by the department head from among qualified members from the department.
2. If the department head chooses, the vacancy shall be opened to the public for applications as described in Paragraph A. above.

D. DEPARTMENT HEADS: Vacancies in department head positions shall be filled through open competition in order to find the best-qualified individual. The Personnel Department shall insure that positions are advertised in one or more newspapers for at least three days in addition to other dissemination methods, and that applications are accepted for at least five working days. The Selection Board shall be convened by the Personnel Director to screen and recommend not less than three names to the County Executive as finalists for the position. The County Executive shall not be a member of a Selection board convened to screen and recommend department head applicants.

E. CURRENT JOB DESCRIPTION REQUIRED:

1. No vacancy shall be filled in any department unless or until a current job description, approved by the Personnel Director, exists.
2. Applicants for vacant positions must, in the opinion of the Selection Board, meet the minimum qualifications for the job. In the event no applicant meets the minimum qualifications for the job, the vacancy shall be re-advertised. Provided that if the department head chooses, he/she may appoint the most qualified of the applicants as a "Trainee" in the position vacancy. The compensation for an employee in trainee status shall be negotiated with the individual or in the case of a bargaining unit employee, with the union. In each case in which the training period extends beyond the normal probation period established by a union contract, written agreement of the union extending the probation period must be obtained before the individual is hired.

F. SELECTION OF APPLICANT:

1. THE SELECTION BOARD: The Selection Board shall normally consist of not less than three members and shall:
  - a. Except when the department head is being selected, include a representative of the department in which the vacancy exists, appointed by the department in which the vacancy exists, (appointed by the department head, but not the department head him/herself);
  - b. Include a representative of the Personnel Department;
  - c. Include one or more members selected at large. At large members shall be appointed by the Personnel Director with the concurrence of the department head, provided that in the case of position vacancies in Range 5 or less, no at large member need be appointed.
2. WHEN A BOARD IS TO BE CONVENED: A board shall be convened to screen applicants for all vacancies except for promotional and exempt vacancies, other than department head vacancies, when more than four applications are received from basically qualified individuals from within the department for a promotional vacancy within that department.
3. THE SCREENING PROCESS: Applications for a position except positions excluded by the Whatcom County Charter shall be reviewed by the Board and evaluated on the basis of education, experience, training and general qualifications for the vacancy. If less than three individuals apply for a position, or none of the applicants has satisfactory qualifications, the position may be re-advertised.

- a. The three top candidates selected from among those interviewed shall be recommended to the department head for appointment. In the event the department head finds none of the three acceptable, more applicants shall be interviewed until a second three qualified candidates are found for recommendation. If no satisfactory candidate is found among the six candidates recommended, the position may be re-advertised.
4. Applications of unsuccessful applicants for a class shall be kept on file during the next six-month period and shall be considered for other vacancies in that same or similar classes. Provided that where 100 or more applications are received for a particular vacancy, applications shall be kept on file during the next one-year period and shall be considered for other vacancies in that classification. Vacancies which occur during these periods, for classifications for which current applications are on file, need not be re-advertised. Instead, selection may be made from those on file. If fewer than three applications are on file, the position shall be re-advertised. Additional unsolicited applications may be added to the file during the six month/one year period, but all applications must be renewed at the end of the six-month/one year period. The six-month/one year period begins with the date of appointment from the list to fill the advertised vacancy.
5. Short term seasonal or part time positions are normally not subject to the selection process. However, in certain positions it is to the advantage of a department to employ persons on a part-time basis as a way of screening individuals for future full-time employment. For this type of position, applicants for part-time positions may be screened in the same manner as full time employees. If part-time employees have been appointed after going through the normal screening process, they may be appointed to a full-time vacancy when one occurs within the department.
6. Former employees who are drawing unemployment during the period a position is vacant may be contacted, and, if qualified for the position, invited to be interviewed as outlined in paragraph 117.0. F. 3. THE SCREENING PROCESS, above.

## 118.0 PERSONNEL EVALUATION

### 118.1 EVALUATION OF PROBATIONERS:

- A. The exact length of probation periods vary with the collective bargaining agreement. Regardless of the length of the period, probationers shall be evaluated at the end of each month of their probation.
- B. At the end of each month, the supervisor shall rate the probationer using the evaluation form and then discuss the rating with the employee. Achievements, as well as discrepancies, should be pointed out. If the employee is not performing well, or up to the standards expected, the supervisor should outline the areas of deficiency and establish realistic goals or objectives the employee is expected to achieve. Failure of the employee to achieve these objectives within the time provided should result in termination of employment.
- C. A record of the discussion and the objectives set shall be made on the form. The employee signs the form indicating the comments and objectives have been reviewed with him/her and understood. They need not agree with the evaluation.
- D. If performance does not improve during the probation period, the employee should be terminated before reaching the end of the period. Any doubt should be resolved in favor of the County. Retaining a marginal or unsatisfactory employee creates a problem which may go on for years. Termination during probation is a relatively simple process.
- E. As with other evaluations, one copy shall be forwarded to the Personnel Department to be placed in the individual's personnel file.

## 118.2 EVALUATION FOR STEP RAISES

Some collective bargaining agreements require an evaluation form be completed prior to a step raise to specific steps. Raises to Step 4 through 7 of the Inside, Parks, Juvenile, and Public Works contract require evaluations.

Forty-five (45) days prior to the anniversary date of the employee's eligibility to progress to the next step, the department supervisor will conduct an employee performance evaluation. As with probationers, the supervisor shall complete the evaluation form and then discuss it with the employee. If performance does not warrant an increase in pay, the raise should be denied. The requirement in the union contracts for the evaluation to be done forty-five (45) days early is to provide time for the employee to improve performance, if that is necessary.

For individuals covered by the Teamster's contracts which provide a wage increase at the end of-probation, a program sheet authorizing a salary boost to Step 1 shall accompany the final probationary evaluation form.

## **119.0 PROMOTION OR TRANSFER TO A NEW DEPARTMENT - RECALL AFTER LAY-OFF**

### 119.1 TRANSFERS TO A NEW DEPARTMENT

When an employee applies for a vacancy in, or is transferred to a new department they retain their original hire date for the purposes of vacation accrual and longevity. Unless there is an agreement between the two departments to the contrary, vacation accrued in the first department will be paid off as of the date of termination from that department. Sick leave accrued in the first department will be carried to the new department. The individual begins at the bottom of the seniority list in the new department for lay-off purposes, vacation choice, and promotional opportunities.

### 119.2 RECALL AFTER LAYOFF

Seniority rights to reinstatement are exclusive to departments covered by the particular contract. For example, employees covered by the "Parks" contract have no right to a vacancy in an "Inside" contract department.

Employees recalled to a new department or to -a new position in their former department are subject to a probation period in the new position.



Satisfactory performance in the new position must be demonstrated or the individual may be subject to discharge without cause during the probation period.

An individual who has been laid off and is subsequently recalled to work under contract provisions, will retain seniority as outlined in the applicable collective bargaining agreement. Vacation accrual will be based on his/her original hire date. If sick leave has been cashed out, the remaining 50% (75%) is available to the individual upon returning to work. If she or he terminates her or his employment again for any reason, only the sick leave accrued since the re-hire date is calculated into a second sick leave cash out. If the individual is re-hired after their reemployment rights under the contract have expired, they return to work as a new employee with a new probation period and hire date.

Reinstated employees will be paid at the salary level which has been budgeted for the position to which they are hired, unless their salary before lay off is less than the amount budgeted. In that event, if the new position is in the same pay Range, they will be paid at the rate they earned when they left County employment. If the position is in a different Range, they will be paid at the next highest step above their former step. If they retain their seniority rights, step raises are awarded on their original anniversary date. If the respective twelve or six month period has been exceeded, seniority rights expire, and the former employee begins employment anew at the entry-level pay step.

Employees who have been laid-off from the Public Works or Parks Department retain seniority rights for a twelve-month period. Inside Contract employees who are reinstated to a position in their original department within the twelve-month period guaranteed by the contract, or to a different department within the six-month period guaranteed by the contract, retain seniority for these respective periods.

## **120.0 SAFETY**

### **120.1 WORKER'S COMPENSATION**

Whatcom County is self insured for Worker's Compensation. The County's program provides exactly the same benefit as the State Department of Labor and Industries. Employees who are injured on the job are required to report their injury to their immediate supervisor as soon as it is practical to do so. The supervisor must make note of

the date and time of the incident and, if the employee loses work time or requires medical attention, report it to the department head and to the Safety Director immediately. The supervisor must also complete a Supervisor's Report of Accident form and submit it to the Safety Director.

The injured employee must complete a Self Insurance Accident Report (SIF-2) Form for every medically, treated injury or illness.

The SIF-2 Form must be forwarded to the Safety Director within twenty-four (24) hours of the injury.

The attending physician must be told that the illness/injury is an industrial injury, and that the County is Self Insured so that s/he may complete the "Physician's Initial Report" and submit it to the Personnel Department.

## 120.2 COORDINATION OF SICK LEAVE

If an employee suffers a job related illness or injury, and that illness or injury results in time loss from the job, the employee will be paid for that time loss from Whatcom County's Self Insurance Fund. The amount of time loss to be paid the injured worker is based on the information on the SIF-2 Form relating to wage and marital status at the time of the injury. A check for the time loss period will be issued based on the guidelines of the Industrial Insurance-Law (Title 52 RCW) and the appropriate Regulations.

The State determines the average wage in the state each fiscal year and adjusts it effective July 1. The state average wage is the maximum salary upon which benefit payments are calculated. The amount of time loss to be paid is based on a percentage of the state average wage. The average County employee's salary is greater than the state average wage,

therefore, it is the policy of the County to coordinate whatever sick leave an injured employee may have accrued with the Industrial Insurance payment. The employee may also use accrued vacation time in order to maintain a full paycheck for as long as possible. State law does not permit an employee to receive more money than they would have received had they not been injured. However, vacation is a benefit which the employee has earned through prior service. Therefore, if the employee wishes, he or she may draw both vacation pay and time loss payment without affecting the amount of their time loss payment.

The present Teamsters collective bargaining agreements provide in Article 5.04 that during the period they are off on disability, employees shall utilize their accrued sick and vacation leave. Through this coordination, they may continue to receive their full salary during the period of recuperation. In no case, however, (with the exception of taking vacation time as described above) may the employee receive more money than they would have received had they not become disabled.

Medical costs for work related accidents or illnesses are covered by the Industrial Insurance Plan. The Teamster's Medical or Whatcom Medical Bureau plans will not cover these expenses. Whatcom County is Self Insured for Worker's Compensation. All the medical bills and all time loss payments are paid through the County's Self Insurance program.

When employees receive a time loss check, they have two options.

- a. They can buy back a portion of the sick time they may have used during the period of disability by endorsing the check and turning it back to the County; or,
- b. They can cash the check and keep the money. However, if they have received full sick leave pay up to the date of the check, the department will have to deduct the amount of the check from the next pay check since under Washington State Law, one cannot be paid more money than one would have earned had one not been disabled.

This policy covers all Whatcom County Employees in the Self Insurance Program including Nor-Bell, but excluding the Ferry. Ferry employees are covered by the Jones Act.

### 120.3 SEAT BELTS

It is the policy of Whatcom County that seat belts be worn by all drivers and passengers in County vehicles.

#### 120.4 SMOKING

Because smoking has been identified as a health hazard, and because good health has a strong relationship to productivity, it is the policy of Whatcom County to discourage smoking on the part of its employees. Smoking is not permitted in County buildings.

#### 120.5 SAFETY MEETINGS

Each department, or area will appoint or elect an employee to be their safety representative. Departments will hold monthly safety meetings. The safety representative will be the department's representative to the Central Safety and Health Committee. The Central Safety and Health Committee will meet at least quarterly to discuss safety problems and review progress towards correction of safety hazards.

#### 120.6 HAZARDOUS MATERIALS - WORKER'S RIGHT TO KNOW LAW

There are many hazardous materials which are used in the work place. Washington State has enacted a Worker's Right to Know Law which requires employers to identify hazardous materials, to develop procedures for handling them and to train employees in the use of those procedures for handling these substances.

It is Whatcom County's Policy to ensure that the hazards of all chemicals are evaluated and that information concerning their hazards is transmitted to affected employees.

The County has a written Hazardous Materials Program which addresses the requirements of this law. We have embarked on a training program to provide each employee with information on chemicals used in the workplace, how to recognize them and how to deal with them. Each department has a manual entitled CHEMINFO which is available for quick reference to possible hazards in that department.

If you have questions concerning this program, contact your supervisor, the department safety representative, or the Safety Director for information.

## 121.0 COBRA

The Comprehensive Omnibus Budget Reconciliation Act of 1986 (COBRA) provides a new benefit to employees who retire or otherwise terminate their employment with Whatcom County, provided that their termination was not a result of gross misconduct on their part. This benefit applies to health or medical, dental, and vision coverage. Terminating employees (or their eligible dependents) must self pay the cost of continued coverage. (See below.)

### 121.1 CONDITIONS FOR CONTINUED COVERAGE

If your employment terminates for any reason other than your gross misconduct, or, if your hours worked are reduced so that your coverage terminates, you and your covered dependents may continue medical care coverage under the Whatcom Medical Bureau or the Teamster's Plans for up to eighteen (18) months, provided you or your covered dependents are not covered under any other group medical plan. In addition, if you should die, become divorced, or legally separated, or become eligible for Medicare, your covered dependents who are not covered under any other group medical insurance plan may continue coverage under the Plans for up to three (3) years. In addition, your covered children who are not covered under any other group medical plan may continue coverage under the Plans for up to three years from the time they no longer qualify as your covered dependents under the terms of the plan.

### 121.2 WHEN CONTINUED COVERAGE ENDS

The continued coverage will end for any person when:

- a. the cost of continued coverage is not paid on or before the date it is due.
- b. that person becomes eligible for Medicare; or,
- c. that person becomes covered under another medical care plan; or
- d. the Plan terminates for all employees.

### 121.3 CONVERSION

Once continued coverage ends for any person, that person may obtain a personal health care policy without evidence of insurability, as provided under the terms of the Plan.

### 121.4 NOTICES

Notice will be given you when you or your covered dependents become entitled to continued medical coverage under the Plan. You, or they, will then have up to (60) days to elect to continue coverage. Notice will be given you at the time of your exit interview. The carriers, Whatcom Medical Bureau and the Teamster's Trusts will notify you when they receive notice you have left County employment.

### 121.5 COST OF CONTINUED COVERAGE

Any person who elects to continue coverage under a Plan must pay the full cost of that coverage, plus any additional amounts permitted by law. A 2% administrative fee is presently authorized by law. Contact the Personnel Department to determine current COBRA premium rates for the WMB Plan. Contact the Teamster's Union Office for information on the Teamster's Plans.

### 121.6 YOUR RESPONSIBILITIES UNDER THE LAW

If you choose coverage, you must advise the County or the Teamster's Trusts within 60 days of termination that you wish to continue coverage and:

- a. complete a form, requesting continuing coverage.
- b. pay your premium when due.
- c. keep the County or the Trusts advised of your current address,
- d. advise the County or the Trusts if you or your covered dependents become covered by another health care program, including Medicare,
- e. advise the County or the Trusts of any change of status which affects you or your dependent's coverage,

- f. advise the County or the Trusts if you and your spouse become divorced or legally separated,

Your spouse must notify us in the event of your death.

## **122.0 EMPLOYEES WITH LIFE THREATENING ILLNESSES**

Whatcom County recognizes that employees with life-threatening illnesses including by not limited to cancer, heart disease, and acquired immune deficiency syndrome (AIDS) may wish to continue to engage in as many of their normal pursuits as their condition allows, including work. These employees have a right to continue to work so long as they are able to meet acceptable performance standards, and medical evidence indicates that their condition is not a threat to themselves or others. Department heads should be sensitive to their condition and ensure that they are treated in a manner consistent with other employees. Employees with handicaps have a right to a working environment free of slurs or harassment because of their protected status.

At the same time, the County has an obligation to provide a safe work environment for all employees and the public. Every precaution should be taken to ensure that an employee's condition does not present a health and/or safety threat to other employees or the public.

Consistent with this concern for employees with life-threatening illnesses and their co-workers, the County offers the following resources through the Personnel Office:

- Education and information concerning terminal illness and concerning specific life-threatening illnesses.
- Referral to agencies and organizations which offer supportive services for life-threatening illnesses.
- Benefit consultation to assist employees in effectively managing health, leave and other benefits.

## **122.1 GUIDELINES**

When dealing with employees with life threatening illnesses, department heads should:

1. Be aware that any medical information which has been provided to management concerning an employee's condition must be kept in strict confidence. Unauthorized release of such information is a breach of State Law.

2. Evaluate the work environment of the ill employee to insure that proper precautions have been taken to protect both the employee and co-workers from the risk of injury or disease. In some cases, ill employees may need to be reassigned to other jobs or have their jobs restructured, so that they can remain employed. Medical documentation may be requested to support requests for job restructuring or reassignment, if necessary.
3. Contact the Safety Director for information and/or training for employees in how the working environment can be kept safe for all.
4. Contact the Safety Director for information concerning the possibilities of contagion.
5. Contact Personnel for advice and assistance in dealing with employee or union concerns over the situation.
6. Remember that these conditions constitute a handicap for which we, by law, must make reasonable accommodation.
7. Remember when dealing with AIDS, that the disease is not transmitted by casual contact.
8. Be sensitive and responsive to co-worker's concerns, and emphasize employee education available through Personnel. Remember that special accommodation is not normally necessary for co-workers even though they may feel threatened by an employee's illness.
9. Remember that the County does not discriminate against persons who have terminal illnesses and that such persons may remain employed providing they are able to meet customary job performance standards without hazard to themselves or to others.
10. Investigate charges that employees suffering from terminal illnesses are being harassed, intimidated, or discriminated against, notifying Personnel and the Prosecutor's Office in cases where disciplinary action is indicated.

## 122.2 POLICY

Employment policy and benefit plan administration issues involving persons with life-threatening illnesses are to be handled in the same manner as for other employees. Employees, including those with AIDS-related diseases, who wish to work may continue to do so as long as they meet acceptable performance standards and are medically able to do so. Reasonable accommodations will be made for their condition. Information concerning an employee's medical condition must be kept confidential.



### 122.3 AIDS (ACQUIRED IMMUNE DEFICIENCY SYNDROME)

There has been a great deal of media attention directed to the subject of AIDS. This has heightened concern and in some cases has resulted in undue anxiety in the community as well as in employees who may have contact with AIDS victims.

AIDS is a serious condition caused by a virus called HTLV-III and is characterized by a specific defect in natural immunity against disease. Individuals suffering from AIDS become susceptible to a variety of rare illnesses. The majority of reported cases, however, have been detected in only specific segments of the population.

There is no evidence indicating that the disease may be transmitted through routine contact with AIDS victims or persons in high-risk groups.

There have been no reported cases in which the disease has been transmitted by casual or even close daily contact with AIDS patients or persons in high-risk groups. For instance, family members other than sex partners of the infected persons have not developed AIDS. There have been no reported cases of ambulance drivers, police and firemen who as a result of assisting AIDS patients have contracted the disease. Such is also the case with doctors and health care personnel. AIDS is spread through intimate sexual contact, blood products and sharing of contaminated needles.

There is no evidence that AIDS is spread through any of the following:

1. Sneezing, coughing or spitting.
2. Handshakes or other non-sexual physical contact.
3. Toilet seats, bathtubs or showers.
4. Various utensils, dishes or linens used by a person with AIDS
5. Articles handled or worn by a person with AIDS.
6. Being around someone with AIDS on a daily over a long period of time.
7. Riding in the same transportation.
8. Eating in the same public places or with an AIDS patient.
9. Working in the same office, shop, etc.

The following procedures are recommended for Deputy Sheriffs, Jail and other concerned employees exposed to or having contact with AIDS patients in the performance of their duties:

1. Wash you hands thoroughly after contact with the AIDS victim, or suspected victim.
2. If you must assist a victim in a manner which may cause blood or other body fluids to be on your hands, wear disposable plastic or rubber gloves. Wash hands thoroughly afterwards.
3. Clean up blood spills and other body fluids with regular household bleach (Clorox) diluted 1 part bleach to 9 parts water. Wear gloves during this procedure.