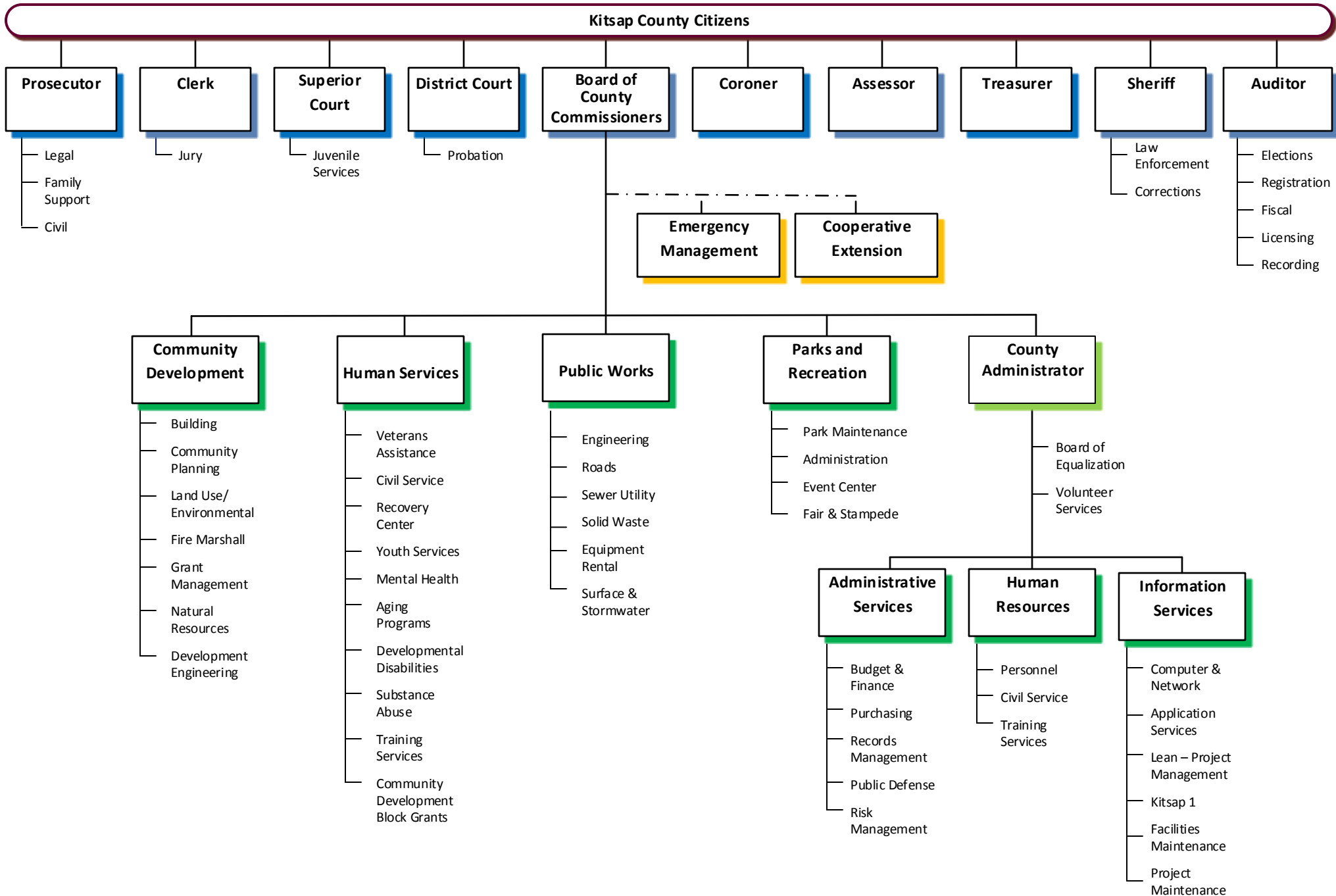




Appendix A

Kitsap County, Washington Functional Organization Chart - 2017



KITSAP COUNTY ANNUAL LEAVE DONATION PLAN

PURPOSE

The purpose of the County's Annual Leave Donation Plan is to permit County employees to donate annual or general leave to eligible employees who would otherwise be in an unpaid status in excess of five (5) consecutive working days due to a catastrophic medical condition, illness, injury or impairment.

ANNUAL LEAVE DONATION PLAN

A. Overview of Plan

1. Donations are for specific designated persons and shall not be for a general pool.
2. All donations will be credited on an "as-needed" basis each pay period and only after the eligible employee has exhausted all paid leave.
3. All donations are non-refundable.
4. Donated annual leave hours are excluded from the annual leave payoff provisions contained in the Kitsap County Personnel Manual and relevant provisions of collective bargaining agreements.
5. For the purposes of this Plan, annual leave shall include general leave.
6. Annual leave donations are strictly voluntary. Employees are prohibited from offering and receiving monetary and any other forms of compensation in exchange for donating annual leave hours.
7. A donating employee donates annual leave at his/her hourly rate of compensation, and the receiving employee is credited with annual leave at his/her hourly rate of compensation.
8. Annual leave transferred under this section may be transferred from employees of one office, department, or fund, to an employee of the same or a different office, department or fund, with the approval of the affected elected official and/or department head(s). Annual leave will first be transferred from co-workers within the requesting employee's department or office, and then, with approval, transferred from other departments/offices.
9. Annual leave transferred to and used by a receiving employee is compensation earnable for the receiving employee to the extent authorized by Chapter 41.40 RCW.
10. Nothing set forth in the plan shall constitute a promise or guarantee, and any policy outlined herein shall be subject to any subsequent decision by the Board of County

Commissioners.

11. Any use of Donated Leave will be counted towards an employee's Family and Medical Leave Act (FMLA) entitlement, if applicable.
12. As with all leave abuse, misuse and falsification of facts, any abuse, misuse or falsification of facts regarding Donated Leave may be grounds for disciplinary action, up to and including termination.

B. Definitions

1. Catastrophic physical or mental condition means a physician-certified life-threatening illness, injury, or impairment (physical or mental) which requires continuing treatment and/or supervision by a health care provider and which will require the employee to:
 - (a) Go on leave of absence without pay in excess of five (5) consecutive working days; or
 - (b) Otherwise be required to terminate County employment due solely to the absence of any paid leave.

C. 2. Immediate family for these purposes means the employee's spouse/Registered Domestic Partner, child (including foster child and stepchild), and/or parent. Eligibility Requirements to Receive Donated Annual Leave

To be eligible for receipt of donated leave, the following requirements must be satisfied:

1. (a) The employee must suffer from or has an immediate family member who suffers from a catastrophic medical condition as defined above.
2. The employee has successfully completed six months of employment with the County. The Employing Official may approve a request for donated leave from an employee with less than six months of service on a case-by-case basis, provided all other criteria of the policy are met. In these circumstances, the employee is deemed eligible to use his/her own annual leave for qualifying purposes, prior to accepting and using donated annual leave.
3. The employee has depleted his/her total of accrued annual, sick, compensatory time, holiday and/or other paid leave and is not able to return to work.
4. The employee has an acceptable history of leave use.
5. The employee is not eligible for workers' compensation benefits under Chapter 51.32 RCW.
6. The employee may not carry over accrued and unused annual leave hours in excess of three hundred and sixty (360) hours from one calendar year to the next.

D. Eligibility Requirements to Donate Annual Leave

1. The donating employee must be a regular employee or benefit-eligible extra-help employee.
2. The donor must retain forty (40) hours of annual leave on the books after the time of donation.

E. Procedures

1. Upon exhaustion of all other available accrued benefits, the employee (or the employee's guardian or legal representative in the event the employee is incapacitated or otherwise physically incapable of making the request for the leave) will submit a completed "Request for Donated Annual Leave Form" to his/her immediate supervisor.
2. The immediate supervisor will complete the department verification process, certifying that the employee meets the eligibility requirements for accepting donated leave. After completing the departmental verification process, the supervisor will forward the form to Human Resources for review and completion.
3. Human Resources will verify that the employee meets the eligibility requirements for accepting donated leave. After completing the verification process, Human Resources will forward the request to the employee's Employing Official.
4. Upon receipt of the Request Form, the Employing Official will approve or deny the employee's request to receive donated leave. The Employing Official will have the discretion to approve or deny the donation of annual leave. The Employing Official may approve the employee's receipt of donated leave within the employee's own fund, department and/or Countywide. The Employing Official's decision to approve, deny and/or limit the source of leave shall not be grievable.
5. Once an employee's request to receive donated annual leave is approved, a designee of the employing department will post the completed "Request for Annual Leave Donation" Form.
6. Employees desiring to donate annual leave must submit a completed "Request to Donate Annual Leave" Form to their department head or elected official.
7. Donations of annual leave must be in one (1) hour increments.
8. The final completed form, signifying a request was approved or denied will be sent to Human Resources for retention.
9. The Director of Human Resources or designee will devise and make available to employees the forms detailed in this Plan.

AT-WILL EMPLOYEE

Definition An employee whose continued employment with the County is at the discretion of the County Administrator, Elected Official, Board of County Commissioners, or a Department Director. At-will employees may have their appointments revoked at any time with or without cause and without right to appeal.

Application At-will employment status, for employees within designated classifications, shall be effective upon the date that the Kitsap County Board of Commissioners approves and adopts the revised Personnel Manual. **Provided**, current employees serving in at-will classifications, who have not previously been designated as an at-will employee, shall maintain their current regular employee status and shall be covered by the Kitsap County Personnel Manual. **Provided further** that the regular employee status shall apply to the employee only during their continued employment within their current classification.

AT-WILL CLASSIFICATIONS BY OFFICES/DEPARTMENTS	
County Commissioner Departments	Working Title
Board of Commissioners	County Administrator Clerk of the Board/Assistant to BCC and Office Assistant 1,2,& 3 Administrative Specialist Policy Manager Policy Analyst 1 Policy Analyst 2 Policy Analyst 3 Communications and Volunteer Services Coordinator
Administrative Services	Director Risk Manager Public Defender Division Supervisor Public Defender 1 & 2 Public Defender Investigator
Community Development	Director Assistant Director/Building Official Fire Marshal/Deputy Building Official Manager – Administrative and Permit Services Manager- Developmental Engineering Manager-Natural Res/Env Review Manager- DCD Policy & Planning
Facilities and Information Services	Director Public Communications Manager Computer & Network Services Manager GIS Manager

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	Application Services & Project Manager
Parks	Director Assistant Director Parks Resource Superintendent Operations Superintendent County Forrester Park Planner
Human Services	Director Human Services Manager – Aging & Long Term Care Clinical Manager
Human Resources	Director Human Resources Manager Labor Relations Manager
Public Works	Director Assistant Director, Public Works Roads Assistant Director, Public Works Utilities Senior Program Managers Solid Waste Program Manager Utility Asset Manager Water Quality Manager Equipment Services Manager
Emergency Management	Director

Elected Official Departments	Working Titles
<u>Assessor</u>	Chief Deputy Assessor
<u>Auditor</u>	Chief Deputy Auditor Financial Services Manager Administrative Services Manager Elections Manager
<u>Clerk</u>	Chief Deputy Clerk Court Finance Unit Supervisor Courthouse Facilitator
<u>Coroner</u>	Chief Deputy Coroner

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<p><u>District Court</u></p>	<p>Court Administrator Administrative Assistant</p>
<p><u>Prosecutor</u></p>	<p>Manager, Prosecutor’s Administrative Services All Deputy Prosecutor Classifications</p>
<p><u>Sheriff</u></p>	<p>Undersheriff Superintendent of Corrections Inspector Chief Civil Deputy Chief Criminal Deputy Administrative Secretary</p>
<p><u>Superior Court</u></p>	<p>Superior Court Administrator Director, Juvenile Services Detention Program Manager Court Services Manager - Juvenile Administrative Services Manager - Juvenile Court Reporter Law Clerk Administrative Services Supervisor Administrative Specialist Case Monitor Court Calendar Coordinator Drug Court Compliance Specialist Program Specialist Treatment Court Manager</p>
<p><u>Treasurer</u></p>	<p>Chief Deputy Treasurer Investment Officer</p>

**KITSAP COUNTY PERSONNEL MANUAL
POLICY REGARDING INCLEMENT WEATHER AND NATURAL
DISASTERS**

PURPOSE

To establish guidelines for employees on reporting to work or departing from work in the event of inclement weather, natural disaster and related conditions.

POLICY APPLICATION

Policy applies to all Kitsap County employees, except those who have been identified by employing official as “Emergency Essential” or “First Responders”.

“Emergency Essential” or “First Responders” are defined as employees who are designated by their Employing Officials due to requirements for public safety and health, maintenance and/or protection of critical County facilities, infrastructure, equipment and resources. Specifically excluded from this policy are the operations of Coroner, Emergency Management, Facilities Maintenance, Sheriff, Juvenile Detention, Public Works Department and Kitsap Recovery Center.

County departments with employees who are considered Emergency Essential or First Responders will develop reporting policies for those employees so designated that fits with the department’s operations and response requirements.

POLICY

County Facilities to Remain Open

1. Regardless of inclement weather, natural disasters, or related conditions, it is the intent of Kitsap County that all County facilities and activities shall be open and in operation to provide services to citizens during established business hours unless an emergency event renders the County facility unsafe or inoperable.
 2. Employee(s) unable to report to work will be granted the option of utilizing any earned compensatory time or accrued annual leave. If no earned compensatory time or accrued annual leave is available, the employee shall be on unpaid leave during periods of absence. Sick leave cannot be used for time lost due to inclement weather, natural disaster and related conditions.
 3. The Employing Official is responsible to ensure all essential services and operations are being performed and may require temporary re-assignment of duties of those employees who have reported to work or to require employees to report to work to perform reassigned duties.
-

When Closures Are Required

4. Closure of designated facilities or all County facilities will only be made in response to emergencies relating to natural disaster (including but not limited to fires, earthquakes, landslides, windstorms, snow/ice storms) and related hazards that prevents the opening or continued operations of County facilities and requires the suspension of services therein.
 5. In the event of a delayed opening or early closure of a designated facility or all County facilities, regular employees who reported to work, as instructed for the delayed opening or were at work when early closure decision was implemented, will be credited for the entire scheduled work day.
 6. Employees who are already in a paid leave status (annual, compensatory, or sick leave) when the delayed opening or early closure is declared will not be allowed to change their leave status.
 7. If a full day closure is announced in advance of the work day, employees will be credited for the entire scheduled work day. Employees who are already in a paid leave status (annual, compensatory, or sick leave) for the full day when the closure is declared will not be allowed to change their leave status.
 8. The inclement weather leave will not count as time worked for purposes of overtime calculation for the week.
 9. Employee safety is paramount. Employees who wish to leave work early due to personal commute concerns relating to the inclement weather situation will, with supervisor's prior approval, be given the option of utilizing any earned compensatory time or accrued annual leave.
 10. In the event that County facilities are required to remain closed for periods in excess of one business day, the affected employing official may assign employees to alternative worksites or implement alternative work arrangements for the affected pay period (e.g. telecommute or flex schedules). Implementation of alternative work schedules must comply with provisions of applicable Collective Bargaining Agreements or Personnel Manual. In County operations where the employing official is unable to establish alternative worksites or implement alternative work arrangements, the employee may utilize earned compensatory time or accrued annual leave in lieu of leave without pay.
 11. Announcements of delayed opening and closures will be provided on the County's Web Site and the inclement weather telephone line (337-5775). Employees are also encouraged to monitor early morning radio reports on KOMO AM 1000 or KIRO AM 710/FM 97.3 to obtain any delayed opening or closure information.
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DRUG FREE WORKPLACE POLICY

GENERAL STATEMENT

Kitsap County Government is obligated and committed to provide our employees and the citizens of Kitsap County with an alcohol and drug free, healthy, safe, and efficient workplace.

While we are cognizant and respectful of your individual rights to personal privacy and your right to lead your private off-duty lives in the manner you see fit without employer interference, Kitsap County also recognizes that on- and off-the-job use of alcohol and drugs can adversely affect job performance and the work environment, including posing a hazard to the safety and welfare of the affected employee, other employees or the public.

Kitsap County's policy takes a hard line position against employees, who use, possess, sell and manufacture illegal drugs, but also recognizes that alcohol and drug abuse are treatable conditions and offers a supportive framework for intervention and treatment services.

Section 1. Legislative Findings

- a. County government is obligated to provide the citizens and employees of Kitsap County with an alcohol- and drug-free, healthful, safe and efficient workplace.
- b. Kitsap County acknowledges the right of personal privacy that each employee has to choose the type of private lifestyle one sees fit to lead.
- c. Kitsap County also recognizes that on- and off-the-job use of alcohol and drugs can adversely affect job performance and the work environment, including posing a hazard to the safety and welfare of the affected employee, other employees or the public. This policy is aimed at both the direct and indirect impact of alcohol and drug abuse.
- d. Kitsap County expects its employees to report to work free from drug and/or alcohol impairment and to remain at work in a condition that enables them to perform their job duties in a safe, efficient, legal and professional manner.
- e. Kitsap County recognizes that alcohol and drug abuse are conditions that can be successfully treated.
- f. Kitsap County recognizes that its employees are its most important resource.
- g. Kitsap County encourages any of its employees who may have an alcohol and/or drug abuse problem to voluntarily seek evaluation, professional counseling or other appropriate treatment services certified by the Division of Alcohol and Substance Abuse, Washington State Department of Social and Health Services, that will lead to successful rehabilitation.

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- h. Kitsap County will provide to its employees a confidential program for alcohol and drug treatment and rehabilitation through the County's health insurance.

Section 2. Definitions

- a. Alcohol and/or Other Drug Abuse. A condition in which the use of alcohol and drugs impairs the employee's job performance.
- b. Controlled Substances. Those substances whose dissemination is regulated by law including, but not limited to, opiates, narcotics, depressants, stimulants, hallucinogens, cannabis and alcohol. This definition includes both prescription and over-the-counter medications.
- c. Conviction. An adjudication that includes a verdict of guilty by a jury, a finding of guilt by a judge or acceptance by a judge of a plea of guilty (including a plea of nolo contendere) in either federal or state courts.
- d. Drug. Any substance which impairs an employee's ability to perform job duties in any of the following ways: safely, efficiently, legally and/or professionally.
- e. Impairs/Impaired. Behavior which may limit the employee's ability to perform job duties in any of the following ways which are commonly expected of all Kitsap County employees:
 - i. efficiently
 - ii. safely
 - iii. legally
 - iv. professionally
- f. Workplace. Any structure or portion thereof owned, leased, or rented and operated by or under the authority of Kitsap County, and any worksite where services are provided in the course of employment, including motor vehicles.

Section 3. Kitsap County Drug-Free Workplace Policy

- a. Condition of Employees. No person employed by Kitsap County shall report to work impaired by alcohol and/or drugs nor shall any Kitsap County employee remain at work while in an impaired condition.
- b. Possession or Use of Controlled Substances. The possession, use, manufacture, distribution, transfer or offering for sale of controlled substances, including alcoholic beverages, at the workplace is prohibited.
 - i. **Exception**. The possession and use of medically-prescribed or over-the-counter drugs during working hours is permissible. Employees shall have no obligation to inform their supervisors of such usage unless the prescribed or over-the-counter drug may prevent the employee from performing his or her job safely or effectively. Drugs

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

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

Section 4. Testing Programs

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

1. Pre-employment testing – Some positions require employees to complete an alcohol and/or drug test prior to employment. . Any offer of employment is rescinded as a result of a failed drug or alcohol test.
2. Reasonable Suspicion - When a supervisor observes behavior or performance problems that could adversely affect an individual’s personal safety, or another person’s safety, the supervisor, with the concurrence of another supervisor, will notify Human Resources to determine whether drug testing for reasonable cause is required. No prior notice to the employee is required in this occurrence.
3. Random testing - Kitsap County may, at any time require an employee or contractor who is in a safety sensitive position be tested. .
4. Commercial Drivers License (CDL) testing –Employees who hold positions requiring a CDL will comply with the requirements of the County’s CDL policy and Washington State law.

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

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

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

Section 5. Penalties.

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

Violations of this policy by any employee may result in a referral for mandatory evaluation and satisfactory participation in and completion of the treatment program recommended in the evaluation report for alcohol and/or drug abuse, or may be cause for disciplinary action pursuant to any applicable collective bargaining agreement or county personnel policies, up to and including discharge from employment.

Section 6. Treatment and Rehabilitation Program

- a. Individuals. Any employee who may have an alcohol and/or drug abuse problem is expected to voluntarily seek evaluation, professional counseling and appropriate treatment services certified by the Division of Alcohol and Substance Abuse, Washington State Department of Social and Health Services. Any requests for assistance made to the Kitsap County Human Resources Department will be treated confidentially. Kitsap County will extend the same consideration and assistance, including insurance and sick leave benefits, to those employees suffering from alcohol and/or drug abuse as is extended to employees having any other condition. The department will provide assistance in locating appropriate agencies to address the problem of alcohol and/or drug abuse.
- b. Supervisors. Supervisors concerned that an employee may have an alcohol and/or drug abuse problem may confidentially request assistance from their immediate supervisor unless the immediate supervisor is the person of concern. In that instance, employees shall take their concerns to the next highest supervisory level.
- c. No Special Privileges. This policy will not result in any specific privileges or exemption being granted, nor will it release any employee from the responsibility of meeting acceptable job performance standards.

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

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

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

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

Section 8. Training Program.

Training will be made available to supervisory personnel to enable them to accurately identify employee alcohol and/or drug abuse and to assist those employees in obtaining an evaluation, professional counseling and appropriate certified treatment services that will rehabilitate them.

Section 9. Alcohol- and Drug-Free Awareness Program

An alcohol- and drug-free awareness program shall be developed to inform employees about:

- a. the dangers of alcohol and drug abuse in the workplace;
- b. Kitsap County's policy of maintaining an alcohol- and drug-free workplace;
- c. The availability of certified alcohol and drug abuse counseling, rehabilitation and employee assistance programs to combat alcohol and/or drug abuse;
- d. The penalties that may be imposed upon employees for alcohol and/or drug abuse violations occurring in the workplace; and
- e. The effect of alcohol and/or drug abuse on individuals and families.

Section 10. Federal Contractors or Grant Recipients

a. Conditions of Employment. Pursuant to the Drug-Free Workplace Act of 1988, any employee involved with the federal government by working in a program receiving direct federal contracts of \$25,000 or more or receiving direct federal grants of any amount is notified that as a condition of employment, the employee shall:

- i. Abide with the Kitsap County Drug-Free Workplace Policy; and
- ii. Notify the Director of the Kitsap County Human Resources Department in writing of any criminal drug statute conviction for a criminal violation occurring in the workplace no later than five (5) days after such conviction.

b. Elected Officials/Department Head Duties. Elected officials/department heads who directly receive federal funds as specified in Section 10 of this policy shall be responsible for notifying all department employees that they are subject to the provisions of the federal Drug-Free Workplace Act of 1988 and the related provisions of this policy. The elected official/department head shall also be responsible for ensuring that all department employees read and

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understand the related provisions of this policy and for providing all new employees, regular, part-time and temporary employees, with a copy of this resolution.

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

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

Section 13. Effective Date. This policy shall take effect immediately on the below indicated date in order to promote the public health and safety and to comply with the federal Drug-Free Workplace Act of 1988.

KITSAP COUNTY ELECTRONIC COMMUNICATIONS POLICY

I. Statement of Purpose

The primary purpose of Kitsap County's electronic communications systems is to facilitate the effective and efficient conduct of County business, which includes public safety activities. The communication systems are also provided to encourage and facilitate the free exchange of business-related communications, ideas, and information between employees, and providing, exchanging, and searching for information for county residents, businesses and other governmental agencies.

This policy applies to anyone using electronic communications systems owned by Kitsap County, and is intended to ensure that the use of electronic communications is consistent with County policies, all applicable laws, and the individual user's job responsibilities.

II. Definitions.

- A. **Electronic Communications.** Electronic communications are defined to include, but are not limited to, telephones, voice mail, facsimile communications, electronic mail systems (e-mail), Internet, Intranet, and electronic media that generates, stores, transmits, receives and/or displays communications over Kitsap County-owned equipment.
- B. **Internet.** A worldwide collection of computers, ranging in size from palm organizers, to desktop computers, to the largest mainframes, all connected to one another via telecommunications systems. This web of computers offers information or computer software that can be downloaded onto the user's computer. The Internet represents global access.
- C. **E-mail.** Using a computer and the Internet, a user can compose a message, transmit, deliver it to someone, and have it delivered electronically.
- D. **Intranet.** Similar to the Internet in terms of computers and data connection links, and limited to internal/corporate accessibility.
- E. **Department Head.** Elected Official or Department Head.
- F. **User.** Anyone using electronic communications systems owned by Kitsap County.
- G. **Qualified Education Programs (QEP).** Education programs that receive institutional accreditation or specialized accreditation. The accrediting agency must be recognized as such by the U.S. Department of Education, Accrediting Agency Evaluation Branch or the Commission on Recognition of Post-secondary Accreditation (CORPA).

III. Electronic Communications are for Business Use.

Electronic communications are a form of business communication. Except as described in Section VI of this policy, electronic communications may only be used in connection with matters that are reasonably related to County business, and in accordance with business decorum. Electronic communications may not be used for employee private benefit or gain or to support or advocate for non-County related business. The County reserves the right to monitor the use and content of all electronic communications.

IV. Electronic Communications are not private.

Electronic communications are the property of Kitsap County. Electronic communications are not personal or private. Any message sent through voice mail or e-mail can be forwarded on to anyone else on the system. Even after deleting e-mail, it is possible to retrieve and read it. Telephone calls can be tracked; E-mail, Internet and Intranet activity can be tracked and monitored. Many electronic communications constitute public records. The County may monitor, read, use, and disclose electronic communications, user accounts, workstations, and file server space. A user's use of the County's electronic communications shall constitute consent to the County's monitoring, reading, using, and disclosing of any use by a user of the County's electronic communications system.

V. Electronic Communications Decorum and Content.

Kitsap County is a public agency, and use of the County's electronic communications systems reflects upon the County. As a result, communications must be in accordance with business decorum, and appropriate to the County's business setting.

VI. Use of Electronic Communications.

Kitsap County is obligated to conserve and protect County-owned resources for the benefit of the public interests, not private interests. When use of electronic communications furthers Kitsap County governmental operations, then such use does not violate the County's obligation to conserve and protect County resources.

An employee's use of electronic communications must be reasonable, responsible, and accountable. County employees may not use electronic communications for private benefit or gain of the employee or other person. This prohibition does not apply to the use of electronic communications to benefit another person as part of the employee's official duties.

A County employee may make occasional but limited use of County-owned resources only if:

- There is no cost to the County; and
- The use of County resources does not interfere with the performance of the employee's official duties; and
- The use is brief in duration and does not disrupt or distract from the conduct of County business due to volume or frequency; and

- The use does not compromise the security or integrity of County information or software; and
- The use promotes organizational effectiveness or enhances the job-related skills of a County employee.
- In those rare instances where there are costs, such as long distance phone charges or supply charges, the user will reimburse the county.

For examples of proper and improper use of electronic communications, refer to WAC 292-110-010.

Unless Information Services and the Department Head approve an exception, access to the Internet is allowed only via the County's centralized Internet connection. Department Heads determine which sites are appropriate.

Users may not use the e-mail to send a message to "All" (Go to Address Book, Select "All" option) except in the following circumstances:

- Public safety, when immediate notification is needed;
- Health and welfare, when immediate notification is needed;
- Computer, network, or telephone system disruptions; or
- Messages approved by Department Head.

Users may post community and County event announcements on the County's Intranet.

Department Heads approve Intranet and Internet content. Kitsap County may establish links to non-County sites that are non-partisan, non-profit and beneficial to the County.

VII. Misuse of Electronic Communications.

The following are examples of unacceptable uses of electronic communications. The prohibition includes possession, use, transmission, or access to prohibited material. This list is not all-inclusive:

- Aliases - Use of an alias/another employee name while using e-mail, or sending anonymous messages, misrepresenting an employee's job, job title, job description, or position within the County.
- Audio/Video – Download audio and/or video entertainment not related to County business.
- Confidential or Misinformation - Release of misleading, distorted, untrue, or confidential materials regarding County business, views, or actions.
- Copyright Violations - Use that violates copyright laws.
 - Costs Incurred by County - Accessing any site that charges a fee unless pre-authorized in writing. If visited by mistake, do not give out any billing information such as credit card or business telephone. If asked for billing information, cancel out of the screen immediately.

- Discriminatory - Material that is in discriminatory towards a gender, race, religion, ethnicity, or disability.
- Games and Entertainment - Entertainment, sports, or games unless related to County business.
- Harassment - Harassing of employees, vendors, customers, members of the public and others.
- Obscenities - Pornographic, profane, or sexually explicit material.
- Political - Use for political purposes, including browsing political websites (those representing a political viewpoint, party, issue, or candidate), or partisan campaigning.
 - Purchases – Purchases of personal items. County purchasing policies apply for County business purchases.
 - Religious - Religious material or activities.
- Solicitation - Use that promotes monetary or business gain for the employee and/or the employee's family.
- Software - Download unauthorized software.
- Union Activities – Use for union purposes including communicating with membership.

The Department Head reserves the right to make final determinations as to what is considered acceptable in all cases of Internet use.

VIII. Harassment or Criminal Activity through the Internet.

If you believe that you are or someone else is the victim of harassment or believe that criminal activity is taking place, please follow these procedures:

- Do not delete the message;
- Do not respond to the message; and
- Notify your supervisor, elected official/department head, Personnel Division, or appropriate designee.
- Notify Sheriff's Office.

IX. Employees May Use Electronic Communications for Qualified Education Programs.

Employees may use County electronic communications, hardware, software and peripherals for QEP that enhance their job skills when:

- The supervisor and Department Head pre-authorizes participation;
- The employee uses his or her own paper and supplies;
- It occurs only during times authorized by the Department Head; and
- It does NOT require any additional hardware, software or peripherals

Employees authorized for QEP may have curriculum-related software loaded onto County hardware by Information Services. Loading personal software not related to the QEP is prohibited.

XI. Confidential Electronic Communications.

Certain electronic communications are confidential and may not be accessed, used, or disclosed without authorization of the Department Head. Examples of confidential records appear in the list of public records exempt from public disclosure, at RCW 42.17.310 et seq. Confidentiality may also depend on the nature of the record and the particular policies of the office or department where it is maintained.

Employees may not access, use and disclose confidential information without authorization of the Department Head.

XII. Retaining E-mail for Recordkeeping.

E-mail is primarily a communication system, not a recordkeeping system. E-mail messages may constitute public record material with legally mandated retention requirements, or may be information with no retention value. E-mail messages are public records when they are created or received in the transaction of public business and retained as evidence of official policies, actions, decisions or transactions. E-mail that has valuable informational content may also be a public record. E-mail messages that are public records must be identified, scheduled and retained just like records in other formats.

Public records should be retained in e-mail format only as long as they are being worked on or distributed. To assure appropriate management of public records with assigned retention periods generated or received through an e-mail system, transfer messages to paper, disk, or PC hard drive and file and retain according to the legal retention required for the informational content of each message. For public records with retentions of more than three years, producing a paper copy for filing purposes is recommended to eliminate possible migration problems.

E-mail messages, which are usually public records and must meet state records retention requirements include:

- Policy and Procedure Directives
- Correspondence or memoranda related to official public business
- Agenda and minutes of meetings
- Documents related to legal or audit issues
- Messages which document agency actions, decisions, operations and responsibilities
- Documents that initiate, authorize or complete a business transaction
- Drafts of documents that are circulated for comment or approval
- Final reports or recommendations
- Appointment calendars
 - E-Mail distribution lists
 - Other messages sent or received that relate to the transaction of state government business

Department Heads will set up procedures to identify, print and store voice mail and e-mail messages.

E-mail messages that are usually not public records, and may be destroyed when no longer needed include:

- Personal messages and announcements not related to official business
- Information-only copies, or extracts of documents distributed for reference or convenience, such as announcements or bulletins
- Phone message slips that do not contain information that may constitute a public record
- Copies of published materials
- Extra copies
- Preliminary drafts
- Request for information (but not Public Disclosure Requests)
- Routing slips
- Transmittal memos

The County keeps electronic e-mail backups for three months (effective January 1, 2002). The County keeps Internet access records for one year.

XIII. Disciplinary Action.

If a user violates a provision of this Electronic Communications policy, the user may be subject to one or more of the following disciplinary actions:

- Restriction of electronic communication privileges
- Removal of electronic communication privileges
- Oral Warning
- Written reprimand
- Suspension
- Demotion
- Termination.

KITSAP COUNTY FAMILY AND MEDICAL LEAVE (FMLA) POLICY

ELIGIBILITY

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

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

BASIC LEAVE ENTITLEMENTS

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

MILITARY FAMILY LEAVE ENTITLEMENTS

Leave for Military Qualifying Exigencies

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

Military Caregiver Leave

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

PREGNANCY DISABILITY

When an employee is disabled during pregnancy or following childbirth, she is entitled to unpaid pregnancy disability leave under Washington state law, regardless of FMLA eligibility. She may also be eligible for additional leave under the Washington State Family Leave Act (WFLA). Eligible employees

may also be entitled to leave to care for a registered domestic partner under the WFLA. Please see the section on interaction of pregnancy disability leave, WFLA, and FMLA later in this policy.

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

DEFINITIONS

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

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

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

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

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

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

- E. Health Care Provider: Licensed doctors of medicine or osteopathy, podiatrists, clinical psychologists, clinical social workers, optometrists, chiropractors (only when providing manual manipulation of the spine to treat a serious health condition), nurse midwives, nurse practitioners, health care providers who are listed on any of the County’s group health plans, and registered Christian Science practitioners.

- F. Parent: a biological parent or an individual who stands or stood in loco parentis to an employee when the employee was a child. This includes a stepparent who is a same-sex spouse of the employee’s parent. This does not include parents-in-law.

- G. Next of Kin (see Leaves for Qualifying Military Exigencies or Military Caregiver): The next of kin of a covered servicemember is the nearest blood relative (other than the servicemember's spouse, parent, son or daughter) in the following order of priority: blood relatives who have been granted legal custody of the servicemember, siblings, grandparents, aunts and uncles, and first cousins, unless the servicemember has designated in writing a different blood relative for purposes of military caregiver leave.
- H. Serious Health Condition: An illness, injury, impairment, or physical or mental condition that:
1. Requires inpatient care;
 2. Any period of incapacity of *more than three calendar days* that involves continuing treatment by a health care provider;
 3. Continuing treatment by a health care provider for chronic or long-term health condition that is incurable or which, if left untreated, would likely result in a period of incapacity of more than three calendar days; or
 4. Prenatal care by a health-care provider, or any period of incapacity due to pregnancy.
- G. Spouses (both employed by Kitsap County): Following the birth or placement for adoption or foster care of a child or to care for a sick family member: married employees may take a combined leave limited to twelve work weeks. If either spouse uses FMLA leave for his or her own serious medical condition, each spouse remains eligible for the remainder of the twelve week FMLA leave entitlement, excluding time take to care for a family member or for the birth/placement of a child. (Note: under the aforementioned circumstances, the County may limit the time off work to one spouse at a time, so both would not be off work at the same time).

LEAVE RIGHTS AND REQUIREMENTS

- A. Prior to entering into FMLA Leave without pay status, the employee must exhaust all paid leave, including compensatory time, floating personal holiday, accrued annual and sick leave. In the case of FMLA for an employee's own condition, the employee may use accrued comp time first, but must exhaust sick leave before using annual leave. Nothing in this policy requires the County to give the employee more than 12 total workweeks of FMLA leave, including both paid and unpaid leave during the twelve-month period following the date the employee's first FMLA leave begins. *Exception:* employees on leave for work related injuries are not required to exhaust all paid leaves before going in to leave without pay status.
- B. An employee must provide the County at least 30 days advance written notice before the FMLA leave is to begin if the need for the leave is foreseeable, such as an expected birth, placement for adoption or foster care, or planned medical treatment for a serious medical condition of the employee or of a qualifying family member. If the need for leave is not foreseeable, notice must be given as soon as practicable. Failure to give proper notice may mean that the FMLA leave may be denied or delayed.

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

- D. While on FMLA leave, the employee is entitled to the same health, dental and vision benefits that the employee would have had if the employee had not been on leave.
 - 1. For the duration of the FMLA Leave, the County will continue to pay the employer contributions for any health, dental, basic life, vision and disability insurance at the identical level that the employee received prior to going on FMLA. The employee is responsible for paying the employee share of the contributions.. If the employee is using accrued balances and is in full paid status, the employee portion of contributions will be deducted from the employee's paycheck like usual. If the employee is in leave without pay status, the employee must remit payment for the employee share of contributions timely. County payroll will notify the employee of the amount and date(s) due.
 - 2. If the employee does not return to work within one calendar month following a continuous (not intermittent) FMLA leave, the employee shall reimburse the County for the County's cost in maintaining medical benefits unless the reason for not returning to work is beyond the employee's control.

- E. Upon returning to work from FMLA leave, an employee:
 - 1. Is entitled to the same position held by the employee when the FMLA leave commenced or an equivalent position.
 - 2. Has no greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the FMLA leave period.
 - 3. Who fails to return to work on the established ending date of the FMLA leave without a qualifying reason may be precluded from returning to full-time employment with the County.

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

REQUESTING FMLA LEAVE

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

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

2. Employee FMLA Request Form
 3. Medical Certification
 4. Job Description/Class Specification that includes the essential functions and requirements of the job
- C. The employee must provide a completed and signed FMLA Request Form as soon as possible in order for the FMLA leave request to be considered timely.
- D. The employee must provide the completed Medical Certification within fifteen (15) calendar days of receipt of the FMLA Packet unless it is not practicable under the particular circumstances to do so despite the employee's diligent good faith efforts. A reasonable extension of this deadline may be granted provided a request is made prior to the Medical Certification submission deadline and the employee notifies Human Resources of the status of the required documentation. The Medical Certification must be complete, responsive, and sufficient to determine the eligibility for leave, and the leave's duration and frequency. Insufficient medical certification may delay or deny FMLA leave until and unless the Medical Certification is remedied within fifteen (15) calendar days from the date the employee is notified of the insufficient certification.

INTERMITTENT OR REDUCED WORK SCHEDULE LEAVE

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

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

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

RECERTIFICATION

- A. For conditions lasting beyond a single leave year, medical certification will be required in each subsequent leave year.
- B. The County will require recertification if the circumstances of the leave change significantly (the duration of leave, the frequency with which leave is needed, etc.).
- C. Medical recertification, like initial certifications, must be complete and sufficient.
- D. If the County identifies possible patterns of leave abuse, such as frequent absences before and after scheduled days off, the County may require recertification that asks the pattern of absences and

requests the health care provider to answer whether the patterns of absence are consistent with the serious health condition and the need for FMLA leave.

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

RETURNING TO WORK FROM FMLA LEAVE

Whenever an employee takes FMLA leave in excess of consecutive 45 calendar days because of a serious health condition that renders the employee unable to perform the essential functions of his/her job, the employee must submit a Return to Work certification from the treating health care provider that states that the employee is able to perform the essential functions of the job with or without accommodation and therefore can return to work. The Return to Work Form must be submitted to the County before the employee may return to their job.

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

Pregnancy Disability Leave (PDL)

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

Kitsap County allows employees to exhaust balances while on PDL before FMLA/WFLA commences.

Pregnancy Disability Leave can be unpaid (unless the employee is using paid accruals) . Health benefits are not automatically continued unless the employee is using balances to remain in paid status.

Washington Family Leave Act (WFLA)

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

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

Example 1:

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

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

Example 2:

Pregnant Employee B has worked full time for the County for five (5) years. She is eligible for FMLA, WFLA and PDL. Her doctor certifies that she is disabled due to pregnancy for one (1) week prior to giving birth, and eight (8) weeks after giving birth. Employee B has adequate leave balances (annual leave, sick leave, compensatory time) to remain in full paid status during this nine (9) week period, so her health insurance has remained intact as if she were at work, and the employee portion of her health insurance premium has been deducted from her paycheck like usual.

Kitsap County allows FMLA to commence after all paid leaves have been exhausted during PDL. So, at the end of Employee B's nine weeks of PDL (for was fully paid due to her use of balances), she is also eligible for an additional twelve (12) weeks leave under FMLA/ WFLA to care for her newborn. FMLA and WFLA run concurrently.

Pregnant Employee B is on leave for a total of 21 weeks: 9 weeks PDL (using paid balances) plus 12 weeks FMLA/WFLA. At the end of the twelve week FMLA/WFLA period, Employee B will not be eligible for more FMLA leave until her "FMLA year" renews.

FMLA RECORDS

In order to comply with the record keeping requirements of the Family and Medical Leave Act and the Americans with Disabilities Act the following procedures shall be followed:

- Requests for FMLA leave shall be in writing using the County forms. Copies of the Employee FMLA Request Form, Medical Certification, and other documents pertinent to the leave must be placed in the Employee's confidential medical file, which will be securely housed in Human Resources.

KITSAP COUNTY POLICY PROHIBITING DISCRIMINATION AND HARASSMENT

STATEMENT OF PHILOSOPHY

Kitsap County strives to provide a collegial work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal opportunities and prohibits discrimination based on race, color, national origin, religion, sex, sexual orientation, age, genetic information, veteran or military status or disability.

DISCRIMINATORY PRACTICES

Kitsap County prohibits discrimination based on race, color, national origin, religion, sex, sexual orientation, age, genetic information, veteran or military status, or disability in any aspect of employment, including:

- job advertisements and recruitment;
- testing;
- hiring and firing;
- compensation, assignment, or classification of employees;
- transfer, promotion, layoff, or recall;
- training and apprenticeship opportunities;
- fringe benefits;
- use of county facilities and equipment;
- other terms and conditions of employment.

Kitsap County's prohibition of discriminatory practices also includes:

- harassment on the basis of race, color, national origin, religion, sex, sexual orientation, age, genetic information, veteran or military status or disability;
- retaliation against an individual for filing a charge of discrimination, participating in an investigation, or opposing discriminatory practices;
- employment decisions based on stereotypes or assumptions about the abilities, traits, or performance of individuals of a certain race, color, national origin, age, religion, sex, sexual orientation, or with disabilities.

HARASSMENT IS A FORM OF DISCRIMINATION

Harassment that creates a hostile work environment and occurs because of person's race, color, national origin, religion, sex, sexual orientation, age, genetic information, veteran or military status, or disability is a form of discrimination. Hostile work environment harassment consists of unwelcome statements or actions that are sufficiently severe or pervasive so as to interfere with an individual's work performance or create an intimidating, hostile, or offensive work environment based on race, color, national origin, religion, sex, sexual orientation, age, genetic information, veteran or military status or disability.

Throughout this policy, use of the word “discrimination” is intended to include harassment that occurs because of person’s race, color, national origin, religion, sex, sexual orientation, age, genetic information, veteran or military status or disability.

SEXUAL HARASSMENT

For purposes of this policy, sexual harassment is defined as unwelcome or unwanted advances, requests for sexual favors and any other verbal, visual, or physical conduct of a sexual nature when: (1) submission to or rejection of this conduct by an individual is used as a factor in decisions affecting hiring, evaluation, retention, promotion or other aspects of employment; or (2) this conduct substantially interferes with an individual's employment or creates an intimidating, hostile or offensive work environment.

Examples of sexual harassment may include, but are not limited to: unwanted sexual advances; demands for sexual favors in exchange for favorable treatment or continued employment; threats and demands to submit to sexual requests in order to obtain or retain any employment benefit; verbal conduct such as epithets, derogatory or obscene comments, slurs or sexual invitations, sexual jokes, propositions, suggestive, insulting, obscene comments or gestures or other verbal abuse of a sexual nature; graphic, verbal commentary about an individual's body, sexual prowess or sexual deficiencies; flirtations, advances, leering, whistling, touching, pinching, assault, blocking normal movements; visual conduct such as derogatory or sexual posters, photographs, cartoons, drawings or gestures or other displays in the work place of sexually suggestive objects or pictures; conduct or comments consistently targeted at only one gender, even if the content is not sexual; retaliation for having reported or threatened to report sexual harassment.

HARASSMENT BASED ON RACE, NATIONAL ORIGIN, COLOR, RELIGION, SEXUAL ORIENTATION, GENETIC INFORMATION, VETERAN OR MILITARY STATUS, OR AGE

For purposes of this policy, harassment targeted at a person because of his or her race, ethnicity, color, religion, sexual orientation, age or disability is strictly prohibited. Examples of harassment may include, but are not limited to: slurs, innuendo, taunting, mocking, jokes, epithets, cartoons, drawings or gestures, derogatory comments and other forms of obnoxious conduct motivated by a person’s race, color, national origin, religion, sexual orientation, genetic information, veteran or military status, or age.

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

DISCRIMINATION BASED ON DISABILITY

An individual with a disability is a person who has or had any sensory, physical or mental abnormality, or has a record of such an abnormality, or is regarded as having or having had such an abnormality, and the abnormality has or had a substantially limiting effect upon the employee’s ability to perform his or her job.

Kitsap County prohibits discrimination against qualified employees or applicants with a disability. A qualified individual with a disability is someone who satisfies skill, experience, education, and other job-related requirements of the position held or desired, and who, with or without reasonable accommodation, can perform the essential functions of that position.

An employer is required to make a reasonable accommodation to a qualified individual with a disability unless doing so would impose an undue hardship on the operations of the County.

DISSEMINATION OF POLICY

This policy will be disseminated to all employees, and its existence will be displayed prominently in each department and/or division in the County. A copy will be maintained in the County's Personnel Manual. All supervisors shall be responsible for knowing of its existence and substance, and are responsible for its implementation. The Human Resources Director and designated Human Resources staff will be available to answer all questions about the policy and its implementation.

INDIVIDUALS AND SITES COVERED UNDER THE POLICY

This policy covers all individuals in the workplace. Kitsap County will not tolerate, condone or allow discrimination whether engaged in by fellow employees, supervisors, managers, elected officials, volunteers, or by outside clients, vendors, contractors, or other non-employees who conduct business with Kitsap County. Kitsap County encourages reporting of all incidents of discrimination, regardless of who the offender may be, or of the offender's relationship to Kitsap County.

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

NOTIFICATION OF APPROPRIATE STAFF

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

- a supervisor in your department;
- the director of your department;
- the elected official who oversees your department or office;
- the County's Human Resources Director, whose address is 614 Division Street, MS-23 A, Port Orchard, WA 98366, telephone number (360) 337-7185;
- the Kitsap County Administrator, whose address is 614 Division Street, MS-4, Port Orchard, WA 98366, telephone number (360) 337-7146.

ACTION FOLLOWING NOTIFICATION

Upon being notified of a complaint of discrimination, the complainant will be made aware of a range of options, including:

- the complainant may meet informally with any of the above-listed individuals in an attempt to resolve the matter informally;

- the complainant may choose to discuss the complaint with the person accused, with the option of having any of the above-listed individuals present;
- at the request of the complainant the person who received the complaint may choose to discuss the complaint with the accused; or
- the complainant may file a formal complaint.

The complainant may have a representative, such as a co-worker, union representative or attorney, present at a meeting held to address or resolve the complaint.

INFORMAL COMPLAINT PROCESS

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

If a complaint is resolved informally to the complainant's satisfaction, the supervisor or department director (if they have been notified by the complainant) must file a confidential report with the Human Resources Director about the complaint and resolution so that the employer will be aware of any pattern of discrimination by a particular individual and will also be aware of all complaints on an employer-wide basis.

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

FORMAL COMPLAINT PROCEDURE

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

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

1. DESCRIPTION OF MISCONDUCT

An accurate record of objectionable behavior or misconduct is needed to resolve a formal complaint. Verbal reports of discrimination must be reduced to writing by either the complainant or the individual(s) designated to receive complaints, and must be signed by the complainant. Individuals who believe that they have been or are currently being discriminated against or harassed, should maintain a record of objectionable conduct in order to prepare effectively and substantiate their allegations.

2. TIMEFRAME FOR REPORTING COMPLAINT

Kitsap County encourages a prompt reporting of complaints so that rapid response and appropriate action may be taken. This policy not only aids the complainant, but also helps to maintain an environment free from discrimination for all employees. A complainant's formal complaint of discrimination or harassment must be submitted to the Human Resources Director or County Administrator within 90 days of the alleged incident of harassment.

3. INVESTIGATING THE COMPLAINT

Following filing of a formal complaint, a formal investigation will begin promptly. The Human Resources Director or County Administrator will select an impartial investigator.

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

4. CONFIDENTIALITY

To the extent practical and appropriate under the circumstances, and to the extent permitted by law, the proceedings will be conducted to protect the confidentiality interests of both parties and afford the accused a full opportunity to respond to the allegations.

5. INVESTIGATION PROCESS

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

- Confirm name of the complainant, and will determine the complainants full account of the circumstances and facts of the complaint.
- Identify employee(s) accused of harassing or discriminatory behavior
- Thoroughly ascertain the facts by interviewing all pertinent parties and witnesses.
- Interviews will be conducted impartially and fairly for all parties.

When the impartial investigation is concluded, the investigator will prepare a written record and report of the process and results. The investigative report will include:

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

6. RESOLVING THE COMPLAINT

The investigator will make every reasonable effort to issue written findings and a recommendation to the Human Resources Director or County Administrator within 60 days of the filing of a formal complaint. The complainant will be notified if additional time is needed to complete the investigation.

If discrimination occurred

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

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

If the Human Resources Director or County Administrator cannot determine whether discrimination has occurred, this finding will be communicated to the complainant and the alleged violator of this policy, and the matter will be recorded as unresolved. Both the complainant and the alleged violator of this policy will be informed again of the procedures set forth in this policy, including the appeal process contained below. In the event that no resolution satisfactory to both parties can be reached based on the initial investigation, the matter shall be referred to the the Chair of Board of County Commissioners or the County Administrator. If the initial complaint was submitted to the County Administrator, the appeal should be made directly to the Chair of the Board of County Commissioners. See “Appeal Process” below.

7. SANCTIONS

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

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

- Oral Reprimand
- Written Reprimand
- Suspension without pay
- Demotion
- Termination

Employees whose actions are found to be in violation of this policy may also be referred to mandatory training. If systemic issues come to light, mandatory training may be required of entire units or departments.

The employer's ability to discipline a non-employee violation of this policy (e.g. vendor, contractor, member of the public, public official, or client) may be limited by the degree of control, if any, that the employer has over the alleged violator of the policy. Nevertheless, any employee who, during the course of his/her employment, alleges discrimination or harassment on the part of an outside source may use the same reporting procedures listed under the Informal or Formal Complaint Procedure sections of this document.

8. APPEAL PROCESS

If any party directly involved in an investigation is dissatisfied with the outcome or resolution, that individual has the right to appeal the decision. Within 10 days following the receipt of notice of the

decision, the dissatisfied party must submit a written request for review to the Chair of the Board of County Commissioners or the County Administrator.

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

Upon receipt of a request for review of a decision concerning the outcome or resolution of a complaint of discrimination or harassment, the Chair of the Board of County Commissioners (Chair) or the County Administrator will review the complaint. The Chair or the County Administrator will: gather evidence and take whatever steps deemed necessary and appropriate to ensure that all facts have been fully investigated, presented and considered; provide the participants with an opportunity to present evidence and information and to comment on evidence and information presented to others; and issue written findings of facts and a decision. Chair or the County Administrator may sustain, overturn, or modify the results of the investigation and/or resolution.

PROTECTION AGAINST RETALIATION

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

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

FORMAL LEGAL PROCEEDINGS

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

CONCLUSION

Kitsap County has developed this policy to ensure a work environment free from discrimination and harassment.

Kitsap County Telecommuting Policy

A. Introduction

As an employer, Kitsap County is required to implement commute trip reduction programs, consistent with state law and local ordinances to reduce the number of trips and miles employees commute alone to work. RCW 70.94.531 (2) (xiii) lists telecommuting as one of the alternatives that employers have available to achieve the applicable commute trip reduction goals. The evolution of technology has created the opportunity for several work activities to be accomplished from remote and/or alternate locations.

Certain requirements for all telecommuting arrangements are set forth in this policy statement and are intended to ensure that such arrangements comply with all applicable laws as well as data and network security. The intent is to allow County departments and their managers' discretion in designing telecommuting programs that align with their line of business needs.

Employees who will work at least part time at an alternate work place on a regular basis over a period of time must complete and sign a written telecommuting agreement provided by the employees' supervisor regarding the employee's work arrangement away from the regular office. The employee's Department Head and/or Director must also sign the written agreement.

Telecommuting - The use of wireless communications, computers, or similar technology to permit an employee to work from home, or alternative work location. Telecommuting means working arrangements in which the workplace is located at least part time at an alternate location, such as the employee's home or a satellite office.

B. Policy Statement

To reduce traffic congestion, conserve petroleum resources, protect air quality, increase the availability of public parking around the Courthouse Campus, and reasonably meet the needs of Kitsap County employees, Kitsap County will give consideration to telecommuting work arrangements. These arrangements will be considered providing they do not have a negative impact upon public service nor impede the organizational unit from accomplishing its mission in an efficient and cost effective manner.

C. Statement of Philosophy

In Kitsap County Offices, telecommuting may be used:

- To reduce office operation costs, and reduce travel costs for employees who work in the field
- To reduce courthouse parking space requirements and enhance opportunities for 'shared' office space
- To enhance employee productivity, creativity and satisfaction
- As a mutually agreed upon work alternative between supervisor and employee, rather than a reward or a job requirement
- If clear communication exists between supervisor and employee, and between telecommuter and the rest of the office

- If the practice is transparent to the public
- If standard business practices are maintained
- If consistent criteria for participant selection is employed
- If structured time policies are used to ensure attendance at meetings, agency events, etc

D. Management Responsibilities and Considerations

Elected Officials and Department Heads who choose to allow telecommuting in their departments shall take the following steps before implementing a telecommuting program.

- Formulate and communicate a comprehensive department specific telecommuting policy for employees
- Develop fair performance evaluation criteria before implementing telecommuting
- Ensure that department policy provides for fair and equitable treatment of employees regardless of telecommuting status
- Establish individual employee agreements for arrangements based upon the comprehensive policy
- Establish a procedure for the periodic review of individual employee telecommuting agreements and arrangements
- Arrange for filing and maintenance of telecommuting agreements within the department

Jobs which lend themselves to telecommuting are positions in which:

- Clear work objectives can be set
- Work flow can be controlled
- Tasks on telecommuting days can be clearly defined
- Projects where quiet or uninterrupted time would increase employee productivity

A determination whether to allow an employee to telecommute should be based on an employee's past performance. Only employees who meet the following criteria should be considered as candidates for telecommuting.

- Self-motivated
- Results oriented
- Able to work independently
- Familiar and comfortable with their job requirements

- Knowledgeable about necessary procedures
- Successful in current position
- Effective communicator who is adaptable

E. Telecommuting Rules

1. Telecommuting is not a universal employee benefit, and an employee's participation in a telecommuting program is entirely voluntary. Telecommuting is strictly within the discretion of the Elected Official or Department Head and may be revoked at any time.
2. Telecommuting arrangements for employees represented by a union must be approved by the union. Unions may provide approval for represented employees in general, rather than separate approval for each employee.
3. Employee salary, benefits, workers' compensation, sick leave, annual leave, and other employee insurance shall not change due to telecommuting. Likewise, the duties, obligations, and responsibilities of telecommuting employees remain unchanged.
4. Performance evaluation requirements for telecommuting shall not differ from those of non-telecommuters.
5. Total hours worked on a telecommuting day must cover the department's established core hours of 8:00 a.m. to 4:30 p.m., including specific core hours of phone accessibility. The specific day(s) and work hours will be identified in a separate Telecommuting Agreement.
6. Each incidence of overtime must be expressly approved by the Elected Official or Department Head.
7. Telecommuting is not a substitute for dependent care. Telecommuters must make and maintain dependent care arrangements.
8. It is the telecommuter's responsibility to ensure that time sheets and other periodic reporting forms are turned in by the required deadlines.
9. In the event circumstances such as illness, power failure or equipment failure prohibit the telecommuter from performing his/her duties while working at the alternative worksite, the telecommuter shall immediately contact his/her supervisor for further instructions. These instructions may include requiring the employee to report to the courthouse Campus or other County worksite.
10. Kitsap County makes no representation as to whether a telecommuter's alternative work station is a tax deduction for the telecommuter. Telecommuters should contact a tax expert for independent advice on this issue.
11. A telecommuter is responsible for conforming to the County's policy regarding electronic communications. See Appendix F.

F. Communications

Effective communication is key to the success of telecommuting. From the perspective of professionalism and productivity, telecommuters must strive to ensure that telecommuting has no negative impacts, especially on anyone outside the Department offices.

1. Telecommuters are responsible for maintaining effective communication and work flow with their supervisor and co-workers.
2. Each telecommuter must devise an appropriate strategy for communication which is approved by their supervisor. This must include clear, consistent communication with their immediate supervisor about telecommuting days. The telecommuter's alternative work station telephone number must be known so that he/she can be reached by co-workers or supervisors.

G. Alternate Work Locations

1. The Elected Official and/or Department Head shall have the discretion to inspect and approve an employee's home as an alternate work location for telecommuting. When the employee's home workplace is considered an extension of the office workplace, the employee may be covered by workers' compensation laws and regulations for accidents that occur while performing work on behalf of the County and during the understood and approved work schedule. Workers' compensation shall NOT apply to non-job related injuries that occur in the home
2. All approved work locations must be maintained by the telecommuter in a clean, professional, and safe condition
3. At mutually agreed-upon times, the County shall have the right to make on-site inspection of the work area and County-owned equipment, to ensure that safe working conditions exist
4. Except for local calls, the County will reimburse the employee on a case-by-case basis for job-related telephone expenses incurred by the employee at home. The employee must present an itemized copy of the telephone bill for reimbursement. The County will not be responsible for any basic phone service
5. The public will not be given a telecommuter's home phone number
6. Any hardware or software purchased by the County remains the property of the County and will be returned to the County when the telecommuting agreement is terminated
7. For security purposes, only Kitsap County software may be installed on County-owned equipment
8. Restricted-access materials (such as payroll and personnel files) may not be removed from County offices or accessed through computers from a remote location without the written permission of the Elected Official or Department Head
9. County equipment located at an alternate worksite may not be used for personal purposes
10. Supplies required to complete assigned work at the alternate work location should be obtained during one of the telecommuter's in-office work periods. Out-of-pocket expenses for materials and supplies normally available through the County will not be reimbursed

11. Kitsap County shall not be liable for loss, damage, or wear and tear of employee-owned equipment or supplies used in telecommuting

H. Software - The programs, routines, and symbolic languages that control the functioning of the hardware and direct its operation.

1. While working at home performing County functions, employees must conform to software standards established by the County Department of Information Services. Under most circumstances employees will be allowed to run a copy of County standard software on the PC they have at home based on the various manufacturer's licensing agreements. It will be the telecommuter's responsibility to contact Information Services to ensure that the software they plan to use conforms to this agreement.
2. All software, virus protection, and other operational utilities are required to be patched and updated to the same level that is maintained on County systems
3. No County software is to be copied and used off-site without the written approval of the employee's Department Head and/or Information Services
4. Telecommuters using County software must adhere to the manufacturer's licensing agreement

I. Hardware

1. Employees using personally owned hardware are required to be self-supporting of their hardware to ensure it meets the standard configuration requirements as County hardware.
2. Employees using County equipment at an alternate work place are responsible for taking care of the equipment to protect it from damage or theft. Employees must take reasonable measures to protect against computer viruses.
3. Both personal and county equipment must be physically protected. Any access must have County standard complex passwords.
4. Incidents of damage or theft will be examined to determine whether loss resulted from employee gross negligence, intentional misuse, or violation of rules and procedures employee has agreed to follow.

EMPLOYEE DEVELOPMENT AND TRAINING PROGRAM

1. **PROGRAM PURPOSE**

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

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

2. **DEVELOPMENT AND TRAINING ACTIVITIES AND PRIORITIES**

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

- On-the-job development and training
- On site presentations, seminars, workshops, and classes
- Workshops, seminars and conferences sponsored by professional organizations

3. **HUMAN RESOURCES RESPONSIBILITIES:**

- Human Resources is responsible for the identification and implementation of the organizational employee development and training plan.
- The Human Resources Analyst for Employee Development serves as the chair of the Employee Development Committee.

4. **EMPLOYEE DEVELOPMENT & TRAINING COMMITTEE RESPONSIBILITIES**

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

5. **DEVELOPMENT AND TRAINING OPPORTUNITY LOCATION**

- Training priorities should be met first through participation in on-site training sponsored by Human Resources.
 - Location, accessibility, and cost are factors in identifying primary locations and activities. When training priorities cannot be met by on site activities, opportunities and should be pursued within the State of Washington or other locations that are within the region and of equivalent distance and cost.
-

Appendix J

- Exceptions for out-of-state training location will be considered for activities that are unavailable within the State of Washington.
- Exceptions will also be considered for out-of-state training locations that allows senior managers and Elected Officials to participate in national programs of their respective professional associations.

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

Travel authorization rests with the Employing Official. .

7. **TUITION REIMBURSEMENT**

- The County will not reimburse tuition expenses associated with completion of a college degree.
- At the discretion of the employing official, the sponsoring office or department may reimburse tuition for job-related courses taken at colleges technical, or vocational schools
- Employees participating in personal enrichment or career development are required to pay all tuition and associated course fees and attend courses on the employee's personal time.
- The Employing Official will determine which courses meet this criteria.

8. **ELIGIBILITY FOR TRAINING (EMPLOYEES AND VOLUNTEERS)**

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

9. **NO SHOW FEE ASSESSMENT**

- Failure to cancel registration for Human Resources sponsored development or training at least two days before the training date will result in assessment of a no show fee equivalent to the regular, non-subsidized, course registration fee.
 - The No Show Fee applies to both General Fund and non-General Fund departments.
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**REIMBURSEMENT OF TRANSPORTATION, LODGING, MEALS, AND
TRAVEL EXPENSES INCURRED BY KITSAP COUNTY OFFICERS,
EMPLOYEES AND VOLUNTEERS POLICY**

Section 1. The following resolutions are repealed in their entirety: Resolution No. 53-1998, adopted on March 23, 1998; Resolution No. 163-1998, adopted on September 21, 1998; and Resolution No. 146-2001, adopted on August 13, 2001.

Section 2. The following policy is hereby adopted for the reimbursement of expenses incurred by county officers, employees, and volunteers for transportation, lodging, meals and travel:

1. **Reimbursement of Meals.** Reimbursement will be made for meals consumed by individual officers, employees, and volunteers while conducting business on behalf of Kitsap County if the claim for reimbursement meets the following criteria:
 - 1.1.1 The meal must be consumed while the officer, employee, or volunteer is conducting official County business as required by the employee's or volunteer's job duties and approved by the employee's or volunteer's supervisor.
 - 1.1.2 The officer, employee, or volunteer must have consumed the meal outside of their normal work area. For example, an employee who works in Port Orchard will not be reimbursed for meals consumed within or in close proximity to Port Orchard; however, if this employee consumes a meal in Bremerton, the expense will be reimbursed.
 - 1.1.3 Reimbursement may be made for actual expenses incurred, or, in the case of overnight travel, on the allowable per diem rate established by the Internal Revenue Service.
 - 1.1.3.1 Reimbursement for meals that do not involve overnight stay will be reimbursed for actual expenses incurred only when accompanied by a receipt.
 - 1.1.3.2 Reimbursement for meals that involve overnight stay may be reimbursed without receipt based on the allowable per diem rate established by the Internal Revenue Service. The rate will be adjusted accordingly as the rate established by the Internal Revenue Service changes. The current rates, including tips (tips should not exceed fifteen percent), are obtainable from the County and Internal Revenue Service websites or the Financial Services Division of the Auditor's Office.
 - 1.1.3.3 The officer, employee or volunteer is responsible for any portion in excess of the per diem rate.

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- 1.1.3.4 If the travel requires attendance at a meeting where there is no choice in meals and the cost is more than the maximum allowed, a receipt shall be required for full reimbursement.
 - 1.1.3.5 The officer, employee, or volunteer must make an election for either reimbursement at the per diem rate or reimbursement of the actual cost with receipt but not both on a single trip.
- 1.2 The elected official or department head shall determine, on a case by case basis, whether a meal consumed while conducting county business should be reimbursed. The following are recommended guidelines:
 - 1.2.1 Reimbursement for Breakfast. To qualify for reimbursement for breakfast the trip must start one hour before the employee normally leaves home for work. For example, an employee who works from 8:00 a.m. to 4:30 p.m. and usually leaves home around 7:30 to get to work by 8:00 must start the trip by 6:30 a.m.
 - 1.2.2 Reimbursement for Lunch. To qualify for reimbursement for lunch the trip must start one hour before the employee's regular lunchtime. For example, an employee who usually takes lunch at noon must start the trip by 11:00 a.m. to qualify for reimbursement.
 - 1.2.3 Reimbursement for Dinner. To qualify for reimbursement for dinner the trip must start by 4:00 p.m. or conclude with the arrival at home after 8:00 p.m.
- 1.3 The following expenses relating to meals will not be reimbursed:
 - 1.3.1 Hosting.
 - 1.3.2 Alcoholic Beverages.
 - 1.3.3 Tobacco.
 - 1.3.4 Expenses considered unreasonable by the elected official or department head.
 - 1.3.5 Meal served during a normal office or staff meeting.
- 1.4 Notwithstanding Section 1.2 above, the elected official or department head may provide reasonable refreshment during a County-sponsored training session under the following conditions:
 - 1.4.1 The training session is more than four (4) hours long; and
 - 1.4.2 Reimbursement is accompanied by the following documentation:
 - 1.4.2.1 Sign-in/sign out sheet;
 - 1.4.2.2 Date of the training; and
 - 1.4.2.3 Description of the training topic.
- 1.5 Notwithstanding Section 1.2 above, the County Offices and departments may provide meals and refreshment of nominal value for customers and the general public.

- 1.6 Notwithstanding Section 1.2 above, and subject to approval of the elected official or department head, if the employee is making an official presentation on behalf of Kitsap County at a breakfast, lunch, or dinner meeting and the employee is not offered a meal paid for by the hosting association in consideration for making the official presentation, the employee may be reimbursed the cost of the meal if the employee is not a member of the hosting association in accordance with section 1.3.
 - 1.7 All claims for reimbursement must certify the date, the amount of the meal, and the location and purpose of the meeting or trip where the meal was consumed.
2. **Reimbursement for Lodging.** Reimbursement will be made for lodging expenses incurred while traveling out of Kitsap County to conduct official County business if the claim for reimbursement meets the following criteria:
- 2.1 Lodging expenses must be approved in advance by the elected official or department head. Reimbursement for lodging will be based on actual expenses incurred when accompanied by a (hotel folio) receipt.
 - 2.2 Expenses incurred for lodging within commuting distance will not be reimbursed without advance approval of the elected official or department head. "Commuting distance" is defined as 60 miles one-way from the normal work area or the employee's residence, whichever is closest.
 - 2.3 Original documentation containing sufficient detail for audit must accompany the claim for reimbursement. Personal telephone calls and other personal expenses shall not be reimbursed and must be deducted from the total amount claimed.
 - 2.4 Only the elected official, county administrator, or chair of the board of county commissioners shall authorize out-of-state travel by employees, and such approval shall be obtained in advance of the travel. A copy of the authorization must be attached to the voucher when requesting reimbursement.
3. **Reimbursement for Mileage.** Reimbursement will be made for mileage incurred while conducting official County business in a privately owned vehicle at the rate established by current Internal Revenue Service regulations if the claim for reimbursement meets the following criteria:
- 3.1 Reimbursement for mileage may not exceed the total round-trip coach airfare cost unless the elected official or department head deems that it is in the best interest of the County for the employee to be paid mileage instead of airfare. The total round-trip coach airfare cost includes air ticket, mileage to the airport, airport parking, car rental, and round-trip taxi or shuttle service from the destination airport to the hotel if applicable.
 - 3.2 If an election is made to drive and the mileage claim exceeds the total round-trip coach airfare costs, mileage reimbursement shall not exceed the total round-trip coach airfare.
 - 3.3 Reimbursement for mileage between an officer's, employee's, or volunteer's residence and regular place of work is prohibited. If, during an employee's or volunteer's commute to or from work, an employee or volunteer detours to conduct an errand on behalf of the county,

the employee or volunteer may be reimbursed mileage for the detour to the extent the mileage incurred exceeds the mileage from the employee's or volunteer's residence and regular place of work.

- 3.4 Mileage reimbursement will be based on the standard mileage rate established by the Internal Revenue Service.
4. **Reimbursement for Registration Fees.** Reimbursement for registration fees incurred for attendance at meetings, conferences, or conventions may be made if the elected official or department head determines that the attendance will benefit Kitsap County.
 - 4.1 Reimbursement may include meals consumed while attending the meeting, conference, or convention, and may be reimbursed as part of the registration fee.
 - 4.2 Registration may be paid in advance using the County's established purchase voucher procedures or by using an approved county credit card.
5. **Reimbursement for Car Rental.** Reimbursement for car rental may be made only upon advance authorization by the elected official or department head.
6. **Reimbursement for Ferry, Air, Bridge Toll, Train, Bus, Taxi Fare, and Parking.** Reimbursement may be made for ferry, air, train, bus, taxi, shuttle fare, and parking when appropriate documentation accompanies the claim for reimbursement.
 - 6.1 Tickets obtained through the use of individual frequent flyer miles will not be reimbursed.
 - 6.2 Tickets purchased by an employee may be reimbursed with a receipt.
 - 6.3 The elected official or the department head must approve all advance ticket purchases.
 - 6.4 Employees will be liable to the County for the amount reimbursed by the county for the ticket if the employee or another County employee is unable to use the ticket, unless the employee is prevented from using the ticket due to circumstances beyond the employee's control.
 - 6.5 Employees who use personally-owned ferry commuter coupons for County travel may be reimbursed the current value of the individual coupon used. Employee shall provide documentation of the coupon's value.
 - 6.6 In circumstances where a parking receipt is not provided by the parking vendor (e.g., fee box and not attendant), none is required.
7. **Claims on Behalf of Others.** Kitsap County officers and employees may submit reimbursement claims on behalf of others if the claim contains the following information.
 - 7.1 Name(s) of the Kitsap County employee(s) who traveled, partook of meals, or otherwise incurred expenses.

- 7.2 Whether the reimbursement is on behalf of Kitsap County employees and, if not, who the persons were and what connection they had with Kitsap County business. This is not to be construed to permit promotional hosting.
 - 7.3 Who provided the lodging, meals, or other services and the dates and times.
 - 7.4 A detailed breakdown of amounts claimed.
 - 7.5 A statement sufficiently explicit to show what County business was being conducted when the expenses were incurred.
8. **Travel Claims of Selected Job Applicants.** Upon prior approval of the county administrator or chair of the board of county commissioners, the travel expenses of selected applicants for County positions may be reimbursed. Application for reimbursement must be made on forms prescribed by the Kitsap County Auditor and the applicant must certify all claims to be true and correct.
- 8.1 The reimbursement may be denied if subsequent to the interview, the County makes an employment offer and the offer is declined by the applicant.
9. **Lost Receipt.** All reimbursements must be documented with appropriate receipts as prescribed in this resolution but when all efforts to obtain a duplicate receipt have been exhausted, employee may submit a "Statement in Lieu of Receipt Form".
- 9.1 A receipt is a third party document showing purchased item, quantity, price, date and vendor. The following items are not considered receipts:
 - 9.1.1 Un-canceled check;
 - 9.1.2 Statement; or
 - 9.1.3 Credit card receipts.
10. **County Auditor's Responsibility.** The County Auditor will develop forms to implement this policy.
- 10.1 The County Auditor will update the per diem rates (meal, lodging and mileage) to comply with Internal Revenue Service per diem rates and guidelines.
11. **Severability.** If any provision or its application to any person or circumstance is held invalid or unconstitutional, the remainder of the resolution or its application to other persons or circumstances shall not be affected.

Prevention of Workplace Violence

Kitsap County recognizes that a workplace safe from the fear of violence is fundamental to the health and well being of both employees and the public alike, Kitsap County is committed to protecting the safety of its employees and will not tolerate acts or threats of violence which involve or affect its officers or employees. Kitsap County recognizes that acts of workplace violence are serious safety concerns and desires to adopt a policy that prohibits acts by its officers or employees which may threaten or harm other officers or employees or members of the public. Kitsap County prohibits workplace violence and prohibits the possession of any weapons by officers, employees and volunteers, while conducting county business, while on the job, and while on any County worksite.

Section 1. Definitions. As used herein, the following terms shall be defined as follows:

1.1 “Dangerous Knife” means switch blade, swords, bayonet, dagger, bolo knife, or any other edged or pointed, cutting or stabbing device with a blade in excess of three inches in length.

1.2 “Firearms” are weapons capable of discharging a projectile by means of compressed air or chemical combustion.

1.3 “Threatening behavior,” is a person directly or indirectly communicating to another (e.g., using words, conduct, writing or stalking) with the intent to do or cause harm.

1.4 “Weapon” means, but it is not limited to, firearms, brass knuckles, electronic stunning devices, bows, cross-bows, arrows, sling shot, dangerous knives and any martial arts device capable of being used to inflict bodily injury.

1.5 “Workplace Violence” is any verbal assault, threatening behavior, or use of, or attempt or offer to use, force upon or toward the person of another occurring in or arising from the worksite.

1.6 “Worksite” is: (1) The building or work area constituting the principal place where work is performed or assigned, including common areas (such as reception area or halls) and private or personal work areas (such as offices or group work stations); (2) Any remote areas where the employee is engaged in official business, including field locations; (3) Vehicles, either county-owned or privately-owned, when used while conducting county business.

Section 2. Workplace violence by any county officer, employee, or volunteer is prohibited.

Section 3. The possession or use of any firearm or weapon by a county officer, employee, or volunteer, while conducting county business, while on the job, and while on the worksite, is prohibited. Possession of a valid concealed weapons permit is not an exception under this policy.

Section 4. An act of workplace violence or the possession or use of any firearm or weapon by a county officer or employee may result in disciplinary action including possible discharge.

Section 5. Exceptions:

5.1 Sheriff’s Officers, Sheriff’s Reserve Officers when on duty, Corrections Officers, Prosecutor’s Investigators, the Security Coordinator, or Courthouse Security Staff, who are authorized to carry firearms in the performance of their duties, are not governed by this policy while in the good faith performance of their official duties.

5.2 The use of force necessarily used by a public officer in the performance of a legal duty, or a person assisting the officer and acting under the officer's direction, is not governed by this policy if the use of such force was made while in the good faith performance of official duties.

5.3 The use of force in defense of oneself or others as prescribed by chapter 9A.16 RCW is not governed by this policy.

5.4 Appropriate tools, equipment, devices and knives issued or approved by elected officials or department directors for their employees to be used in the course of employment are not considered dangerous weapons for purpose of this policy.

5.5 Employees who carry mace or pepper spray for their personal protection may carry these devices on to county property. Except as authorized by an elected official or department director, when on county property, these devices shall be concealed from sight and stored in a secure compartment, e.g., desk, cabinet.

Section 6. Responsibilities:

County of Kitsap:

- 6.1** Provide opportunities for training and education about violence and about reducing the risk of violence.
- 6.2** Take appropriate administrative, legal and/or disciplinary actions to respond to acts of violence and threats.
- 6.3** Maintain confidentiality of complaints and concerns to the extent allowed by law.
- 6.4** Adhere to all pertinent state rules and federal regulations regarding workplace violence.
- 6.5** County will not discriminate or retaliate against employees who file workplace violence complaints.
- 6.6** Address and investigate employee personal safety concerns and recommend appropriate action as necessary.

Employee Responsibilities:

- 6.7** If fear of violence is imminent, employee should immediately retreat then contact 911.
- 6.8** If the threat of physical violence does not appear imminent, employee shall still retreat and then request intervention from a supervisor or other available management staff.
- 6.9** Employees who are concerned about their personal safety while conducting county business shall report such concerns to their elected officials or department director.

- 6.10** Employees involved in a situation where they fear physical retaliation may take place or where someone has made verbal threats of physical violence should immediately notify their elected official or department director.

POLICY PERTAINING TO EXTRA HELP POSITIONS

Section 1. Findings and Policy Statement

Kitsap County finds that both operational efficiency and fair and equitable employment practices are advanced by the use of regular employees. Therefore, it is the policy of Kitsap County that regular full-time or regular part-time employees will perform the ongoing, relatively stable, and predictable bodies of work needed to provide services to the public, and the use of extra help employees will be minimized.

Section 2. Definition of Extra Help Employee

“Extra help employee” means an employee who is not hired as a regular employee, who generally does not receive employment-based benefits, except as required by the Affordable Care Act (see Section 8) and whose term of employment is limited to the hour limitations specified in Section 3.2.

Section 3. Limitations on Employment of Extra Help Employees

- 3.1 Extra help employees may be hired to address the following operational needs:
 - 3.1.1 Limited Term. For specific and defined projects or for a continuing body of work of limited duration including grant-funded projects, capital improvement projects, other non-routine projects, during the absence of a regular employee, to perform work requiring specialized skills, or to fill a vacancy for a limited period during recruitment.
 - 3.1.2 On-Call. To address short-term operational needs, for intermittent work during peak periods, or in the event of an emergency.
 - 3.1.3 Seasonal. For specific times of year to meet departmental needs during the identified season or peak workload time periods.
- 3.2 Extra help employees may not be used to perform work that is ongoing, relatively stable, and predictable. The duration of employment is limited to the following terms:
 - 3.2.1 Limited Term. The term of employment shall be limited to the term of the particular project, regular employee absence, work requiring specialized skills, or position vacancy, but in no event shall the term exceed 2080 hours.
 - 3.2.2 On-Call. The term of employment shall not exceed 1213 hours in a calendar year.
 - 3.2.3 Seasonal. The term of employment shall not exceed seven consecutive months or 1213 hours in a calendar year.
- 3.3 An employing official who has terminated an extra help employee because the employee reached one of the thresholds listed in Section 3.2 may not re-employ the employee or another extra help employee to perform the same classification work for a period of six months following the last work day of the terminated extra help employee.
- 3.4 Extra help employees are not guaranteed a minimum number of work hours.

- 3.5 An employing official who seeks to hire an extra help employee must submit the following information to the Human Resources Department:
- Description of the body of work to be performed,
 - The regular designation of a classification that most closely resembles the work to be performed,
 - The proposed wage that will be paid,
 - The anticipated hire date,
 - The number of hours the employee is anticipated to work.
- 3.6 The wage for extra help employees shall be based on the wage grade established for the classification they are entering. Step placement should be based on their work experience.
- 3.7 Two or more employees may perform the work of a particular classification concurrently as a job share or sequentially; however, the cumulative service of the two or more employees shall not exceed the applicable threshold listed in Section 3.2. This section does not apply to seasonal workers or employees of a 24-hour, 7-day facility.
- 3.8 Employing officials are responsible for monitoring extra help hours. The official shall take one of the following actions in sufficient time to ensure that an extra help employee is not employed beyond the threshold:
- (a) Discontinue the work performed by the extra help employee and terminate the employment of the extra help employee;
 - (b) Reassign the work performed by the extra help employee to an existing regular employee(s) and terminate the employment of the extra help employee; **OR**
 - (c) Request creation of a regular position to perform the work.
- 3.9 Specific procedures for employing extra help employees will be developed and maintained by the Human Resource Director or designee.
- 3.10 When the elected official or department head submits the annual budget estimate, he or she will also submit a report documenting the use of extra help employees during the calendar year and make a recommendation to the County Administrator (or in the absence, the Chair of the Board of County Commissioners) as to whether an ongoing, relatively stable and predictable body of work on an annualized basis has been identified. If the County Administrator determines that such a body of work exists, a recommendation may be made to create a new part-time or full-time regular position(s), reassign the work to an existing regular position, or end the work.

Section 4. Employment Agreement

As a condition of employment, an extra help employee shall sign an agreement acknowledging his or her status as extra help and the terms and conditions of extra help employment. If a change occurs affecting the terms and conditions of employment, a new agreement shall be signed by the extra help employee.

Section 5. At-Will Employment

The employment of an extra help employee may be terminated at will. Nothing in this policy shall be

construed to create a right to continued employment.

Section 6. Hiring Process

- 6.1 All individuals selected for employment as extra help shall complete an employment application.
- 6.2 Each person selected for employment as extra help shall meet the minimum qualifications of the position.
 - 6.2.1 If the employing official hires an extra help employee at a classification level that is lower than authorized for the extra help position, the minimum qualifications applicable to the lower classification will apply.
 - 6.2.2 The Human Resources Department will review applicant qualifications prior to hire.
 - 6.2.3 The Human Resources Department will coordinate with the employing official to establish specific qualifications and review processes.
- 6.3 In the event that an extra help body of work is transitioned to a regular position, the Human Resources Department will conduct a classification review and the competitive selection process applicable to the regular position shall be followed. Performing work as an extra help employee shall not confer any right or entitlement to appointment to a regular position.

Section 7. Retirement Benefits

Contributions to the Washington State Retirement System shall be paid for extra help employees who work at least 70 hours per month during five or more months of two consecutive calendar years to the extent required by law. Enrollment in the retirement system shall be a condition of employment at the time the employee becomes eligible for membership in the Washington State Retirement System.

Section 8. Medical Benefits

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

KITSAP COUNTY DISABILITY ACCOMMODATION POLICY

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

REASONABLE ACCOMMODATION. Reasonable accommodation is available to an employee with an impairment or disability (hereafter “disability”) when the disability affects the performance of job functions. The County will attempt to reasonably accommodate qualified employees with a temporary or long-term disability so that they can perform the essential functions of the job, unless doing so would create an undue hardship for the operations of the County.

Reasonable accommodation is provided when an employee with a disability needs an accommodation to:

- Perform the essential functions of the job or to gain access to the workplace; and
- Enjoy equal access to benefits and privileges of employment (e.g., productivity tools, trainings, company sponsored events).

Common types of accommodations are:

- Acquisition or modification of equipment;
- Changes in the physical layout of a work environment to eliminate or reduce barriers;
- Elimination of non-essential job duties;
- Modifications of an employee’s work schedule while continuing to meet business requirements; and/or
- Modifications to the building where an employee performs work.

Note: Leave from work and/or reassignment to another vacant position are accommodations of last resort.

Not all accommodation requests can be honored. Sometimes an employee may ask for an accommodation that is not reasonable or necessary, that poses an “undue hardship” (e.g., too costly or disruptive to County operations or County employees), or that might threaten the safety of the employee who has made the request or of others. Even in those cases, the County will discuss whether some other form of workplace accommodation may be effective.

Supervisors and managers should not assume that because an employee has a physical or mental disability the employee will necessarily require or want an accommodation. An employee may have a disability that does not limit the employee’s ability to perform the essential functions of

their job or require a workplace modification. Because each employee's abilities and needs are different, each accommodation request will be handled on a case-by-case basis.

PROCESS. If an employee is currently disabled or becomes disabled during employment and is in need of a reasonable accommodation, the employee should contact her/his supervisor, manager, Employing Official, or the Human Resources Department, who will assist with evaluating reasonable accommodations that may enable the employee to perform the essential functions of the job.

Employee Responsibilities.

- Employees have the responsibility to request an accommodation and participate in the interactive process.

Responsibilities of Supervisors, managers, and Human Resources.

- Supervisors, managers, and/or Human Resources are responsible for receiving, documenting, initiating the interactive process with the person who requests an accommodation, and responding to employee accommodation requests. Only those who are necessary to ensure an effective and timely accommodation are involved in the accommodation process.
- When a disability and associated need for an accommodation is obvious (e.g. an employee who uses a wheelchair cannot access a restroom) a supervisor or manager may initiate the reasonable accommodation process and begin the interactive discussion with the disabled employee.

The interactive process. The interactive process is a collaborative effort between the employee and County representatives to discuss the need for an accommodation as well as identify effective accommodation solutions. The interactive process begins when an employee requests an accommodation, a supervisor/manager or Human Resources representative recognizes an obvious challenge due to a disability, or when an employee returns to work with an impairment that substantially limits a major life activity.

Confidentiality in the reasonable accommodation process. Ensuring the confidentiality of all medical information obtained in connection with a request for reasonable accommodation, as well as the confidentiality of all associated communications during the interactive process, is required by federal law.

All documentation must be kept in a file separate from an employee's personnel file. Non-medical information obtained during this process is shared on an as needed basis with those involved in providing a reasonable accommodation.

Requesting a Reasonable Accommodation. The process begins when the County becomes aware that an employee may need an adjustment or change concerning some aspect of the job or a benefit of employment for a reason related to a disability or impairment. Notification may

include documentation from the employee directly and/or from the employee's health care provider. An employee may request a reasonable accommodation at any time, orally or in writing with their immediate supervisor, manager or Human Resources. A request for an accommodation can also be made by an employee representative (e.g. union representative, coworker, family member). If the request comes in through a third party, the request should be confirmed with the employee.

An accommodations request does not have to include any special words, such as "reasonable accommodation," "disability," or "ADA." A request is any communication in which an employee asks or states that a change is needed because of a physical or mental impairment. The supervisor, manager or Human Resources representative receiving the request should ask whether the employee is requesting a reasonable accommodation if the nature of the initial communication is unclear.

Important Note, It is best for employees to ask for accommodations before any work related issues or concerns arise. While an employees does not have to disclose a disability until they feel they need an accommodation, it is highly recommended that employees not wait until their performance appraisal meeting or during a disciplinary proceeding as the County does not have to rescind disciplinary actions administered prior to a request for an accommodation.

Documentation. Once the County receives notice of a need for accommodation, Human Resources will provide the employee with an Accommodation Request form and Position Questionnaire which the employee and the employee's health care provider must complete and return. If the disability or need for accommodation is obvious or adequate medical documentation has already been provided for other reasons (i.e. Family Medical Leave Act, Workers Compensation), additional medical documentation may not be necessary. If the disability or need for accommodation is not obvious, the employee will be asked to sign a release form authorizing Human Resources to secure additional medical information from the employee's health care provider to provide job relevant information as to the nature of the employee's medical condition, and/or whether the requested modification/accommodation is necessary. The health care provider should be given the essential duties of the employee's job in order to have an informed opinion as to any accommodations that will meet the job requirements. If sufficient medical information is not provided to Human Resources, they may ask the employee requesting an accommodation to sign a limited release form permitting the County to contact the provider for additional information. The County may also elect to have the medical information reviewed by a doctor of the County's own choice, at County expense. Employees are obligated to cooperate with this process. A failure to do so could result in delayed consideration of a request or in its denial.

Consideration of the Accommodation Requested. After a request for accommodation has been made, and if need be, confirmed by a health care provider, the next step is to begin the interactive process to determine what, if any, accommodation may be provided.

During the interactive process, the employee requesting the accommodation and the supervisor/manager/Human Resources representative, will clearly discuss the accommodation requested, including:

- the nature of the job related limitation that is generating the request; what limitations are interfering with the employee's job performance;
- confirming that a disability is prompting the need for an accommodation; and
- the accommodation solution(s) that may be effective in meeting an employee's needs to successfully meet the requirements of the job

All accommodation requests are handled on a case by case basis. The interactive process frequently requires input from the department supervisor/manager, Human Resources representative, and the employee and/or the employee's health care provider. Other departments, such as the Risk Manager, a third party vendor, as well as outside disability-related organizations, such as the Job Accommodation Network (JAN), may be consulted depending on the type of request.

Time Frame for Processing Requests and Providing Reasonable Accommodations. The County will process requests and, where appropriate, provide accommodations, in as short a period as reasonably possible. The time frame for processing a request and providing accommodation, if approved, will vary depending upon the need for documentation and possibly clarification from health care providers, acquiring or modifying equipment, changing the physical layout of the work environment, and/or building modifications.

In certain circumstances, a request for reasonable accommodation may require an expedited review and decision, such as when a safety-related concern in the workplace exists, or where a reasonable accommodation is needed to enable an employee to attend a meeting scheduled to occur soon.

Determination. Once all information deemed necessary is received, it will be reviewed to determine in consultation with others on a need-to-know basis whether the workplace accommodation sought will be granted, denied, or whether an alternative accommodation is appropriate. The employee will be informed of the decision and the supervisor/manager/Human Resources representative will discuss the employee's questions/concerns, if any, about that decision and steps for implementation. A decision to provide an accommodation, other than the one specifically requested by the employee, will be considered a decision to grant an accommodation. If the alternative accommodation is not accepted by the employee, the employee's rejection of the alternative accommodation will be documented.

If a request for accommodation is denied, the supervisor/manager/Human Resources representative will discuss the reason for the denial with the employee and document the reason and discussion.

An employee's receipt or denial of an accommodation does not preclude the employee from making another request at a later time if circumstances change and the employee believes that an accommodation is needed due to workplace needs associated with evolving limitations from a disability (e.g., the disability worsens or an employee is assigned new duties that require an additional or different reasonable accommodation).

Monitoring an Accommodation. Many accommodations are implemented long-term, while some accommodations last for only a temporary period. Every situation is unique and requires case-by-case analysis of the employee's limitations, restrictions, specific accommodation needs, and the impact accommodation will have on job performance and business operations.

It is the obligation of the employee's supervisor/manager to monitor the effectiveness of the accommodation. While employees with disabilities must be able to perform essential functions of their job with or without accommodation, it is also the responsibility of the supervisor/manager to ensure an accommodation is effective for the employee. If an accommodation is no longer effective, then the interactive process should be revisited.

Appeals Process. An employee who is dissatisfied with the resolution of a reasonable accommodation request may appeal the decision by filing a grievance in accordance with the Kitsap County Personnel Manual or applicable collective bargaining agreement.

KITSAP COUNTY SOCIAL MEDIA USE POLICY

1. PURPOSE

Social media can enhance communication, collaboration, information exchange, and transparency, streamline processes, and foster productivity. Kitsap County endorses the secure use of social media to enhance and support County program goals and objectives.

2. APPLICABILITY

This policy applies to Kitsap County employees and contractors who create or contribute to social networks, blogs, wikis, or any other kind of social media on and off the kitsap.gov domain for work purposes.

3. DEFINITIONS

Blog. A self-published diary or commentary on a particular topic that may allow visitors to post responses, redactions, or comments. The term is short for “Web log.”

Page. The specific portion of a social media website where content is displayed, and managed by an individual or individuals with administrator rights.

Post. Content that an individual shares on a social media site or the act of publishing content on a site.

Profile. Information that a user provides about himself or herself on a social networking site.

Social Media. A category of Internet-based resources that integrate user-generated content and user participation. This includes, but is not limited to social networking sites (Facebook, MySpace), microblogging sites (Flickr, YouTube), wikis (Wikipedia), blogs, and news sites (Digg, Reddit).

Social Networks. Online platforms where users can create profiles, share information, and socialize with others using a range of technologies.

Speech. Expression or communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, photographs, videotape, or related forms of communication.

Wikis. Web page(s) that can be edited collaboratively.

3. IMPLEMENTATION

Three steps are needed to authorize use of social media: (1) approval by the department head; (2) approval by Director, Information Services; and (3) where applicable, compliance with the County’s contract review procedures.¹

3.1 Department Considerations for Establishing and Maintaining Social Media Presence. The decision to use social media is a business decision, not a technology-based decision. It is incumbent upon each department to weigh its mission, objectives, and capabilities, and potential benefits and risks, when considering use of specific social media tools, including the following:

- What goals or objectives will social media use achieve?
 - The social media site should include an introductory statement that specifies the purpose and scope of the department’s presence on the website.
- Is the social media proposal designed for the target audience?
- What type of records or information will be used on the site, and will it be original or secondary?
- How will public records retention and public disclosure requirements be managed?

- Will any sensitive, confidential, or personal information be distributed in the media?
- Will the information be assessable to employees and customers on a nondiscriminatory basis?
 - Consider Title II of Americans with Disabilities Act as Amended and Section 508 of the federal Rehabilitation Act.
- Will the social media proposal affect employee productivity?
- Who will manage the tool and ensure that information is updated and accurate?
- Who will monitor social media pages and who is authorized to respond to posts?

3.2 Information Services Considerations. The Information Services Department will collaborate with the Department seeking to establish and maintain a social media site. Elements that Information Services will consider include the following:

- Does the proposal affect network bandwidth requirements?
- Are sufficient financial resources available to support appropriate access, backup, storage, and additional capacity if needed?
- What is the potential for exposure or leakage of sensitive or protected information such as copyrighted material, personally identifying information, or confidential information?
- Can content from social media sites be immediately edited or removed upon direction from the department head or elected official?
- Content posted to social media sites should link to the County's or department's official websites for in-depth information, forms, documents, or online services necessary to conduct business with the County.
- Content must be managed, stored, and retrieved to comply with public records laws and e-discovery laws and policies.
- Content posted to social media sites must be maintained in appropriate retention formats so that it can be maintained in accordance with record retention schedules.
- Page(s) must include the following notices:
 - A disclaimer of endorsement of advertising which may appear on third-party social media websites.
 - Opinions expressed by visitors to the page(s) do not reflect the opinions of Kitsap County.
 - Posted comments will be monitored and the County reserves the right to remove obscenities, off-topic comments, and personal attacks.
 - Content posted or submitted for posting is subject to public disclosure.
- The following guidelines must be displayed to users or made available by hyperlink, and any content removed based on these guidelines must be retained, including the time, date and identity of the poster when available:
 - Kitsap County social media site articles and comments containing any of the following forms of content shall not be allowed:
 - Comments not topically related to the particular social medium article being commented upon;
 - Comments in support of or opposition to political campaigns or ballot measures;
 - Profane language or content;
 - Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability or sexual orientation;
 - Sexual content or links to sexual content;

- Solicitations of commerce;
 - Conduct or encouragement of illegal activity;
 - Information that may tend to compromise the safety or security of the public or public systems; or
 - Content that violates a legal ownership interest of any other party.
- The County reserves the right to restrict or remove any content that is deemed in violation of this social media policy or any applicable law.

3.3 Contract Review. Typically a Terms of Service (TOS) is associated with the use of third-party media tools. If implementing social media entails opening an account with a third-party provider and agreeing to TOS (executing a contract via “click through” agreement), then agreeing to the TOS and associated use of third-party social media tools is effectively a contract between the County and the third-party and the County’s contract review procedures apply. In addition, if the TOS contradicts County policy, the County Administrator or Chair of the Board of County Commissioners should be made aware of it and a decision made about whether the use of such media is appropriate.

4. ACCEPTABLE AND PROHIBITED USE

4.1 Social networking will be used only for official Kitsap County business purposes.

4.1.1 Personnel representing the County via social media outlets must conduct themselves as representatives of the County. Accordingly, personnel shall adhere to standards of conduct that are consistent with public service and trust and conduct County business in a manner that contributes to the overall business integrity and organizational effectiveness of Kitsap County.²

4.1.2 Employees speaking on behalf of the County via social media outlets will identify themselves as a member of the County, by full name, title, agency, and contact information.

4.1.3 Any employee who observes or has knowledge of prohibited use of social networking technology should report it to a supervisor, the Personnel Division, or another appropriate supervisor/manager. Employees reporting such actions will be protected from retaliation.³

4.2 Social networking is subject to County policies. Departments and employees using social media are generally subject to County policies, standards, and procedures, including but not limited to the following:

4.2.1 **Non-discrimination.** The County prohibits any form of unlawful discrimination, including harassment, based on race, color, religion, gender, sexual orientation, national origin, age, disability, marital status, or veteran status. This applies at any location that can reasonably be considered an extension of the workplace such as a customer location, an off-site business function, a social networking site, or any place where County business is being conducted or discussed.⁴

4.2.2 **Private Use of County Resources.** Employees are prohibited from using County time or equipment for personal or political purposes on any social networking site.⁵

4.2.3 **Public Records Act.** County social media sites are subject to State of Washington public records laws. Any content maintained in social media format that is related to County business, including a list of subscribers and posted communication, may be a public record. The department maintaining the site is responsible for responding completely and accurately to any request for public records on social media. Wherever possible, such sites must clearly indicate that any articles and any other content posted or

submitted for posting are subject to public disclosure, and users must be notified that requests for public records must be directed to the relevant departmental public disclosure officer.⁶

4.2.4 **Records Retention Rules.** Audit trails or any available reports used to log employee use of social networking sites remain the property of the County, and may be accessed or reviewed to monitor compliance with this policy, conduct investigations, or for other operational purposes. Washington state law and relevant County records retention schedules apply to social media formats and social media content. Unless otherwise addressed in a specific social media standards document, the department maintaining a site shall preserve records required to be maintained pursuant to a relevant records retention schedule for the required retention period on a County server in an easily accessible format that preserves the integrity of the original record.⁷

4.2.5 **Compliance with Copyright Laws.** Employees are expected to understand and follow laws pertaining to the use and duplication of copyright-protected materials when conducting County business on social networking sites.

4.2.6 **Teleworking or Alternative Worksites.** Employees must comply with County standards for social networking when teleworking or working at an alternate worksite.⁸

4.2.7 **Electronic Communications.** While on social networking sites, employees must comply with standards for using electronic communications including Information Service's security policies and standards.⁹

4.2.8 **Confidential Information.** Employees may not divulge confidential, sensitive, proprietary, or personally identifiable information gained by reason of their employment with the County.¹⁰

4.2.9 **Campaign Activities.** Employees may not engage in political activities on social media sites or make any statements, speeches, appearances, endorsements, or publish materials that could reasonably be considered to represent the views or positions of the County without express authorization.¹¹

4.2.10 **Privacy.** Most technology usage is recorded and therefore available for review by both internal and external sources. Employees have no expectation of privacy in information stored on County computers or devices.¹²

4.2.11 Employees' use of social media sites for gathering information for business purposes must be approved by their manager or supervisor.

4.3 Risks. Improper or unlawful use of County technology resources is prohibited because of the potential risks to the County and the individual employee. These risks include, but are not limited to:

- loss of public trust in County services;
- service and performance interference;
- financial loss;
- unlawful activity;
- loss of network or operational integrity; and
- charges or other legal consequences related to sexual harassment, discrimination, or improper access to or dissemination of information.

4.4 Off-Duty, Personal Use of Social Media.

4.4.1 When using social media, employees should be mindful that their speech becomes part of the worldwide electronic domain. Employees are free to express themselves as private citizens on social media sites, but an employee's exercise of expression is balanced against the County's interest in the effective and efficient fulfillment of its responsibilities to the public. Thus, employees must not engage in off-duty conduct which harms the County's reputation, mission, or functions, renders the employee unable to perform his/her duties, results in other employees being unwilling or unable to work with the employee, or undermines the County's ability to direct the workforce.

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

4.5 Penalties. The violation of this Social Media Use Policy is regarded by Kitsap County as a serious offense and is subject to corrective or disciplinary action, up to and including termination, as appropriate.¹³

¹ See Chapter 3.56 Kitsap County Code.

² See RCW 42.23.070; and Kitsap County Personnel Manual, Chapter 10, Sections C and F.

³ See Chapter 3.68 Kitsap County Code; and Kitsap County Personnel Manual, Appendix O.

⁴ See Kitsap County Personnel Manual, Appendix I.

⁵ See RCW 42.23.070; and Kitsap County Personnel Manual, Chapter 10, Sections C and F.

⁶ See Chapter 42.56 RCW; and Chapter 3.76 Kitsap County Code.

⁷ See Chapter 40.14 RCW (Preservation and Destruction of Public Records).

⁸ See Kitsap County Personnel Manual, Appendix K.

⁹ See Kitsap County Personnel Manual, Appendix F.

¹⁰ See RCW 42.23.070; and Kitsap County Personnel Manual, Chapter 10, Section F.

¹¹ See Kitsap County Personnel Manual, Chapter 10, Sections F.5 and F.6.

¹² Id., at Appendix F.

¹³ See Kitsap County Personnel Manual, Chapter 12 and any applicable Collective Bargaining Agreement.