



**PERSONNEL POLICY  
AND PROCEDURES**

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## **INTRODUCTION**

These policies and procedures are designed to provide a guide for the administration of Lincoln County's personnel policies, work rules, and benefits. It is not intended to cover every situation or answer every question about employment.

The personnel policies, work rules, and benefits set forth in this document are subject to modification. The County reserves the right to modify, rescind, delete, or add to the provisions of this policy manual as it becomes necessary and appropriate.

A current copy of these policies and procedures has been distributed to each Department Head. The master copy of the manual shall be available for review and reference at the Lincoln County Auditor's Office.



## Chapter 1

### GENERAL

Adopted April, 2011

**1.01 Scope of Application:** The personnel policies and procedures manual shall govern and affect the personnel administration of all employees and departments within the jurisdiction of Lincoln County. It is not intended to cover all departmental procedures, standard practices, standing orders, or other technical matters. Individual departmental policies may be more restrictive but may not be less restrictive.

In cases where these policies conflict with working agreements or Civil Service rules, the provisions of the working agreements or Civil Service rule shall govern.

Copies of the personnel policies, work rules, and benefits are available to each employee for review. These rules apply to all employees of the County except:

1. Elected Officials;
2. Positions on appointed boards, commissions, and committees;
3. Persons under contract to provide expert, professional, or technical services;
4. Volunteer personnel who receive no regular compensation.

**1.02 Diversity Policy:** Lincoln County is committed to developing a diverse work force which reflects the diversity and composition of the community we serve, honors and respects the differences and abilities of all our employees and residents, and provides employees with the necessary opportunities, tools, and support to achieve their maximum potential.

**1.03 Compliance with the Personnel Policy:** In accepting employment with Lincoln County, each employee is expected to follow this Personnel Policy Manual, administrative guidelines and procedures established by the Board of County Commissioners, their collective bargaining agreements or applicable Civil Service rules and regulations, and the guidelines and directives of the department in which they are employed. Volunteers and temporary employees, while performing their assigned duties for the County, shall follow the same guidelines of conduct as regular County employees.

**1.04 Authority of the Board of County Commissioners:** The Board of County Commissioners, as legislative authority, has general control and supervision over the affairs of the County. The Board has the authority to establish such other policies, procedures, and guidelines necessary for the control and supervision of the affairs of the County.

## Chapter 2

### DEFINITIONS Adopted April, 2011

#### **Anniversary Date**

The date the employee is assigned to the current classification and pay range. If the employee works more than one-half of the month, the first of the month will be the anniversary date; if the employee works less than one-half of the month, it will be the beginning of the following month.

An employee who chooses to take an authorized medical or personal leave of absence without pay shall have their anniversary date modified to reflect the time of service lost.

Example: An employee's anniversary date is January. The employee takes 2 months leave without pay. The new anniversary date will be March.

An employee works half-time and changes to full time, all hours are totaled, divided by 173 hours, and the new anniversary date is determined in full monthly periods.

#### **Commissioners**

Board of County Commissioners of Lincoln County, Washington.

#### **Evaluation Period**

A continuation of the selection process during which an employee is required to demonstrate his or her ability and capacity to perform the duties of the position to which he or she has been appointed, normally six (6) months.

#### **Exempt Employee**

An executive, administrative, or professional employee (as defined by Fair Labor Standards) who is exempt from eligibility for overtime pay.

#### **Grievance**

Any dispute between employee and supervisor or policies. Grievance procedures can be found in all working agreements, or if not a member of a labor union, consult Chapter 14.

## **Hire Date**

The date at which continuous service to the County began.

## **Immediate Family**

The spouse, child, stepchild, parent, brother, sister, father-in-law, mother-in-law, grandparent, aunt, uncle of the employee. Please see individual union contracts for exceptions to this definition.

## **Legislative Body**

Board of County Commissioners of Lincoln County, Washington.

## **Posting**

Posting for job openings shall be complete with job description, requirements, and salary range. Posting will be on bulletin boards in all work areas where applicable. Courthouse offices shall utilize the lobby bulletin board.

## **Probation Period**

A probation period is a duration of time in which an employee is given the opportunity to correct problems under disciplinary procedures.

## **Employee Categories**

- Appointed Officials

Department heads who are appointed or hired by the Board of County Commissioners. In certain cases, the advisory board for the department will make a recommendation to the Commissioners. Appointed officials receive full benefits, have set working hours, and are not subject to overtime or union dues.

- Full Time

Full-time employees are on a set salary that is listed on the wage schedule with full benefits, set working hours, and are subject to approved overtime and union dues.

- Full Time Temporary

Full time temporary employees are on a set salary that is listed on the wage schedule but are employed for a limited time span (less than six months) with full benefits, supervised set hours, and are subject to approved overtime and union dues (if applicable) while employed.

- Part Time Permanent

Part time employees work less than 173 hours per month, receive a percent of wages listed on the wage schedule, work the same number of hours each month, receive benefits at the same percent of hours worked each month, are not eligible for any overtime, and are subject to union dues.

- Part Time Seasonal

Part time seasonal employees (including road department employees) work less than 173 hours or less than 12 months per year. They receive a percent of wages listed on the wage schedule for the months worked. The working months are over a controlled time span and are not eligible for any overtime.

- Hourly Wage Employee

Hourly waged skilled or professional employees are not on the wage schedule, are paid an hourly wage approved by the Board of County Commissioners, have controlled and supervised hours, and receive no health coverage, compensatory time, or holiday pay. Overtime, if allowed, will be approved by the Department Head within the constraints of the budget and prior to working overtime. These employees are not subject to union dues, and they receive compensation for actual hours worked only.

## Chapter 3

### GENERAL POLICIES AND PRACTICES

Adopted March, 2011

**3.01 Purpose of Policy:** The County expects its employees to subscribe to the highest set of ethics, values, and principles that guide all employees in our provision of services to our customers who are both inside and outside of County employment. The County expects employees to be fair, honest, consistent, and committed to high levels of customer service and professionalism. Anyone who fails to live up to such ethical standards reflects negatively on the entire County work force.

**3.02 Equal Opportunity Employer:** Lincoln County is an Equal Opportunity Employer and will not discriminate against any employee in an unlawful manner.

It is the policy of the County to treat all applicants and employees equally and without regard to race, religion, creed, color, national origin, sex, age, handicap, marital or veterans' status, or any basis prohibited by local, state or federal law. It is also the policy of the County to foster and maintain a harmonious non-discriminatory working environment for all employees. Toward this end, the County will not tolerate racial, ethnic, religious, or sexual slurs or comments demeaning national origin or handicap by any employee or about any employee or applicant.

Violations of this policy will be cause for disciplinary action, up to and including termination.

Any employee who feels he or she has been a victim of discriminatory treatment in violation of this policy should bring this concern to his/her Department Head or the Board of County Commissioners.

All activities related to employment such as recruitment, selection, transfers, promotion, termination, and training shall be conducted in a non-discriminatory manner.

**3.03 Affirmative Action – 504 Plan:** The intent of this Affirmative Action - 504 Plan is not to discriminate in any of its employment practices on the basis of race, color, creed, sex, age, marital status, national origin, or physical disability unless based upon a bona fide occupational qualification.

Lincoln County's Affirmative Action - 504 Plan is on file at the County Auditor's Office and is available for review to all employees.

**3.04 Employee Conduct:** It is the policy of Lincoln County to ensure the highest standard of health and safety for all employees, customers, vendors,

contractors, and the general public and to provide for the efficient and effective operation of the County.

No employee, including supervisors, managers, elected and appointed officials, shall be allowed to harass any other employee or member of the general public by exhibiting behavior including, but not limited to, the following:

- Verbal Harassment - Verbal threats toward persons or property, the use of vulgar or profane language toward others, disparaging or derogatory comments or slurs, offensive sexual flirtations and propositions, verbal intimidation, exaggerated criticism, and name calling.
- Physical Harassment- Any physical assault such as hitting, pushing, kicking, holding, impeding or blocking movement of another person.
- Visual Harassment - Derogatory or offensive posters, publications or drawings.

See also Chapter 18 – Anti-Harassment Policy.

**3.05 Prohibited Items on County Property:** Under no circumstances are the following items permitted on County property or within any County entity, including parking areas and undeveloped property:

- dangerous chemicals,
- explosives including blasting caps, except when being used by a bona fide contractor performing work for the County,
- controlled substances, except those prescribed by authorized health care professionals and/or as necessary for law enforcement and/or court proceedings.

Any employee falsely accusing another employee of violating this policy or misrepresenting the facts during an investigation of intentionally disrupting the investigation of a complaint shall be subject to disciplinary action.

**3.06 Standards of Conduct General Principles:** Employees shall apply the following principles in determining whether their professional ethics and conduct is proper. Employees shall not engage in financial transactions using non-public County government information or allow the improper use of such information to further any personal or private interest.

1. Employees shall not hold financial interests that conflict with the conscientious performance of duty.
2. Each employee shall respect and adhere to the principles of ethical conduct set forth in applicable laws, policies, and regulations.

3. Employees shall not, except as permitted by law, regulation, or policy solicit or accept gifts or other items of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by the County, or whose interests may be substantially affected by the performance or nonperformance of the employee's duties (see 3.07.3 below).
4. Employees shall put forth honest effort in the performance of their duties.
5. Employees shall not knowingly make unauthorized commitments or promises of any kind purporting to bind the County government.
6. Employees shall not use public office or their position for private gain or personal influence.
7. Employees shall act impartially and not give preferential treatment to any private organization or individual.
8. Employees shall protect and conserve County property and shall not use it for other than authorized activities.
9. Employees shall not engage in outside employment or activities, including seeking or negotiating for employment, that conflict with official assigned County job duties and responsibilities.
10. Employees shall disclose waste, fraud, abuse, and corruption to appropriate County authorities.
11. Employees shall satisfy in good faith their obligations as citizens, including all just financial obligations, especially those — such as applicable Federal, State, or local taxes—that are imposed by law.
12. Employees shall adhere to all laws and regulations that provide equal opportunity for all citizens and County employees regardless of race, color, religion, sex, national origin, age, marital status or disability.
13. Employees shall endeavor to avoid any actions creating the appearance that they are violating these ethical standards.
14. During an employee's workday, an employee devotes 100% of their time, attention, and efforts to the duties and responsibilities of the employee's position in County service.
15. Employees have the right to work in an environment where mutual respect and consideration are shown among all employees and with the public. The County expects that employees shall conduct themselves in a respectful and professional manner in the work place

and avoid any behavior that may be construed to be harassing, menacing, demeaning, and/or of a violent nature.

**3.07 Incompatible Personal Activities of County Employees:**

An employee will not engage in any off-duty employment or activity that is inconsistent, incompatible or in conflict with the employee's duties in County service. The department head determines which activities are inconsistent, incompatible, or in conflict with duties in County service. Examples of prohibited activities include, but are not limited to:

1. The use of County time, facilities, equipment, or supplies for private gain or advantage;
2. The use of the badge, uniform, prestige, or influence of an employee's position for private gain or advantage;
3. The direct or indirect solicitation or acceptance of any gratuities, loans, gifts, merchandise, meals, beverages, or any other item of tangible value (\$20.00+) in connection with or resulting from an employee's official position. Nor will employees use their official position, badges, or identification cards to obtain privileges not otherwise available to them;
4. The performance of an act when an employee is off duty that may later be subject to direct or indirect control, inspection, review, audit, or enforcement by that employee of the County in the exercise of their County duties.

**3.08 Off-Duty Employment:** An employee may engage in off-duty employment that is not inconsistent, incompatible, or in conflict with the employee's duties in County service; and that will not negatively affect the performance of the employee while in County service.

**3.09 Political Activities of Public Employees:** There are no restrictions on the right of an employee to participate off duty in political activities that involve ballot measures that relate to wages, hours, or working conditions. An employee can, when off duty, campaign for or against elected County officials or ballot measures. The employee may not, however, disturb employees or lobby for partisan or nonpartisan initiatives, ballot measures or other political issues during their work periods or workdays.

In compliance with Washington State RCW 42.17.130, employees may not campaign or solicit political contributions during work hours, using public telephones or other equipment, or on County property; carry or display political material in or on publicly owned vehicles; display or distribute campaign posters, placards or other promotional materials on County owned or operated premises; use County supplies, equipment or facilities to print, mail, or otherwise produce or



distribute campaign materials; or solicit signatures for any initiative, recall or referendum campaign on publicly owned or operated premises.

Employees who are in County service or who are seeking an ***elected*** office will not use the employee's office to influence another person or persons for political purposes.

### **3.10 Computer Policy**

1. Purpose: This policy establishes guidelines for County employees on the management of computing technologies, ensuring that use of these technologies by employees of the County is consistent with County policies, all applicable laws, and the individual user's job responsibilities. Employees and their respective department head are jointly responsible to insure compliance with this policy. This policy applies to all employees when they are using computers or Internet connections supplied by Lincoln County whether or not during work hours, and whether or not on the County premises.

2. Email and Internet: Employees should restrict their use of the Internet and e-mail to work-related matters during work hours. Employees should use those tools primarily for County business conserving bandwidth for County use.

3. Privacy: Users of County computers, Internet connections, and e-mail have no right to expect privacy with respect to such usage. The County reserves the right, and users of County computers, Internet connections, and e-mail consent, to audit by the County at any time to ensure proper use of government resources.

The County provides computers and Internet connections to further its ability to conduct County business. The County has the right, but not the duty, to monitor all communications and downloads that pass through its facilities, at its sole discretion. The County's security systems are capable of recording each Internet website visit, each chat, newsgroup or e-mail message, and each file transfer into and out of our internal networks, and the County reserves the right to do so at any time.

E-mail leaves a record that is often retrievable even after the sender and recipient delete it. All e-mail messages using state government systems that are sent or received, that contain information about business activities, and that can function as evidence of business transactions are, regardless of recorded medium, part of the records of the agency and must be managed in accordance with the General Records Act and are subject to related legislation such as Public Disclosure.

Retention of E-mail correspondence is archived. Items deleted from individual mailboxes still exist. Email messages remain in the Archive permanently or as specified by the Global Retention Policy. All Internet site visits are monitored using an Internet security and filtering software and are subject to scrutiny when required.

4. Improper Activities: Employees may not disseminate or knowingly receive harassing, sexually explicit, threatening or illegal information through the use of County facilities, including offensive jokes or cartoons. Employees may not access web sites, chat rooms, groups, or messages of an adult or pornographic or terrorist nature at any time (unless directly related to your job responsibilities).

Employees may not use County facilities for personal or commercial gain, advertisements, solicitations, business promotions or gambling.

Employees may not consume excessive use of bandwidth by accessing sites which provide streaming video, audio (Internet radio), interactive downloading of screen savers (e.g. web shots) or other features (e.g. hot bar icons) that are not directly related to their job responsibilities.

No employee may use the County's Internet facilities to deliberately propagate any virus, worm, Trojan horse, or trap-door program code. No employee may use the County's Internet facilities knowingly to disable or overload any computer system or network, or to circumvent any system intended to protect the privacy or security of another user.

The County's Internet facilities and computing resources must not be used knowingly to violate the laws and regulations of the United States or any other nation, or the laws and regulations of any state, County, province or other local jurisdiction in any material way.

The County reserves the right to terminate access to e-mail or Internet for inappropriate use and will block access to any www site deemed to be inappropriate in nature. Use of any County resources for illegal, prejudicial, or immoral activity is grounds for dismissal, and the County will cooperate with any legitimate law enforcement activity to prosecute such activity.

5. Passwords: Employees will safeguard their accounts and passwords as these are the mechanism to access the County's network. Accounts and passwords are normally assigned to single users and are not to be shared with any other person without authorization. Users are expected to report any observations of attempted security violations. The Information Services Department will be notified of an employee termination so accounts can be disabled and access can be removed.

6. Software: Employees will not purchase or download any software from the Internet without permission from Information Services Department. The Information Services Department will remove any unauthorized software upon detection. The Information Services Division will be responsible for virus scanning software, and applying the most current upgrades or patches to standard software. To avoid potential conflicts with the County's current software strategy, the Information Services Director will sign the purchase for software purchases.

7. Hardware: The Information Services Department will provide firewalls, switches, servers and provide maintenance and security on all network hardware, as well as communications protocols and wireless technology. To prevent potential conflicts with the County's current LAN and WAN technology, the Information Services Department will authorize and recommend for purchase all computer hardware, including peripherals such as PC's, printers, scanners and PDA's (personal digital assistants) which access the County's network.

8. Data: All data is the property of the County and should be stored on the County's data server. Saving to the hard drive on an employee's PC is not considered adequate backup. Sensitive employee, medical, or financial data should not be distributed without appropriate approval.

## Chapter 4

### GENERAL RULES OF EMPLOYMENT

Adopted March, 2011

**4.01 Established Workdays and Workweeks:** The standard workday for employees is eight (8) hours, exclusive of the meal period. The standard workweek is forty (40) hours and will begin at 12:00 a.m. Monday and end at 11:59 p.m. Sunday, for all County personnel unless otherwise designated. (Sheriff's Department personnel shall refer to their collective bargaining agreement for the workweek definition.) Various factors, such as workloads, operational efficiency, and staffing needs, may require variations in the employee's starting and quitting times and total hours worked each week. The County reserves the right to assign employees to jobs other than their usual assignment when required. In addition, employees may be required to work overtime or hours other than those normally scheduled whenever necessary. Punctual and consistent attendance is a condition of continued employment.

**4.02 Exceptions to Established Work Hours:** A Department Head may change an employee's work period with at least five (5) work days' notice, except in an emergency, in order to be consistent with the needs of the County.

**4.03 Work Schedules:** Work schedules shall be established by the Department Head or his/her designee. Employees shall work all hours and days scheduled. Due to the essential public service provided by the County, some positions may be required to be on standby or on call, or work a different schedule or work week. The Department Head shall have the discretion to determine which employees' positions will be required to perform such duties and how such duties will be rotated among affected employees.

**4.04 Attendance:** Employees shall be in attendance in accordance with the rules of work, holidays, and leaves of absence. An unauthorized absence of an employee from duty shall be deemed an absence without pay and will be reason for disciplinary action up to and including termination.

**4.05 Time Records:** Maintaining accurate time records is essential in computing employee pay, assuring compliance with laws and regulations, and providing accurate cost information to the County. Each employee is responsible for completing his/her time sheet as required. The Department Supervisor is responsible for assuring that these time sheets are maintained. Falsification of time sheets will be reason for disciplinary action.

Time sheets are legal documents of the County and are not to be defaced or taken from the assigned area. Any notations, such as vacation time, sick leave, or other notes must be made with the approval of and signed by the supervisor and/or Department Head.

**4.06 Overtime and Compensatory Time:** County employees may be required to work overtime when necessary as determined by their Supervisor. Fair Labor Standards Act (FLSA) will be followed for all overtime and compensation time.

All unsupervised overtime worked by employees must be specifically authorized by the Department Head. Time must be logged and accountable.

Work in excess of 40 hours in the work week may be considered overtime. Sick leave, vacation leave, and military leave may not be considered time worked for the purposes of calculating overtime pursuant to FLSA.

Employees may be compensated for overtime worked in excess of 40 hours in the work week by either payment or by receiving compensatory time off in lieu of overtime payment. All calculations of overtime or compensatory time are at one and one-half (1.5) times the individual's regular rate of pay. Compensatory time is accrued at the rate of one and one-half hour for each hour of overtime worked. The maximum amount of compensatory time that may be accumulated is forty (40) hours, except in cases within the Public Works Department. Compensatory time must be agreed to by the employee and approved by the supervisor prior to the performance of work. In all cases, compensatory time must be used within the same fiscal year unless otherwise noted in the working agreement.

Department Heads and Professionals (Health Officer) are exempt employees and are not eligible for overtime payment. Department Heads and Professionals are responsible for managing and scheduling their own work time professionally to assure the full and complete performance of their duties. If, during an extreme emergency or crisis additional work is required, overtime may be granted, but the Board of County Commissioners may request a detailed report of events causing said overtime.

**4.07 On Call – Public Works Department:** The Lincoln County Public Works Department established guidelines and expectations regarding the designation of employees as "On-Call." This policy ensures the highest standard of safety for employees and the general public, and provides for the efficient and effective operation of the Public Works Department.

All Operators (Crusher and Equipment), Mechanics, Technicians and Office personnel are subject to being placed in an on-call status during weather or other emergencies. All personnel are to maintain current telephone numbers with their supervisors. In that way, they can be called out to respond to emergencies.

All designated on-call personnel will be compensated for on-call status at the rate of \$0.50 per hour for the period of time during which the supervisor has determined that personnel need to be available for responding to an emergency situation. Payment of the on-call compensation ends when the employee reports for duty or the employee is notified that the need for on-call personnel has ended.

It shall be the crew Supervisor's responsibility to determine the need for on-call personnel, the duration of the on-call status, and what equipment skills may be needed, basing his decision on current and forecasted weather conditions and conditions of the roads in their area of responsibility. It shall also be the crew Supervisor's responsibility to notify on-call personnel when it is no longer necessary for them to be designated as on-call.

The designation of on-call personnel shall be based on qualifications, as determined by the crew supervisor, and seniority. The least senior qualified employee must accept the on-call status.

When on-call, the employee is required to remain in a suitable condition so as to respond within a maximum of 45 minutes to an emergency. For that reason, alcohol and other intoxicants are not to be consumed when in an on-call status.

If an individual becomes ill or experiences a personal emergency while they are in an on-call status, it shall be the employee's responsibility to inform their supervisor that they will be unable to respond.

Employees responding to an emergency situation shall be compensated in accordance with the current working agreement.

No employee is expected to expose themselves to personal danger in reporting to work during an emergency. Any employee violating any of the requirements of this policy will be subject to disciplinary actions up to and including termination.

**4.08        Work Breaks:**     Work breaks are authorized, but as a privilege that must be arranged so as not to interfere with County business. Business should not be interrupted simply because it is break time. Employees are entitled to one fifteen (15) minute break for each four (4) hours worked. It is the County's service to the public and completing assigned duties that are paramount.

**4.09        Meal Breaks:**     Employees working a regular shift will be granted an unpaid lunch break. This meal break shall be scheduled by the employee's supervisor. The employee's supervisor may authorize meal breaks from thirty (30) to sixty (60) minutes in length, provided the employee works a full eight (8) hour day, or ten (10) hour day if on a four (4) day work schedule, and provided that all departments adhere to County publicized business hours.

## Chapter 5

### RECRUITMENT AND EMPLOYMENT

Adopted October, 2010  
Revised & Adopted August, 2019

**5.01**      **Purpose of Policy:**      The County is obligated to its citizens to recruit and hire the most talented and qualified employees. The County recruits, as widely as practicable, for each position, and informs and encourages its employees to apply for County vacancies, and to develop continually their own skill base to enhance their competence and competitiveness.

**5.02**      **Recruitment:**      Personnel will be hired by the head of each department. Appointed Department Heads shall be hired by the Board of County Commissioners. All positions must be approved by the Board of County Commissioners and then advertised in the appropriate manner to ensure open competition for all the community. Positions shall be advertised at least two weeks in the County legal newspaper. Using association news bulletins, as appropriate, and internal job posting is encouraged. Announcements must specify the qualifications, time for making application, and other information related to the position. All announcements shall be approved by the Department Head prior to dissemination. All internal and external candidates for employment must file an approved employment application form with the appropriate Department Head. Additional information such as a resume, cover letter, supplemental questionnaire, transcripts, copies of applicable licenses/certifications, and/or proof of good driving record may be requested of applicants.

**5.03**      **Application:**      Application forms shall require specific job-related information and must be completed as required—signed and dated by the applicant. Application forms shall be formulated and used in accordance to Federal and Local law. No questions on the application form or questions asked by an interviewer shall be framed as to attempt to elicit information concerning race, color, creed, sex, marital status, national origin, mental, physical, or sensory disability, or religious affiliation for the purposes of discrimination unless based on a bona fide occupational qualification.

All statements submitted on the application or attached resume are subject to investigation and verification prior to appointment. Any false or misleading information supplied as part of the application process may be grounds for rejecting the applicant or dismissing the employee at will.

**5.04**      **Selection Process:**      The selection process may consist of recognized testing techniques such as achievement tests, aptitude tests, and performance through personal interviews, examination of work samples, physical ability/skills tests, written tests, and investigations of personal background and references.

Selection techniques are to be fair and impartial and relate to those areas that, in the opinion of those involved in the selection process, fairly show the candidate's qualifications and abilities to execute the duties and responsibilities of the position to which the candidate seeks appointment.

Upon completion of an impartial selection process, based on the results of testing and other relative considerations, the Department Head will make an appointment from the final candidates. The appointee shall enter employment on a six (6) month evaluation period, or longer if requested by the Board of County Commissioners.

Pre-Employment Testing: Prior to their appointment, the County shall require a conditionally selected candidate for appointment to a commercial driver's license (CDL) required position or certain public safety positions to undergo and pass a pre-employment drug screening examination at County expense. The County may also require a candidate to pass a physical examination and/or psychological examination after a conditional offer of employment has been made and prior to the candidate's appointment. Negative information obtained from a background investigation may be cause for rejection of an applicant. Effective July 24, 2005, RCW 43.101.080 requires that candidates for police officer positions successfully pass and undergo a polygraph (or similar assessment procedure) and psychological test.

**5.05 Classes of Appointments:** Employment in the County is divided into the classes of Regular Full-Time, Regular Part-Time, Temporary, and Emergency.

**5.06 Temporary Appointments:** Appointment to County employment on other than a regular basis shall be considered temporary. A request to fill the appointment must be approved by the Board of County Commissioners prior to the appointment. Temporary appointments will be generally be allowed as follows:

- 1) Extra help money is appropriated in annual budget.
  - As substitution for regular appointee who is absent from his/her position.
  - When it is necessary to fill short-term seasonal positions.
- 2) During a state of emergency as determined by the Board of County Commissioners.

Temporary employees shall serve at the discretion of the Department Head. No temporary appointment is to exceed five (5) months in duration during any twelve (12) calendar months.

The maximum hourly pay for part-time personnel is \$20.00 per hour.

Exceptions to any element of this policy must be approved by the Board of County Commissioners prior to an offer of hire.



**5.07      Emergency Hiring:**      Emergency hiring may be allowed only if justified and funds are available. Departments requesting emergency hiring must list the nature of the emergency and the reasons the emergency exists as well as information regarding funds available.

The decision to allow emergency hiring is left to the discretion of the Board of County Commissioners.

**5.08      Citizenship:**      In accordance with the Immigration Reform and Control Act, all new employees must show proof of identity and employment authorization when hired.

A number of documents can be used to fulfill these requirements. Documents which can prove identity include a driver's license or a valid state issued photo identification card. Documents which can establish employment authorization include a social security card or an official birth certificate. Both identity and work eligibility can be established with one of the following: a United States passport, a certificate of U.S. citizenship or naturalization, an alien registration card, or an unexpired foreign passport with a valid work visa.

These verification requirements apply to any person offered employment with Lincoln County.

**5.09      Placement on Wage Scale:**      All new employees will be placed on Step One of the wage scale and remain there for a period of twelve (12) full months before being eligible for Step Two.

Unless approved by the Board of County Commissioners, in writing, employees may not be hired at a step higher than Step Two. Employees will be eligible for step increases only after they have completed a year of continuous service in the grade (job classification) and range.

**5.10      Evaluation Period:**      An appointment shall not be considered to have full-time or part-time status for a period of six months or the equivalent of six months if part-time, from the date of hire. The evaluation period is an extension of the selection process and failure to successfully complete the evaluation period, as determined by the Department Head, does not carry with it any right of appeal. Employees in the evaluation period may be terminated any time during this period.

During the evaluation period, an employee may not draw on accrued sick or vacation leave benefits. He/she will not be compensated for such benefits should the employee be terminated prior to the completion of the evaluation period.

Upon completion of the evaluation period, the employee shall be considered as having satisfactorily demonstrated qualifications for the position, shall gain full-time or part-time status, and shall be informed of this status by his/her supervisor.

Rejected employees shall be notified of such action by the Department Head at any time during the evaluation period.

**5.11 Civil Service:** Lincoln County Sheriff's Office employees are members of, and hired under, Civil Service regulations. Hiring practices are outlined in the Lincoln County Civil Service Manual. When the Civil Service Secretary is unavailable, all inquiries shall be directed to the Sheriff's Office.

**5.12 Employment of Minors:** People between 16 and 18 years of age may be considered for employment subject to state regulations related to the employment and working conditions of minors.

**5.13 Employment of Relatives:** The following applies to the employment of relatives of County employees and County officials. For the purposes of this section, "relatives" include spouse, children (biological and step-children), adopted or foster children living in the employee's home, brothers, sisters, parents, grandparents, grandchildren, other relatives living in the employee's home and the spousal equivalent in a cohabitation relationship.

1. Any of the above relationships shall not be employed in any position where a family member supervises the other, or audits his/her work, or where the family members are in direct competition with each other. Supervising and auditing will be liberally construed to include such functions as evaluations, signing pay sheets, emergency service dispatching, directing work assignments, and other activities of direct impact.

2. If employees marry and the marriage creates a violation of the above paragraph, every effort will be made to transfer either employee to a position so no violation will exist. If no suitable position is available and a transfer is not possible, one of the two spouses may be terminated. The decision as to which employee may be terminated is left to the employees involved, unless business necessity requires the County to decide.

**5.14 Appointed Officials:** Appointed Officials have an established salary range and will negotiate individually with the Board of County Commissioners. The benefit package for these appointed officials does not include the annual sick leave cash out option.

Vacation and sick leave are accumulated at the same rate as County Employees.

Upon leaving employment with the County, an Appointed Official is subject to the same maximum amounts of vacation and sick leave that can be cashed out as a regular employee.

**5.15 Continued Employment:** Continued employment with Lincoln County is subject, where applicable, to the at will condition, in addition to satisfactory work performance, the need for the work performed, the availability of funds, and the continued provision of services by the County work force.

**5.16      Retention of Records:**      All records, including notice of employment, affidavit of publication, applications, tests, results of interviews, and letters of rejection of hiring, must be kept in a single file entitled with the position description for a period of at least twelve (12) months after filling said position.

**5.17      Appeal Procedures:**      Appeal procedures are outlined in respective labor contracts and all employees, both union and non-union, are urged to utilize said procedures at any time they feel it necessary.

The Board of County Commissioners maintains an open-door policy and will meet with employees at their request.

## Chapter 6

### BENEFITS

**6.01      Applicability:** Employees of Lincoln County receive several benefits which have substantial value. Listed in this chapter is a brief explanation of each benefit. Please note that individual Union contracts may override some of the following items. For additional information on any of these items, please contact the Auditor's Office.

The County sponsored Group Health Plan through PEBB for medical, prescription and vision coverage, and dental coverage through Washington Dental, and the HRA VEBA Plan, is available to employees represented by the Local 1254 and Local 1254CH, and Exempt employees of the Courthouse, Public Works, District Court and Public Health Offices.

Employees of the Lincoln County Sheriff's Office, including exempt employees, by contract through the Collective Bargaining Agreements of the Teamsters Local 690 are not eligible for any portion of the County sponsored Group Health Plan. These employees are covered through their Local Union Teamsters Trust Plan. Please refer to said contract, and the Sheriff's Administration Office for information on the plan.

**6.02      Health Plans:** Medical, dental, vision and life insurance are available to qualified employees who work at least twenty (20) hours a week. The County pays a portion of the premium, and the employee is responsible for paying the remainder through payroll deduction.

Employees are eligible to subscribe to individual portions of the benefit package (i.e.: dental and life, but no medical). The employee must waive any remaining portion of the county allowance and sign a waiver relinquishing that premium.

The Board of County Commissioners reserves the right to make changes in the carriers and provisions which it deems necessary and advisable.

**6.03      Voluntary Employees' Beneficiary Association (VEBA) Plan:** Effective January 1, 2010, eligible Lincoln County employees have the option to opt out of the Lincoln County Medical Insurance Coverage and utilize a VEBA account. Each employee who elects to utilize a VEBA account must submit a completed and signed enrollment form to become a Plan participant during the open enrollment period, and each year provide certification of enrollment in another medical insurance plan, with minimum essential coverage, by December 31st of that year. Lincoln County contributions to eligible employee's VEBA accounts will be set by the Board of County Commissioners. The dollar amount contributed to the VEBA account will be based on the percentage of hours an employee works. Eligible

employees with excess benefit dollars will have these funds deposited into an HRA VEBA account in the employee's name each month. The contributions and excess benefit dollars will be deposited in the employee's account by the 10<sup>th</sup> day of the month following the regular monthly pay schedule.

**6.04      Cafeteria Plan:** Lincoln County has established a plan whereby any employee may choose to defer a portion of their wages to pay for selected insurance needs. Insurance needs covered by this plan include health insurance premium, annual medical care expenses, and dependent care expenses.

The Cafeteria Plan is administered by the Auditor's Office and each employee enrolling in the Plan for payroll or changes in insurance will be informed of this plan.

**6.05      Retirement:** County employees who qualify are required to participate in either the State of Washington's Public Employees' Retirement System (PERS), Public Safety Employees' Retirement System (PSERS) or the Law Enforcement Officers' and Fire Fighters' Retirement System (LEOFF) as long as the compensated hours continue to qualify them for service credit under the appropriate plan.

Participating employees shall pay the required amount toward the contribution costs. The employee's contribution shall be made by means of a deduction from their wages. The County will make contributions as required by law.

**6.06      Social Security:** All eligible employees are covered by the Federal Insurance Contributions Act (FICA). Both the County and the employee are required to pay for this benefit. The employee's share is deducted from their wages.

**6.07      Deferred Compensation:** The name of this plan is the Lincoln County, Washington, Deferred Compensation Plan, hereinafter referred to as the "Plan".

The purpose of this Plan is to enhance employment with Lincoln County. This program will assist the County in attracting and retaining qualified employees by permitting them to enter into a voluntary agreement with the County which will provide for payments upon retirement, as well as benefits in the event of death before retirement.

Each new employee can request a copy of the Plan they from the Lincoln County Auditor's Office.

**6.08      Worker's Compensation:** All employees of the County are insured in a State Insurance Program designed for protection against medical costs from on-the-job accidents and injuries. The County pays a substantial portion of the premium cost for this coverage. The employee pays those costs required by law.

All accidents and on-the-job injuries must be reported immediately to the employee's immediate supervisor. That supervisor shall direct the employee to seek medical treatment if necessary and shall be responsible for reporting the injury to the County Safety Committee.

An employee is expected to return to work as soon as released by their physician. If the doctor directs light duty, the employee is to report this to the immediate supervisor for assignment to light duty.

**6.09 Sick Leave:**

**ACCURAL:**

Employees shall accrue sick leave in the following manner:

Per State Initiative 1433 for "All Other Classification" employees effective January 1, 2018:

Full Time (100% FTE, or 40hours/week)	8 hours per month
Part Time (50, 60, 75, or 80% FTE)	Pro-rated to % FTE
All Other Classifications (up to 20 hours/week)	1 hour for every 40 hours worked*

*\*For the purpose of calculating earned leave for All Other Paid Classifications, "hours worked" includes overtime hours, but it does NOT include hours taken as paid sick leave or any other form of leave.*

Sick Leave for full-time employees is accrued at a rate of eight (8) hours for each completed month of service. For part-time employees who qualify, sick leave shall be prorated for each full month of service. The total number of days which can be accumulated depends on the provisions of the individual union contracts, except supervisory employees who are allowed the same amount as their employees. All other paid classifications accrue one (1) hour of sick leave per forty (40) hours worked.

A full month of service will be credited for sick leave if an employee works more than half of the month.

Although sick leave benefits are accrued from the date of employment for those who qualify, an employee is not eligible to draw those days until satisfactory completion of the evaluation period. Benefits cannot be earned during a 'suspension without pay' period.

Employees will be notified of their paid sick leave balances each month on their pay stub including:

- Accrued paid sick leave since the last notification.

- Used paid sick leave since the last notification.
- Current balance of paid sick leave available for use

### **USING LEAVE:**

Sick leave may be taken for the following reasons:

1. An illness or injury incapacitating the employee,
2. Exposure to a contagious disease, during which time their attendance at work would constitute a health threat to other employees or the public,
3. An employee's mental or physical illness, injury, or health condition,
4. Maternity and paternity matters,
5. Preventative care such as medical, dental or optical appointments,
6. Illness or death in the immediate family (see Definitions),
7. Serving as Pallbearer or Honor Guard at a funeral.

Sick leave is to be taken only under the conditions outlined in the preceding paragraphs and is in no way to be used for additional vacation leave not to compensate employees for time off the job for any reason.

Employees who are ill shall be responsible for notifying their immediate supervisor of such illness as soon as they become aware of such illness or no later than the beginning of the work shift. The Department Head may require substantiation before approving sick leave pay or may require verification of sick hours according to each contract.

Sick leave is charged in units of one-quarter hours. Only hours during the employee's scheduled work shift are charged at a rate of one hour leave for one hour of absence. Records will be kept for hours and charged according to the working hours absent. At the employee's option, vacation leave may be used as sick leave, but sick leave shall not be used as vacation leave. Employees categorized as "All Other Paid Classifications" may access accrued sick leave on the 90<sup>th</sup> calendar day after the date of hire. Full and Part Time employees may access sick leave according to their contract requirements.

### **CARRYOVER OF LEAVE:**

Employees transferred to another department within the County shall retain accumulated sick leave benefits.

Employees may not carry over more than the following amount of unused sick leave beyond December 31 of each year:

Full Time (100% FTE, or 40 Hours/week)	1200 Hours or according to contract
Part Time (50, 60, 75, 80% FTE)	1200 Hours or according to contract
All Other Classifications (up to 20hrs/wk)	Up to 40 unused hours each year

Employees, after five (5) years of employment, shall be compensated in cash for 50% of any accumulated unused sick leave up to a maximum of one hundred twenty (120) days or nine hundred sixty (960) hours, when they are permanently separated from employment as a result of voluntary resignation, discharge, retirement, or death. In the event of death, payment is to be made to the estate of the employee. The maximum amount of cash out is:

1/2 of 960 hours = 480 hours maximum cash out.

A sign-up period for sick leave cash out shall be held March 1 through March 31 of each year, for inclusion in the April payroll. All balances for sick leave cash out purposes are as of March 31. Employees, excluding Commissioner-appointed officials and elected officials, may cash out annual sick leave with the following restrictions:

1. If an employee has accrued one hundred fifty (150) hours or more, they may cash out up to forty (40) hours.
2. If an employee has accrued three hundred fifty (350) hours or more, they may cash out up to sixty (60) hours.
3. If an employee has accrued five hundred (500) hours or more, they may cash out up to eighty (80) hours.

**6.10 Sick Leave Buy Back – L & I:** The policy of Lincoln County regarding the buy back of Sick Leave in the event of an Industrial Insurance injury requiring time off is to allow employees to buy back any sick leave used in recovering from an industrial injury by turning in payments for time-loss received from the Department of Labor and Industries. The payments turned in by the employee will be credited in accordance with the following schedule:

- 1-14 days total days off less first three are available to buy-back on a day-for-a-day basis
- 15-30 days total days off are available to buy-back on a day-for-a-day basis.



31-90 days total days off are available to buy-back based on the time-loss payment divided by the employee's base salary converted to an hourly rate.

(For example - an employee receives a time-loss check from L&I for \$240 for a one-week period, the employee's salary equates to a \$10.00 hourly rate. The employee may buy-back 24 hours as opposed to 40 hours under the day-for-a-day program.)

91+ days sick leave buy-back not available to employees, subject to review by the affected department head and Board of County Commissioners.

When an employee has exhausted their sick leave benefits, the County will cease payment of the regular salary and the employee will retain the State payments. At this time, the County will also discontinue payment of benefits. If the employee feels they will be able to return to work in a reasonable period of time, that employee may request to go on a "leave of absence without pay". Leaves of this nature will generally not be granted for periods of illness or injury expected to be greater than ninety (90) days.

Note: Because the time-loss checks are being paid to the County, our L&I med-aid rates are being affected for a period of three years. An active Return-to-Work program and limiting the time when the employees will be allowed to buy the leave back will minimize the effect on our rates.

**6.11 Sick Leave Donation Program:** The sick leave donation program is established so that employees may donate sick leave to come to the aid of another employee who is suffering from or attending to a spouse, child, or parent with a serious health condition. Sick leave cannot be shared between Public Works Department employees and employees of other departments.

The program is separated into two areas for sick leave donations. An employee may donate sick leave to either a fellow Lincoln County employee or the sick leave pool. This program is for the benefit of most Lincoln County employees, except the Road Department who handles all sick leave internally. The program is also unavailable to temporary/seasonal/All Other Classification employees as well.

An employee may donate sick leave to another employee or the donation pool only under the following conditions:

1. The donating employee may donate any amount of sick leave, provided the donation does not cause the donor employee's sick leave to fall below 150 hours.

2. All donations are made anonymously and voluntarily. No employee shall be coerced, threatened, intimidated, or financially induced into donating sick leave for the purpose of these programs.
3. Donations to the sick leave pool from retiring personnel will be limited to 150 hours.

All donations of leave to this program will be kept in the strictest confidence. Only those individuals who are actually involved in the transactions or approval of the transactions will be allowed knowledge of the donor and amounts. The recipient employee will not be informed who donated the leave or whether the shared leave came from personal donations or from donations to the pool.

An employee may be eligible to receive shared sick leave under the following conditions:

1. The employee's situation meets all necessary criteria for the use of sick leave.
2. The employee has abided by Lincoln County policies regarding the use of sick leave.
3. The employee has exhausted, or will exhaust, their vacation and sick leave due to illness, injury, impairment, or physical or mental condition.
4. The condition has caused, or is likely to cause, the receiving employee to go on leave without pay or terminate County employment.

An employee requesting access to the sick leave donation program may be required to provide, prior to approval, a medical certificate from a licensed physician or health care provider verifying the nature and expected duration of the condition.

All forms of paid leave (vacation and sick) available for use by the recipient shall be exhausted prior to using the sick leave available through this program.

If an employee is determined to be eligible for the program, they should contact the Lincoln County Auditor's Office to request use of the Sick Leave Donation Program. The employee must complete the SICK LEAVE RECIPIENT FORM and return the form to the Auditor's Office for review and processing. When a qualified situation arises, personal donations will be accepted for the individual as well as access to the donation pool. In the event that no personal donations are made, and the pool is depleted, the individual request will be denied due to lack of available leave.

**6.12 Vacation Leave: Except as otherwise provided by working agreements,** full-time employees who qualify will be eligible to accrue vacation leave in accordance with the following schedule:

1. For the first five (5) years of service, each full-time employee shall receive eight (8) hours of vacation leave for each whole month employed (12 days per year).
2. After five (5) years of service, the full-time employee will receive ten (10) hours for each month served (15 days per year).
3. After ten (10) years of service, said employee will receive twelve (12) hours of vacation leave for each month served (18 days per year).
4. After fifteen (15) years of service, said employee will receive fourteen (14) hours for each month served (21 days per year).
5. After twenty (20) years of service, said employee will receive sixteen (16) hours for each month served (24 days per year).
6. After twenty-five (25) years of service, said employee will receive eighteen (18) hours for each month served (27 days per year)
7. After thirty (30) years of service, said employee will receive twenty (20) hours for each month served (30 days per year)

Vacation leave will be prorated for part-time employees who qualify.

A full month of service will be credited for vacation leave if an employee has worked more than one-half of the month.

Vacation leave will be allowed subject to approval by the Department Head, and insofar as consistent with the efficient operation of the Department, the person in charge shall endeavor to schedule vacations according to employee's length of service and choice of dates.

Although vacation leave benefits are earned from the date of employment, full and part-time employees who qualify will not be eligible to draw upon this benefit until they have completed the evaluation period.

Employees transferred to another department will retain vacation leave; however, they will not be eligible to draw upon this benefit until they have completed the evaluation period.

Upon termination of employment, the employee shall be eligible to receive in cash, all accrued and unpaid salaries to the date of termination, and a cash payment for a

portion of their accrued vacation leave up to the maximum of two hundred forty (240) hours.

Any employee who is laid off, discharged for just cause, retired, or separated from service prior to taking vacation, shall be compensated in cash for unused vacation accumulated at the time of separation, up to the maximum established by all contracts or working agreements.

Vacation leave may be accumulated to a maximum of two hundred forty (240) hours (30 working days), or the limits stated in the appropriate contract or policy. Any such vacation leave accumulated beyond this limit shall be automatically forfeited on December 31 of each year, without action on the part of any party. Maximum levels of accrual have no effect on the cash out limit outlined above.

**6.13 Holidays: Except as otherwise provided by working agreements,** the following dates are recognized and observed as paid holidays for all full and part-time employees who qualify:

<u>HOLIDAY</u>	<u>DATE CELEBRATED</u>
New Year's Day	January 1
Martin Luther King Jr's Birthday	3rd Monday of January
President's Day	3rd Monday of February
Memorial Day	Last Monday of May
Juneteenth	June 19
Independence Day	July 4
Labor Day	1st Monday of September
Veteran's Day	November 11
Thanksgiving	4th Thursday of November
Day after Thanksgiving	4th Friday of November
Christmas Eve	December 24
Christmas	December 25
Floating Holiday	Employee's Choice

Whenever a holiday falls on a Sunday, the succeeding Monday shall be observed as a holiday. Whenever one of the above holidays falls on a Saturday, the preceding Friday shall be observed.

In addition to the holidays listed above, employees who have completed at least six months of service with the County may select one (1) Floating Holiday during each calendar year. The employee must coordinate in advance with their Department Head to select the date for the floating holiday.

Employees with ten (10) years of service or more will receive one (1) additional floating holiday, mutually agreed to by the employer and employee. Employees hired after July 1<sup>st</sup> shall be entitled to only one floating holiday for the year.

New employees must be hired before July 1st in order to qualify for the floating holiday that year. Floating holidays are non-cumulative and non-compensable upon termination.

#### **6.14 Unpaid Holidays For Reasons of Faith or Conscience**

Employees are entitled to two unpaid holidays per calendar year for a reason of faith or conscience or an organized activity conducted under the auspices of a religious denomination, church, or religious organization.

The employee may select the days on which he or she desires to take the two unpaid holidays after consultation with his or her supervisor. If an employee prefers to take the two unpaid holidays on specific days, then the employee will be allowed to take the unpaid holidays on the days he or she has selected unless the absence would unduly disrupt operations, impose an undue hardship, or the employee is necessary to maintain public safety. The term "undue hardship" has the meaning contained in the rule established by the Office of Financial Management.

If possible, an employee should submit a written request for an unpaid holiday provided for by this section to the employee's supervisor a minimum of 10 days prior to the requested day. Approval of the unpaid holiday shall not be deemed approved unless it has been authorized in writing by the employee's supervisor. The employee's supervisor shall evaluate requests by considering the desires of the employee, scheduled work, anticipated peak workloads, response to unexpected emergencies, the availability, if any, of a qualified substitute, and consideration of the meaning of "undue hardship" developed by rule of the Office of Financial Management.

The two unpaid holidays allowed by this section must be taken during the calendar year, if at all; they do not carry over from one year to the next.

**6.15 COBRA Plan:** The employee may, if under the age of 65 and no longer eligible for the County sponsored Group Health Plan through PEBB for Medical, Prescription and Vision coverage, or Dental Coverage through Washington Dental, continue with all health insurance benefits except life insurance through the Consolidated Omnibus Budget Reconciliation Act of 1985 Plan (COBRA). Employees' dependents, if currently covered under the group plan, are also eligible for coverage. The Medical, Prescription and Vision plan is administered by the Washington State Healthcare Authority (HCA), through the Public Employees Benefits Board (PEBB).

The HCA will mail a *PEBB Continuation Coverage Election Notice* to you or your dependent at the address they have on file when your employer-sponsored coverage ends. The notice explains the continuation coverage options and includes enrollment forms to apply.

You or your eligible dependents must submit the appropriate election form to the PEBB Program **no later than 60 days** from the date PEBB health plan coverage ended or from the postmark date on the *PEBB Continuation Coverage Election Notice*, whichever is later. If they do not receive the form by the deadline, you will lose all rights to continue PEBB insurance coverage.

For information about your rights and obligations under PEBB Program rules and federal law, refer to the *PEBB Initial Notice of COBRA and Continuation Coverage Rights* (mailed to you soon after you enroll in PEBB insurance coverage), the *PEBB Continuation Coverage Election Notice* (mailed to you when your PEBB benefits are terminated), or the *PEBB Retiree Enrollment Guide*. You can find these under *Forms & publications* on the HCA website at [hca.wa.gov/pebb-employee](http://hca.wa.gov/pebb-employee).

PEBB Continuation Coverage (COBRA) is for current and former employees and their dependents who are qualified beneficiaries under federal COBRA Continuation Coverage law. COBRA eligibility is defined in federal law and governed by federal rules. PEBB Continuation Coverage (COBRA) also includes coverage for some members who are not qualified beneficiaries under federal COBRA Continuation Coverage. Your dependents may have independent election rights to PEBB Continuation Coverage (COBRA).

The Delta Dental COBRA coverage is administered by Rehn & Associates. Rehn & Associates takes over COBRA Administration at the time of the qualifying event. Notification will be mailed to you or your dependents by Rehn & Associates at the address they have on file when your employer-sponsored coverage ends. The notice explains the continuation coverage options and includes enrollment forms to apply.

## Chapter 7

### COMPENSATION Adopted March, 2011

**7.01**      **Pay Periods:**      Employees are paid once a month on the last working day of each month. New salaried employees working less than a calendar month will be paid for the hours worked in accordance with the pay plan schedule for that classification.

The Lincoln County draw day will be the 16th of each month. If the 16th of the month falls on Saturday, the draw day shall be Friday the 15th; and if the 16th falls on Sunday, the draw day shall be Monday the 17th. Should Monday be a holiday (i.e. Martin Luther King Jr. Day), the draw date will be on the prior Friday.

To obtain a mid-month draw, the employee must complete a request form each month. All draw requests must be returned to the payroll department three full working days prior to the draw date.

**7.02**      **Payroll Deductions:**      Deductions from each employee's paycheck will be made as required by law. Each employee must sign written authorization for any deduction other than retirement contributions and those required by law.

Any changes to an employee's payroll deductions must be turned into the payroll department by the 15<sup>th</sup> day of each month. Any late changes will be processed in the next month's payroll.

**7.03**      **Salary Administration:**      Salary ranges have been designated for each class of positions, and by such continued designation, the compensation plan and the classification plan shall be directly connected to each other. The salary established for the position shall represent the total remuneration for an employee occupying the position except for fringe benefits, official travel expenses, and other approved benefits.

Within each classification, there are a set number of steps. The number of steps within a classification is set based on classification and department. Regardless of individual performance, an employee receives a one-step salary promotion annually until reaching the salary control point for the classification. The only exception to this annual step promotion is for Courthouse employees. Step 6 to 7 and step 7 to 8 require two years' service prior to the step increase.

When an employee is moved from one classification to another, that employee will be moved to the lowest step wage possible without taking a salary reduction. Voluntary movement between classifications may result in possible salary adjustments. It would then be a full twelve (12) months before said employee would be eligible for an increase to the next step.

However, employees who move from a union position to a management position will move to the lowest step or position in the range that affords at least a \$100 increase in monthly salary.

**7.04            Classification and Pay Plan:**            The normal hiring rate for a person entering Lincoln County service is Step One. Exceptions to this rule would be persons entering service in a "trainee" capacity or a person entering under unusual recruiting circumstances, in which case, such exception must be approved by the Board of County Commissioners.

Anniversary dates for step increases for those who qualify will be (unless otherwise agreed with department head and Board of County Commissioners):

- If the hire date allows an employee to work more than one-half of the month, it will be counted as a full month, and
- If the hire date falls outside of the employee working one-half of the month, it will be counted as no month at all, and the anniversary date will fall at the beginning of the succeeding month.

In order to be eligible for step increases, a full-time or part-time permanent employee must work the equivalent of one hundred seventy three (173) hours per month.

**7.05            Working Above Classification:**            Whenever an employee is specifically assigned by his/her supervisor to perform a majority of the duties and to accept a majority of the responsibilities of an employee at a higher paid bargaining unit classification for a period of eight (8) hours or more, he or she shall be paid at a rate one step higher than his/her current classification while performing such duties and accepting such responsibility.

**7.06            Reallocation of Positions:**            Revision of the class specification and allocation within the classification plan shall be made as often as necessary to provide current information on positions and classes. Reclassification of existing positions, alterations, or omissions of existing classifications shall be step for step and subject to approval by the Board of County Commissioners. Moving from one job classification to a higher job classification does not constitute a reclassification of an existing position and is not eligible for step for step transfer.

When a new position is requested or the duties of an old position are changed, the Department Head shall submit a request on approved forms to the Board of County Commissioners for a review of the position. The Board will complete a position analysis and approve or disapprove the request, or submit the request to a firm specializing in employee classifications for further review and recommendation. The Board is not to be bound to the recommendations of said firm and will be in compliance with the working agreements.



## Chapter 8

### **PAYROLL, EXPENSE VOUCHER AND GRANT PROCESSING**

**Adopted March, 2014  
Revised & Adopted April, 2022**

**8.01 Payroll Position Number System:** This policy is necessary to facilitate additional internal controls to monitor the variety of positions throughout the County and to establish eligibility for the Department of Retirement Systems for a designated position number within the payroll department.

Each Lincoln County department has a distinct number which is only affiliated with a specific department and position title. The position numbers have been assigned according to the department fund number. The Auditor's Office will maintain the master copy of all position numbers for the County. Each department has a list of position numbers assigned to that department.

Any new position must be approved by the Board of County Commissioners. Following approval, the payroll department in the Auditor's office will assign a position number to the department.

**8.02 Payroll Change Notice:** Payroll change notices are required for all new employees, step increases, promotions, position number changes, discharge, resignations, and retirements.

All payroll change notices must include the employee's name, social security number, effective date, position number, fund number, budget line, salary, and Department Head approval signature in order to be considered by the payroll department.

All payroll change notices must be turned into the Auditor's Office prior to the second Wednesday of the effective month before the Commissioner's Meeting for approval. Payroll change notices will not be processed unless all of the information is provided. The payroll change notice for a new employee should be submitted before new employee orientation with the payroll department occurs. This process will assist the Fringe Benefit Deputy in processing retirement and medical benefits for new employees.

Late submission of payroll change notices may result in a delay in processing the change until the next payroll period since approval is required by the Board of County Commissioners.

**8.03 Payroll Requirements:** Payroll change notices are required for any new employee, part-time or full-time, and any changes in payroll figures. All payroll change notices should be submitted to the Auditor's Office for approval by the Board of County Commissioners.

The cut-off period for payroll information and submission of monthly time sheets is the 15th day of each month. All payroll time sheets are submitted to the Auditor's Office at the close of the 15th day or by 8:00 a.m. the morning of the 16th.

The Public Works department payroll must be submitted to the Auditor's Office on the 16<sup>th</sup> day of each month.

Payroll will be paid via EFT only.

No payroll EFTs will be released until the entire County payroll is prepared and audited.

**8.04**        **Expense Voucher Processing:** Each Lincoln County department is responsible for submitting all required documentation on the correct voucher form into the Accounts Payable Deputy in the Auditor's Office. All vouchers must be submitted no later than 4:00 p.m. the Monday prior to the Lincoln County Commissioner's meeting.

Vouchers shall be completed and available for Board of County Commissioners review by 10:00 a.m. the Friday prior to the Lincoln County Commissioner's meeting.

The Weed Control District vouchers must be submitted by 8:00 a.m. no later than five full working days before the last working day of the month.

Only completed vouchers will be considered for payment. There are two types of forms for voucher submittal--regular voucher and personal expense/travel voucher. The regular voucher form is used for all regular operating expenses excluding personal expenses. The personal expense/travel voucher is used for supplies, postage, meals, registration, travel, lodging, parking expense, vehicle rental, and mileage. All original receipts must be attached to the completed vouchers before processing can begin. If the original receipt is not available, a written explanation must also accompany the voucher.

Payment vouchers submitted to the County Auditor must be signed by an authorized officer of the presenting County department. Authorized signature must be on file with the County Auditor.

It is the responsibility of the department presenting the payment voucher to ensure the following:

- \*        The claim is supported by an original invoice, receipt or substitute acceptable to the County Auditor.
- \*        The payment voucher is coded to ensure classification in accordance with BARS.
- \*        The voucher is coded with the appropriate fund number.

- \* There is sufficient appropriation to cover the expenditure.
- \* The claim is consistent with County policy and state law.
- \* The goods and services have been received or contracted for.
- \* The payee is the holder of the claim against the County and the claim is due and payable by the County.
- \* The department head or designee has carefully reviewed all invoices to verify accuracy of prices and extensions. Attach an explanation for the delay in payment if the invoice is over 90 days old.

For internal control purposes and IRS reporting requirements, all new vendors must submit a completed Vendor Information Form to the Auditor's Office. The completed form must be on file in the Auditor's Office within thirty days of the submission of the voucher. **It is the responsibility of the department head or designee to obtain the information necessary from the vendor.**

Each department submits vouchers which have written approval by the department head. The Accounts Payable Deputy audits the vouchers according to the appropriate guidelines.

Any incorrect vouchers will be returned to the department for correction. Depending on the timeliness of the return, the voucher may not be paid until the following voucher period.

All vouchers will be paid via warrants only. Lincoln County does not support EFTs payments outside of payroll.

All warrants issued are subject to review and approval by the Board of County Commissioners.

**8.05 Grants:** When making application for any grant, it is the County's position that all grants will include minimum administration fees of eight percent (8%) built into the applications. Some grants are more labor intensive and are pre-approved at a higher rate. An example is the election grant of 15%. In those cases, the higher amount will apply. These fees will be necessary to cover extra reporting requirements associated with grants. When grants include adding employees, the application will include the paying of benefits and covering unemployment compensation as necessary. Grant applications that have a maximum allowable administrative fee of less than 8% will be considered on a case by case basis by the Board of Commissioners.

**8.06**        **Employees Working Under Grants:** It is hereby understood that any employee hired to work for Lincoln County under a specific grant project will be terminated at the end of the project. The employee will, at that time, have no recourse or appeal to retain employment with the County.

## Chapter 9

### PERSONNEL ACTIONS

Revised June, 2019

**9.01      Promotion:**      It is the policy of Lincoln County to encourage the advancement and development of personnel within County service. If a qualified employee is available in the department, the Department Head should promote from within the department. If no suitable employee is available, the position may then be posted in other departments for a period of at least five (5) working days. If no suitable employees are available within the service of the County, applicants will be recruited from outside the County personnel. An employee selected for promotion shall receive a minimum five percent (5%) pay increase moving to the next highest step in the new salary range. If the promotion is to a new grade level that does not allow a minimum five percent (5%) compensation advancement, the employee shall be placed at the next closest step in the new grade level to meet the five percent (5%) expectation.

Any employee promoted to a different position will be in an evaluation period for six (6) months and may be returned to his/her original position if satisfactory performance is not achieved. For certain reasons, the evaluation period may be extended by the County Commissioners.

**9.02      Lay Off:**      Lincoln County may lay off employees for lack of work, lack of funds, or grant termination during the course of employment, but will endeavor to give two (2) weeks written notice of said lay off. No full-time employee shall be laid off while another person in that classification is employed in an evaluation period or on a temporary basis in a position for which the full-time employee is qualified within the department.

In determining who, in any classification shall be laid off, consideration is to be given to individual performance and then to length of service in the position affected.

If an employee has been laid off, his/her name shall be placed on a re-employment list according to his/her length of service, by department. This list shall be maintained for one year. Employees in a laid-off status shall keep the employer advised of any changes in address and/or telephone number.

**9.03      Resignation:**      An employee wishing to leave County service in good standing shall, at least two weeks before leaving, file with his/her Department Head a written statement of departure and the effective date of resignation. This written notice is to support any unemployment claims. A copy of the letter of resignation will be retained in the employee's personnel file. Resignation of a Department Head or other professional need to give a minimum of thirty (30) days' notice so all grants, case histories, and other job related obligations may be handled appropriately. Failure to comply with the thirty (30) day limit may result in

the County retaining the last paycheck until the department is cleared of said obligations.

**9.04        Transfer:**        Any employee may transfer from one department to another, but the transfer must be approved in advance by the recruiting department. Employees **moving within the same classification** from one department to another may remain at the same rate of pay.

An employee who has transferred to a different department position will be in an evaluation period in accordance with the working agreement or applicable state law and may, if his/her original position has been filled, be terminated if unable to perform the new duties as expected.

**9.05        Demotion:**        The Department Head may demote an employee for any of the following reasons or conditions:

1.        The ability to perform the employee's required duties falls below commonly accepted standards;
2.        Disciplinary reasons;
3.        An employee's position is eliminated;
4.        An employee requests such demotion;
5.        A departmental reorganization that affects employee positions;
6.        Any other reasonable grounds as approved by the Board of County Commissioners. No employee is demoted to a classification for which the employee does not have the minimum qualifications. Written notice is given an employee at least fifteen (15) working days before the effective date of the demotion.

**9.06        Reappointment:**        Any regular employee who has been laid off from County service may be considered for reappointment to a vacant position in a comparable or lesser classification without competitive recruitment providing the employee meets the current minimum qualifications. The employee may be considered within one (1) year of the employee's termination. A reappointment may be made without benefit of a new recruitment. In no way is it mandatory for any appointment authority to reappoint a former employee should the appointment authority desire not to do so. If a laid off employee is reappointed during that one (1) year period to the same position previously held, that employee will be reappointed at the same step as prior to lay off.

An employee so reappointed is considered a new appointee. The employee has no vested interest in or is entitled to any benefits accrued during any previous employment with the County, except for the following:

1. Retirement System Benefits - The reappointed employee will be subject to the requirements of the proper retirement system of which the employee was previously an active member.
2. Vacation - An employee rehired within twelve months of separation receives full credit for prior years of service for purposes of determining the rate of vacation accrual.
3. Sick Leave and Seniority - If the County rehires an employee within twelve months of separation, the County will restore any sick leave balance not cashed out and the amount of seniority that existed on the date of the layoff. The individual shall not earn leave or seniority and shall not accrue other benefits while on the list awaiting rehire. If the individual's time on the list expires and the individual is not at that time rehired as a County employee, the individual shall lose all rights to restoration of seniority or sick leave and shall not be compensated in any way for either.
4. Probation Upon Rehire - If the County rehires an individual from the rehire list into a position that the individual previously held within the same office or department, the individual will be on probation only if the previous probationary period had not expired. All other individuals hired from the rehire list will be on a 6-month probation to allow the appointing authority to make the final hire decision. Such employees may use leave during this probationary period. If an employee fails probation, the employee shall be terminated and shall have no further rights to Lincoln County employment.
5. Step Increases - If the County rehires an individual from the rehire list into the position that the individual held prior to being laid off, the employee will receive credit for any months in service prior to layoff in determining the next step increase.

**9.07 Retirement:** All regular and regular part-time employees in County service who retire under the provisions of any present or subsequent retirement policy or plan are treated as having been separated from County service in good standing.

**9.08 Furlough:** During times of economic downturn for the County, the Board of County Commissioners has the authority, with the agreement of the affected bargaining groups, to require employees to take mandatory non-paid furlough days. The Board will take into consideration those departments that have legal obligations to remain open on required furlough days.

**9.09            Unemployment Insurance:**    A reserve fund has been established to pay any claims from the WA State Employment Security Department for all funds except Public Works.

Claims are received from the ESD by the Lincoln County Auditor. After verification, a voucher is prepared by the Chief Accountant to go through the normal Accounts Payable process. This voucher is paid from the Unemployment Fund.

At the end of the year, each department/fund is responsible to repay the Unemployment Fund for any claims against their department/fund in the following year so the expenditure can be reflected through the budget process.



## Chapter 10

### ADVERSE PERSONNEL ACTION

Adopted November 18, 2013

**10.01 General Statement on Discipline:** Lincoln County maintains a progressive disciplinary procedure that provides employees an opportunity to correct deficiencies in their performance by providing notice, setting goals and measures, monitoring procedures, providing feedback, and including clearly-defined disciplinary measures that may be taken if performance does not improve. Normally, progressive discipline involves verbal counseling and one or more written warnings or suspensions before termination. However, exceptions or deviations from the normal procedure may occur, whenever the County deems the circumstances warrant immediate termination. It should be remembered that employment is at the mutual consent of the employee and the County. Accordingly, either the employee or the County can terminate the employment relationship at will.

In matters of discipline, employees are entitled to request the presence of a Union representative or other person of their choosing if they believe that an interview or meeting with the employer will result in disciplinary action. Prior to discharge or suspension, the employee shall have the right to a meeting at which time he/she shall be presented with a summary of the employer's evidence against him or her. The employee shall have the right to respond to said charges.

**10.02 Disciplinary Action:** Rules outlining the acceptable conduct of employees are necessary for the orderly operation of any business and for the benefit and protection of the rights and safety of all employees. Examples of conduct that may lead to disciplinary action up to and including termination are identified below.

These guidelines are to promote understanding and to encourage consistent action by the County in the event of violations. However, it is impossible to provide an exhaustive list of types of conduct that might result in disciplinary action, therefore, this should not be considered inclusive.

1. Drinking intoxicating beverages or the use of illegal drugs, both under state or federal laws, on the job; or arriving for work with any detectable amount of intoxicating beverages or drugs;
2. Violation of lawful duty;
3. Insubordination (unwillingness to submit to authority) or willful disobedience;
4. Breach of discipline;

5. Being absent from work without first notifying and obtaining permission from a supervisor;
6. Being habitually absent or tardy for any reason;
7. Incompetence, inefficiency or neglect of duty;
8. Using religious, fraternal, or political influence in duty related matters;
9. Conviction of a felony;
10. Solicitation or acceptance of fees, gifts, or other valuable items for the performance of employee's official duties;
11. Theft or attempted theft from County or employees;
12. Discourteous behavior or treatment of the public or other employees;
13. Harassment, including sexual harassment;
14. Unauthorized compensated overtime;
15. Ignoring safety rules or common safety practices;
16. Violation of any federal, state, or local law while on duty;
17. Breach of confidentiality;
18. Inability to work in harmony with other employees, the public, and elected or appointed officials;
19. Misuse or abuse of County property, time, equipment or supplies, or the appropriation of such for personal use;
20. Failure to meet documented employee and supervisor agreed upon performance standards for the position appointed to.

**10.03** **Types of Disciplinary Action:** Disciplinary actions, if implemented, may include any or all of the following:

1. **Counseling:** Initial action may include the supervisor's decision to counsel the employee during which time deficiencies are described, goals are set, and the employee has the opportunity to respond. A notice and written record of counseling should be retained by the supervisor in the supervisor's working file.

2. Oral Reprimand: An oral reprimand shall be recorded and placed in the employee's personnel file. At the request of the employee, if there is no recurrence of the event prompting discipline, the record of an oral reprimand may be requested to be removed from the employee's personnel file after a one (1) year period.
3. Written Reprimand: A written reprimand is recorded and placed in an employee's personnel file and may be followed within a reasonable time, generally within sixty (60) days, by a written evaluation of the employee's performance, if deemed helpful to improve performance. If after twelve (12) months there is no recurrence of the event(s) prompting the discipline, the record of a written reprimand may be requested to be removed from the employee's personnel file, depending on the overall performance/conduct of the employee. Withdrawal of the document will be solely at the discretion of the Department Head.
4. Disciplinary Probation: An employee placed on disciplinary probation accrues vacation leave and sick leave. The employee does not accrue time for compensation review or promotion while on disciplinary probation. The employee is not allowed to compete in promotional examinations or recruitment during the disciplinary probation period.

Duration: Disciplinary probation shall not be less than three (3) months nor more than six (6) months in duration. An employee placed on disciplinary probation may be discharged for failure to meet performance requirements.

5. Suspension: An employee may be suspended by the Department Head at any time, pending the results of disciplinary investigation and/or action. The employee is suspended with pay pending the results of the investigation.

An employee suspended from County service as a result of disciplinary action, forfeits all rights, privileges, and compensation during the suspension, except for the employee's health plan, retirement plan, disability plan (if applicable), and life insurance plan.

Duration: Suspension without pay for disciplinary reasons shall not exceed sixty (60) calendar days in any calendar year.

6. Disciplinary Demotion: A disciplinary demotion results in an employee's change in status to a lower pay step in the same classification or to a position in a different classification with less

responsible duties, lower qualifications, and a lower maximum rate of pay. No employee is demoted to a classification for which the employee does not possess the minimum qualifications.

7. Discharge: An employee who has been discharged from County service is paid their compensation accumulated to the effective separation date, any accumulated compensatory time, and accrued vacation leave.

**10.04**     **Termination**: It must be remembered that the employment relationship is based on the mutual consent of the employee and the County. Accordingly, the employee or the County may terminate the relationship.

Upon retirement or other voluntary termination, a Department Head or other professional must give a minimum of thirty (30) days' notice so all grants, case histories, and other job related obligations may be otherwise accounted.

Failure to comply with the thirty (30) day limit may result in the County retaining the last paycheck until the department is cleared of said obligations.

**10.05**     **Personal Gain**: Personal use of County equipment or facilities for personal gain is forbidden by not only the State Constitution, but also criminal law.

Violations may result in legal action, and will be considered insubordination and a letter will be placed in the employee's file and could result in disciplinary action up to and including termination.

## Chapter 11

### OTHER LEAVES OF ABSENCE

Adopted April 2009

**11.01 Authorized Leave of Absence Without Pay:** A personal leave of absence is a privilege the County may extend to qualified employees for specific periods of time under certain circumstances.

All vacation and sick leave balances must be exhausted before an employee can use the option of leave without pay. During an employee's six-month probationary period when no sick or vacation leave can be taken, leave without pay that is covered by another policy, such as bereavement or Family Medical Leave, can be authorized.

Leave of absence may be allowed for any full-time or part-time employee for a limited period not to exceed ninety calendar days. Said leave is subject to prior approval of the Department Head and the Board of County Commissioners provided that leave shall not be granted if the Department Head or Board determines it would be a detriment to the Department or the County. During a leave of absence without pay, benefits must be paid directly by the employee. Sick leave, vacation leave, and service time credits will not be accumulated during this time if the leave without pay is more than half of the employee's regular work month.

A leave of absence without pay must be requested in writing, in advance, stating the reason for the leave and the anticipated date of departure and return. The request shall be received at least thirty (30) days prior to the effective date of the leave, except in emergency situations when the thirty (30) days may be waived by the Department Head.

Any request for leave of absence beyond ninety (90) days will be reviewed on a case-by-case basis. The County reserves the right to grant or deny any leave of absence request.

**11.02 Bereavement Leave:** In case of a death of an immediate family member (spouse, child, stepchild, parent, grandparent, brother, sister, mother-in-law, father-in-law, aunt or uncle), the employee will be granted three (3) days of bereavement leave that will not be charged against either his/her vacation or sick leave.

**11.03 Military Leave of Absence:** Military leave is granted according to the provisions of Federal and State law, which provide for unpaid leave for employees required to an obligation as a member of the Armed Forces Reserves. Copies of military orders will be required as proof of military leave and must be filed in the employee's personnel file prior to payment of military leave.

**11.04      Military Family Leave:**

11.04.01      During a period of military conflict, an employee who works an average of 20 or more hours per week is entitled to leave under this section when a spouse who is a member of the armed forces of the United States, national guard, or reserves has been notified of an impending call or order to active duty and before deployment and during a military member's leave from deployment.

(a)      "Period of Military Conflict" means a period of war declared by the United States Congress, declared by executive order of the President, or in which a member of a reserve component of the armed forces is ordered to active duty pursuant to either sections 12301 and 12302 of Title 10 of the United States Code or Title 32 of the United States Code.

11.04.02      The employee shall be granted a total of 15 days of unpaid leave per deployment after the military spouse has been notified of an impending call or order to active duty and before deployment or when the military spouse is on leave from deployment.

11.04.03      An employee returning from military family leave shall be restored to a position of employment in the same manner as an employee returning after Family and Medical Leave pursuant to Chapter 12 of the County's personnel policies. Benefits during this period of unpaid leave will be handled pursuant to provisions of RCW 49.78.290. An employee may continue benefits in the same manner as an employee on Family and Medical Leave.

11.04.04      An employee who seeks to take leave under this chapter must provide the County with notice, within 5 business days of receiving official notice of an impending call or order to active duty or of a leave from deployment, of employee's intention to take leave under this chapter.

11.04.05      An employee who takes leave under this section may elect to substitute any of the accrued leave to which the employee may be entitled for any part of the leave under this section.

**11.05      Domestic Violence Leave:** Employees who are victims of domestic violence, sexual assault or stalking may take reasonable or intermittent leave from work to take care of legal or law enforcement needs or to get medical treatment, social services assistance or mental health counseling. Employees who are family members of a victim may also take reasonable leave to help the victim obtain treatment or seek help.

11.05.01      Definitions: For the purposes of this policy, the following terms are defined:

- (a) "Dating relationship" has the same meaning as in RCW 26.50.010 or as hereafter amended.
- (b) "Domestic violence" means: (1) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, between family or household members; (2) sexual assault of one family or household member by another; or (3) stalking of one family or household member by another family or household member.
- (c) "Family member" includes the child, spouse, parent, parent-in-law, grandparent or person with whom the employee has a dating relationship.
- (d) "Sexual assault" has the same meaning as in RCW 70.125.030 or as hereafter amended.
- (e) "Stalking" has the same meaning as in RCW 9A.46.110 or as hereafter amended.

11.05.02 Applicability. Leave under this section is permitted to:

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

11.05.03 Notice requirements. As a requirement of taking leave under this section, an employee shall give the County advance notice of the intention to take the leave. When advance notice cannot be given due to an emergency or unforeseen circumstances, the employee or his/her designee must give notice to the County no later than the end of the first day that the employee takes such leave.

- 11.05.04 Type of Leave. An employee who is absent from work pursuant to this policy may elect to use his/her sick leave, other paid leave, compensatory time or unpaid leave time.
- 11.05.05 Verification. The County may require that the request for leave be supported by verification that the employee or employee's family member is a victim of domestic violence, sexual assault, or stalking and that the leave taken was for one of the purposes described in this section. The need for the leave is confidential and will only be released with the employee's consent, by court or administrative agency order, or as otherwise required by law.
- 11.05.06 Protection of position and benefits.
- (a) Upon the employee's return, the County shall either return the employee to the same position that was held prior to the leave commencing or return the employee to an equivalent position with equivalent benefits, pay and other terms and conditions of employment. However, these restoration rights do not exist if the employee was hired for a specific term or only to perform work on a project and the project is over.
  - (b) To the extent allowed by law, the County shall maintain coverage under any health insurance plan for an employee who takes leave under this policy. The coverage must be maintained for the duration of the leave at the level and under the conditions coverage would have been provided if the employee had not taken the leave.

**11.06 Maternity Leave of Absence:** Maternity Leave is the leave granted to an employee for the period of disability related to pregnancy and childbirth. The time taken as maternity leave is considered an off-the-job disability until the employee's physician releases her for work. Maternity leave is in addition to the provisions of leave as outlined in Chapter 12 – Family and Medical Leave.

Paid Leave: Maternity leave may be charged to the employee's accrued sick leave, vacation and compensatory leave. The County will continue its contribution to the employee's health care insurance as long as the employee remains in paid status. When an employee is on a leave of absence without pay, the employee is responsible for both the County and employee's portion of the health care premiums, except if the employee is on Family and Medical Leave in which case the County will pay its portion of the insurance premium for a maximum of 12 weeks.

**11.07 Subpoena Related to Employment:** An employee who is subpoenaed to appear in court as a witness in a matter arising from their job-related duties with the County is granted leave with pay when the employee is appearing during a regularly scheduled workday. If the employee appears when off-duty, the employee receives overtime pay or compensatory time.



Compensation received by the employee for witness or subpoena fees and for mileage when traveling in a county-owned vehicle is remitted to the County. Compensation for mileage, when traveling in a private vehicle, is retained by the employee.

Not Related to Employment: If an employee is subpoenaed to appear in court as a witness in a matter not arising from their job-related duties with the County, the employee will use accumulated leave and provide a copy of the subpoena to their immediate supervisor. Compensation for witness or subpoena fees, mileage, and subsistence is retained by the employee.

**11.08 Jury Duty:** A regular employee required to report for jury duty during the employee's workday is granted leave with pay. Any compensation received by the employee for jury service shall be remitted to the County as soon as the fees are received. Any such leave shall not be considered sick or vacation leave.

If an employee is called to jury duty or subpoenaed as a witness in Lincoln County and is dismissed prior to the end of the work shift, such employee shall report to work for the remainder of the work shift.

Jury duty for part-time employees will only be paid on verification by department head that such part-time hours could not be rescheduled.

If a regular employee is serving on jury duty when they are off duty or using vacation or personal leave, all fees, mileage and subsistence allowances are retained by the employee.

**11.09 Unauthorized Leave of Absence:** Unauthorized leave of absence consists of those workdays, or portions of a workday, when an employee is scheduled to work but does not actually work. The employee's pay is deducted by an amount equivalent to the time the employee was absent during the workday. An unauthorized leave of absence may be cause for disciplinary action, up to and including termination.

**11.10 Leave Without Pay (LWOP) and Absence Without Leave (AWOL):**

**11.10.01** Leave Without Pay (LWOP) is a short-term, temporary non-pay status and absence from duty which may be granted by the supervisor at the employee's request. All sick leave and vacation leave balances must be exhausted before an employee can use the option of LWOP, except during an employee's probationary period when no sick or vacation leave can be taken, except as may be provided in the working agreement. Even though the employee will not be paid during their LWOP absence, it should not be assumed that LWOP will be approved in all cases. Just like other types of leave, LWOP must be requested in advance, whenever possible, so that adequate arrangements can be made for completion of the employees work while out on LWOP. The permissive nature of LWOP distinguishes it from absence without leave (AWOL), an unauthorized absence which is considered

a serious conduct matter and can lead to disciplinary action to and including termination.

While an employee has a right to use LWOP in certain circumstances, e.g. situations are covered under the Family and Medical Leave Act (FMLA); the department head must nevertheless consider the impact of the requested absence on the work unit and organization. When making a decision on a request for leave without pay that is not covered by FMLA, the department head must consider what if any the benefit to the County may be.

**11.10.02** LWOP and AWOL are treated much the same way since no pay is received in either case. There is, however, a significant difference. LWOP is an approved absence, a non-pay status which the employee has requested and has been approved by the department head. Being charged with AWOL means that the employee's absence is not authorized even though they may have requested leave.

**11.10.03** A maximum of ninety (90) days leave of absence is permitted, subject to prior approval of the department head and the Board of County Commissioners.

**11.10.04** It is important to note that LWOP and AWOL will affect certain employee benefits:

- a. Leave accruals: When an employee is in a non-pay status for any part of a pay period, the prorated amount of vacation or sick leave for the pay period shall be accrued for those hours only that the employee was in a paid status.
- b. Insurances: Except when the LWOP period is associated with an FMLA eligible period, the County portion of health care and life insurance benefit premiums shall only be paid for those hours that the employee was in a paid status during the pay period. All remaining premiums shall be the employee's responsibility payable to the County within forty-five (45) days of the end of the pay period in which the LWOP or AWOL hours were accumulated.
- c. Holidays: Employees must be in a paid status on both the workday before and the workday after a legal holiday to be eligible to receive holiday pay. Employees who are on an extended period of leave without pay may not be returned to duty for the sole reason of being paid for a holiday.

## Chapter 12

### FAMILY AND MEDICAL LEAVE POLICY

Adopted March, 2014

**12.01 Purpose of Policy:** In accordance with the Federal Family and Medical Leave Act (FMLA), Lincoln County grants job-protected, unpaid family and medical leave to eligible employees for up to twelve (12) weeks in a 12-month period for any of the following reasons:

1. The birth of and care for a newborn child, or the placement of a child with an employee in the case of adoption or foster care. Leave for these reasons will expire at the end of the 12 month period beginning on the date of such birth or placement.
2. In order to care for an immediate family member (spouse, child or parent) if that family member has a serious health condition.
3. An employee's own serious health condition that makes the employee unable to perform the essential function(s) of their position.
4. Due to a qualifying exigency (as established in FMLA §825.126) arising out of the fact that an employee's spouse, son, daughter, or parent is a covered military member on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation.

Covered Service member Family Leave: An eligible employee who is the spouse, son, daughter, parent or next of kin (nearest blood relative) of a covered service member who is recovering from a serious injury or illness sustained in the line of duty on active duty is entitled to a total of up to 26 workweeks of leave during a single 12-month period to care for the service member. During the single 12-month period, an eligible employee is entitled to a combined total of 26 workweeks of all types of FMLA leave. For spouses both employed by the County, the employees are jointly entitled to a combined total of 26 workweeks of leave during the single 12-month period.

#### **12.02 Definitions:**

Forms: The County will use the Family and Medical Leave Act forms developed by the U. S. Department of Labor. These forms are available at: <http://www.dol.gov/whd/fmla/index.htm> under the Forms section.

Twelve-month period: To calculate the twelve-month period, the County looks back to the 12-month period prior to the date family and medical leave is first taken.

Spouse: Either member of a legally married pair. If both spouses work for the County, they are entitled to a combined total of 12 weeks of leave if the leave is

taken for the birth of a child, the placement of a child for adoption or foster care, or to care for a sick parent. If each parent uses a portion of the 12 weeks of leave for the purposes specified above, each would be entitled to the difference between the amount they had taken and 12 weeks of FMLA leave for a different purpose. Example, if each spouse took 6 weeks of leave as a result of the birth of a child, each could use an additional 6 weeks due to his or her own serious health condition.

**Child:** A person younger than eighteen (18) years of age, or a person older than eighteen (18) years of age and incapable of self-care due to a mental or physical disability. An employee's "child" is one for whom the employee has actual day-to-day responsibility. A "child" includes a biological, adopted, foster or step-child.

**Serious health condition:** An illness, injury, impairment, or a physical or mental disability involving inpatient care or continuing treatment by a health provider. Continuing treatment involves:

1. A period of incapacity of more than three (3) consecutive calendar days (not working days) and subsequent treatment including either two visits to a health care provider or one visit followed by continuing treatment under the health care provider's supervision;
2. A period of incapacity due to pregnancy or for prenatal care;
3. Treatment for chronic serious health conditions which requires periodic visits for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider; (2) occurs over an extended period of time (including recurring episodes of a single underlying condition); and (3) is episodic rather than a continuing period of incapacity; and
4. Treatments for serious conditions such as cancer that may not be incapacitating but without treatments would result in a period of incapacity of more than three (3) consecutive days.

**Health Care Provider:** Any health care provider that is recognized by the County or accepted by the County's group health plan. This may include physicians, dentists, clinical psychologists, optometrists, chiropractors, nurse practitioners, nurse midwives and clinical social workers.

**12.03 Eligibility for Leave:** To be eligible for family and medical leave, an employee must have been employed by the County for at least twelve (12) months. Employees must have worked 1,250 hours during the twelve (12) months prior to the commencement of leave. Vacation, personal leave, sick leave or unpaid leave is not included in the 1,250 hour calculation.

**12.04 Intermittent or Reduced Leave:** An employee may take FMLA leave on an intermittent (a few days or a few hours at a time) or on a reduced leave schedule as a result of the birth of a child and for the placement of a child for adoption or foster care if the County and the employee agree to such a schedule.

Leave for a serious health condition may also be taken intermittently or on a reduced leave schedule when medically necessary. A “medically necessary” leave is one that involves a medical need for the leave and the employee can best treat the need through an intermittent or reduced leave schedule. The County may request certification from the health care provider of the employee or family member of the medical necessity of the intermittent leave schedule and the expected duration. Employees are required to schedule intermittent leave that is foreseeable so as not to unduly disrupt the County’s operations and so the County can assign employees temporarily to alternative positions with equivalent pay and benefits that better accommodate such recurring periods of intermittent leave.

For regular part-time employees and employees who work variable hours, the FMLA entitlement will be calculated on a prorated basis. A weekly average of the employee’s hours worked over the twelve-week period before the beginning of the family and medical leave will be used for calculating the employee’s normal workweek.

**12.05 Use of Paid Leaves:** An employee must exhaust all of the employee’s accrued paid sick and vacation leave before taking unpaid leave. When an employee on FMLA leave has exhausted their accumulated vacation leave or sick leave (including any donated sick leave), the remainder of the FMLA leave will be unpaid leave so that the total of paid and unpaid leave equals twelve (12) weeks.

An employee who incurs a work-related illness or injury may be eligible to receive worker’s compensation benefits. Any time off due to the work-related illness or injury will count toward the employee’s FMLA benefit.

The FMLA Act does not allow for substitution of compensatory time for unpaid FMLA leave.

**12.06 Designating Leave as FMLA Leave:** The County has the authority to designate before leave starts, whether any paid leave to be taken counts toward an employee’s FMLA leave entitlement, and will notify the employee immediately upon learning that it qualifies as FMLA leave. The initial notification to the employee may be oral, but will be confirmed in writing by the next regular pay check. The County’s designation is based upon information obtained from the employee or the employee’s spokesperson (e.g. spouse, parent, physician, etc. if the employee is incapacitated). The employee must provide enough information to enable the County to make a determination. If not, the County may make a tentative designation until further inquiry is made to obtain the additional information.

The County may designate leave as FMLA leave after an employee has returned to work in two cases:

1. If an employee was absent for an FMLA reason and the County did not learn the reason for the absence until their return for work, the County and/or the employee may (within two business days of the employee’s

- return to work) designate the leave retroactively as FMLA leave and will give appropriate notice of this designation; or
2. If the County knows of the reason for the leave, but has been unable to confirm that the leave qualifies under the FMLA, the employer should make a preliminary designation and so notify the employee. Upon receipt of the information or medical certification, which confirms that the leave either is or is not for an FMLA reason, the preliminary designation must either be withdrawn or made final.

**12.07 Employee Notification Requirements:** An employee must provide the County with at least thirty (30) days advance notice before FMLA leave is to begin if leave is foreseeable based on an expected birth, placement for adoption or foster care, or planned medical treatment for a serious health condition. Failure to provide the notice will give the County the right to delay the taking of the leave until at least thirty (30) days after the date the employee provides notice to the County of the need for FMLA leave. If thirty (30) days' notice cannot be provided, notice must be given as soon as practicable. Verbal notification should be provided within one or two business days of when the need for leave becomes known to the employee. When planning medical treatment, the employee will consult with the County and make a reasonable effort to schedule the leave so as not to "unduly disrupt the City's operations, subject to approval of the health care provider."

Medical Certification: If the employee's leave is to care for the employee's seriously ill spouse, child, or parent or due to the employee's own serious health condition, the request must be supported by a certification issued by the health care provider of the employee or the employee's ill family member. When the leave is foreseeable and at least 30 days' notice has been provided, the medical certification should be provided before the leave begins. The County will allow at least 15 calendar days for the employee to comply with the request for medical certification. Medical certification forms are available at the website referenced in 12.02 Forms.

Second Opinion: The County may require a second medical opinion (at the County's expense). Pending receipt of the second opinion, the employee is provisionally granted leave. The County may also request periodic reports on the employee's status and intent to return to work, or a fitness-for-work report from the employee's attending physician advising when the employee can return to work.

If the opinions of the employee's and the County's designated health care providers differ, the County may require a third opinion (at the County's expense). The third health care provider will be designated or approved jointly by both the County and the employee. The third opinion is final and binding. The County will reimburse an employee or family member for any reasonable travel expenses incurred to obtain the second or third opinions.

Confidentiality: All documentation related to the employee's or family member's medical condition is held in strict confidence and maintained in the employee's confidential medical file in the Auditor's Office.

**12.08 Payment of Group Health Insurance Premiums:** The County will maintain (including the continuation of paying the County's share of the premiums) the group health insurance coverage for an employee's FMLA leave period whenever such insurance was provided before the leave was taken and on the same terms as if the employee had continued to work. Any portion of group health plan premiums which the employee has paid before starting an FMLA leave must continue to be paid by the employee during the leave. Any changes to premium rates and levels of coverage or other conditions of the plan that apply to other active employees also apply to eligible employees on FMLA leave. The County will give advance written notice to employees of the terms for payment of premiums during FMLA leave. If FMLA leave is unpaid, the County requires that payment of the employee's portion of the payment of health benefit premiums will be made by the employee to the County. Payment is required at the same time as if it would be made by payroll deduction.

The County's obligation to maintain group health benefits ends after a premium payment is more than 30 days late. The County will provide 15 days' notice that coverage will cease if the employee's premium is more than thirty days late. If coverage should lapse while the employee is on FMLA leave, they will be restored to equivalent coverage upon return to work and will not be required to meet any qualification requirements imposed by the health care plan such as preexisting waiting periods or passing a medical exam to obtain coverage.

Failure to Return to Work: The County may recover its share of health plan premiums during a period of unpaid FMLA from an employee if the employee fails to return to work at the end of leave. The only exception is where the employee does not return to work due to the continuation, recurrence or onset of a serious health condition of the employee or employee's family member or "other circumstances beyond the employee's control".

**12.09 Rights Upon Return to Work:** When an employee returns to work from an FMLA leave, they will be restored to the same or an equivalent position with equivalent benefits, pay, or other terms and conditions of employment. The Act does not require the County to place a returning employee in the same position. If a position in which an employee is placed is equivalent, the employee has no right to be restored to the original job.

The employee's restoration rights are the same as they would have been if the employee had not been on FMLA leave. For example, if the employee's position would have been eliminated, or if the employee would have been terminated, the employee does not have the right to be reinstated upon return from FMLA leave.

Seniority: An employee is not entitled to seniority or benefit accruals during periods of unpaid family and medical leave. However, an employee does not lose seniority or benefits accrued prior to family and medical leave.

Early Return: Since an employee may only be required to take FMLA leave for reasons that qualify and may not be required to take more leave than necessary, the employee may be promptly restored if the employee requests reinstatement earlier than originally scheduled, but should where foreseeable, give the County reasonable advance notice, generally at least two working days.

Request for Extension: An employee should give reasonable notice to the County of the need for an extension if less than the 12 weeks of FMLA has been used.

Failure to Return to Work: An employee who does not (or is unable to) return to work after exhausting the 12 weeks is no longer protected by FMLA. If the employee is able to return at some time after the 12 weeks FMLA leave has expired, the employee may be reinstated to the employee's same or similar position, if available, in accordance with applicable laws. If the employee's same or similar position is not available, the employee may be terminated.



## Chapter 13

### **DISABILITY DISCRIMINATION, ACCESSIBILITY AND REASONABLE ACCOMMODATION**

**Adopted May, 2011**

**13.01**     **Federal Requirements Of Accessibility:** The Americans with Disabilities Act (ADA), enacted on July 26, 1990, provides comprehensive rights and protections to individuals with disabilities in the areas of employment, public accommodations, State and local government services, and telecommunications. The goal of the ADA is to assure equality of opportunity, full participation, independent living and economic self-sufficiency. The ADA prohibits all state and local governments and most private businesses from discriminating on the basis of disability.

The ADA provides a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities.

The Act is a historic, significant and far-reaching piece of Federal legislation that has a tremendous impact on local government programs, services and facilities.

The ADA covers individuals with physical or mental impairments that substantially limit a major life activity, persons with a record of such impairment, and persons regarded or perceived as having such impairment.

The County shall ensure that all public notices and publications contain information on how individuals with disabilities may contact the County, obtain information on County services, and request reasonable accommodation for accessing facilities, services, programs or employment opportunities.

**13.02**     **ADA Sections:**     The Act contains five sections:

Title I of the ADA prohibits employment discrimination against otherwise qualified individuals with disabilities.

Title II of the ADA prohibits discrimination in services (including employment to the extent not already covered by Title I) provided by the state and local government entities.

Title III prohibits discrimination in places of public accommodation, commercial facilities, and transportation.

Title IV mandates that telecommunication devices be in place for the hearing impaired.

Title V cites miscellaneous provisions.

The Americans with Disabilities Act (ADA) and, if the County receives Federal funding, the Rehabilitation Act of 1973, generally require that the local government provide qualified individuals with disabilities equal access to their programs, services, or activities unless doing so would fundamentally alter the nature of their programs, services, or activities or would impose an undue burden. Local government must adhere to the provisions specified in Title II of the ADA that apply to all Services, Activities and Programs (SAPs), including employment. Lincoln County will periodically review their SAPs as required by law and make modifications as necessary. The County policy statement on accessibility and disability discrimination shall be prominently displayed for employee and public awareness in all facilities.

There are three major activities covered by Title II:

1. Those involving general public contact as part of the ongoing operations of the entity. Activities in this category include communication with the public (telephone contacts, office walk-ins, or interviews) and the public's use of the entities' facilities.
2. Those directly administered by the entity for program beneficiaries and participants. Activities in the second category include programs that provide State or local government services or benefits.
3. Employment.

Each public entity is required to complete a self-evaluation of its current SAP as the first step toward ADA compliance, determining what services are accessible and those that require modifications to meet the needs of the disabled. This self-evaluation form will be kept on file with the County Auditor's office for at least three years and be made available on request for public inspection.

### **13.03      Prohibition Against Disability Discrimination:**

Discrimination on the basis of disability against any applicant or employee who is a qualified individual with a disability, by a management employee or coworker is not condoned and will not be tolerated. This policy applies to the job application process and all terms and conditions of employment including but not limited to recruitment, hiring, training, assignment, promotion, compensation, transfer, layoff, reinstatement, benefits, education, termination, and also in the provision of County programs and services.

All complaints of discrimination on the basis of disability will be promptly and objectively investigated. Corrective or disciplinary action up to and including termination will be instituted for behavior prohibited by this policy. Any retaliation against a person filing or participating in a discrimination charge or making a discrimination complaint is prohibited.

Discrimination on the basis of disability means:

- to limit, segregate, or classify a job applicant or employee in a way that may adversely affect opportunities or status because of the applicant's or employee's disability;
- to participate in a contract which could subject an applicant or employee with a disability to discrimination;
- to use any standards, criteria or method of administration which could have the effect of discriminating on the basis of disability;
- to deny equal jobs or benefits because of a disability;
- to fail to make reasonable accommodations for known physical or mental limitations of an otherwise qualified individual unless it can be shown that the accommodation would impose an undue hardship;
- to use selection criteria which exclude disabled persons unless the criteria are job related and consistent with business necessity; and,
- to fail to use employment tests in a manner that ensures that the test results accurately reflect the applicants or employee's skills or aptitude for a particular job.

1. Policy Implementation: Each department head is responsible for ensuring that there is no discrimination against individuals based on disability by: a) ensuring that all employees under their direction are informed of this County policy; and b) ensuring that any instances or allegations of discrimination are immediately reported to the County Auditor, who serves as the County ADA coordinator.

2. Complaint Resolution: The County Auditor will investigate and attempt resolution of complaints filed in accordance with the County's Policy and Procedures Manual. Individuals are encouraged to immediately report any act of disability discrimination to the supervisor, department head, or the County Auditor. The County Auditor should fully inform the individual of their rights, take appropriate steps to timely investigate, and when merited take prompt and effective remedial action.

**13.04 Commitment:** Lincoln County provides high quality services to protect, preserve, and enhance the County for present and future generations. Our vision is to be a high-performing, inclusive government, which partners with our community to create and preserve a safe, clean, and vibrant County.

The County, as a recipient of federal assistance, has continually strived to eliminate barriers that may prevent persons with disabilities from enjoying employment, access to County facilities and services or other benefits. The success of our efforts will require innovation, creativity, and the dedication of additional resources to ensure access to all of our citizens.

**13.05 Reasonable Accommodation Policy** It is the policy of Lincoln County to not discriminate on the basis of disability against any qualified person and expeditiously consider and provide, as appropriate, reasonable accommodation to assist a qualified disabled individual to perform the essential functions of their position classification. All decisions relating to employment including, but not limited to recruitment, selection, training, assignment, promotion, compensation, transfer, benefits, and education, will be determined by the employee's ability with consideration of any requested reasonable accommodation. This policy is applicable to all employment policies and practices. The County also provides reasonable accommodation in connection with the provision of County services, programs and activities to the public.

The Washington Law Against Discrimination (WLAD) and the Americans with Disabilities Act (ADA) require that the County as the employer must reasonably accommodate a known disability of a qualified individual with a disability (satisfies the requisite skill, experience, education, and other job-related requirements of the position, and can perform the essential functions with or without a reasonable accommodation) unless the accommodations would result in undue hardship to the County.

1. Conduct Standards for Employees with Reasonable Accommodation Same as Other Employees

A reasonable accommodation does not include rescinding discipline even if the conduct resulting in the discipline was the result of a disability. The County may discipline an employee with a disability for engaging in misconduct if it would impose the same discipline on an employee without a disability.

## Chapter 14

### GRIEVANCE PROCEDURE

Adopted April, 2011

**If employee is a Union employee, consult the appropriate working agreement for specific procedure. This information will apply to employees who are not members of a bargaining unit.**

**14.01**      **Purpose of Policy:**      The purpose of this procedure is:

1. To promote full communication between the County and employees in County service by providing a reasonable method for resolving disputes regarding terms and conditions of employment between the County and an employee and/or a County-recognized employee organization.
2. To assure an employee of a prompt and fair discussion and resolution of the issue involved.
3. To provide that grievances will be settled as near to the point of origin as possible.
4. To provide that grievances will be heard and settled informally.
5. To enable employees to make their grievances known in an orderly process.

**14.02**      **Grievance:**      A grievance is a written statement of dissatisfaction regarding the administration of this Personnel Policy.

**14.03**      **Grievance Submission:**      In the grievance procedure, the complainant will present grievances in writing.

**14.04**      **Department Level Discussion:**      When possible, any grievance arising out of employment is considered initially within an employee's department.

Process at Department Level:

1. When a grievance, as defined in this Personnel Policy, arises, it is brought to the attention of the employee's immediate supervisor as soon as possible. If an employee fails to bring the grievance to the attention of the immediate supervisor within five (5) working days from the date of the action or incident causing the grievance, an employee has waived the right to submit the grievance.
2. The employee's immediate supervisor takes action on the grievance and notifies the complainant of their action or decision within a reasonable time, generally five (5) working days from the date the grievance was submitted to the supervisor.

If the matter can be resolved by the employee's immediate supervisor to the satisfaction of the employee, then the grievance will be terminated.

**14.05 Review by Board of County Commissioners:** If the complainant is not satisfied regarding the supervisor's decision, the complainant may, within fourteen (14) working days from the date of the supervisor's decision, submit a written request to the Board of County Commissioners. Failure by the complainant to submit a written request to the Board within the fourteen-day period terminates the grievance.

Process at the Board of County Commissioner's Level:

1. Upon receiving the written request, the Board, within a reasonable time, generally fourteen (14) calendar days, discusses the grievance with the complainant, the complainant's representative, if any and all principals involved for the purpose of resolving the grievance. The Board of County Commissioners conducts any inquiry, investigation, or compilation of facts deemed necessary to assist in reaching a decision.
2. The Board renders a decision in writing to the complainant within a reasonable time, generally fourteen (14) calendar days from the date the Board receives the complainant's written request. The Board also gives copies of the decision to the complainant's immediate supervisor and department head. The decision of the Board of County Commissioners is final.

**14.06 Election of Remedies:** If the subject matter of the grievance could be appealed to the Civil Service Commission for Sheriff's Office employees, the matter may be submitted to the Civil Service Commission or processed through the grievance procedure (if a bargaining unit member, please refer to the applicable grievance procedure contained in the applicable collective bargaining agreement), but not both. If the matter is to be reviewed by the Civil Service Commission, the request for civil service hearing must be submitted in accordance with the Civil Service Rules and Regulations. If the employee chooses to proceed with the grievance procedure, then the timeliness of the grievance procedure must be followed. Failure to adhere to the timelines shall render the grievance forever waived and null and void. Submission of a dispute to the grievance procedure or to the Civil Service Commission shall bar submission to any other forum.

**14.07 No Retaliation:** Use of this procedure will not reflect unfavorably on the employee, the employee's immediate supervisor, the department head, or the Board of County Commissioners. Retaliatory or discriminatory action against an employee for using this procedure or discrimination in the application of this Personnel Policy shall be considered a violation of County policy.

## Chapter 15

### WORK-RELATED TRAVEL

Adopted April 2, 2022

Rev. 4/22 & 10/22

**15.01**      **Travel Policy:**      When employees are required to travel on County business, reimbursement for expenses incurred shall be determined as follows:

- 1) Prior to traveling outside the County, the employee shall obtain advance approval for the trip and mode of travel from the Department Head.

*Procedural Note: Approval is authorized by Department Head signature on reimbursement forms.*

- 2) Travel on official business outside the County by an employee should be via County-owned vehicle or public carrier, as necessary. A private vehicle should only be used if a county vehicle is unavailable and with prior approval. If a private vehicle is used, mileage will be paid at the established State of Washington OFM rate for directly to and from meeting site only.

*Procedural Note: Approval is authorized for personal vehicle use by Department Head signature on reimbursement forms.*

- 3) Carpooling is encouraged by the County and may be required by the Department Head under certain circumstances.
- 4) Using private vehicles inside the County will not be reimbursed until after one reaches the named daily work site.
- 5) Any type of travel outside of the State of Washington requires prior approval from the Board of County Commissioners for all departments other than elected officials.

*Procedural Note: Attach documentation from Board of County Commissioners authorizing travel to any reimbursement forms.*

- 6) Reimbursement shall be made for reasonable expenses for meals, coffee and light refreshment served to elected and appointed officials, quasi-employees, volunteer\_board/committee members and county employees regardless of travel status at a meeting where:
  - a. The purpose of the meeting is to conduct official county business or to provide formal training to county employees or county officials.
  - b. The meals, coffee, or light refreshments are an integral part of the meeting or training session.



- c. The elected official, the board of county commissioners, or the department head or designee approves payments in advance for the meals, coffee, or light refreshments.

Procedural Note: *Attach documentation from elected official, the board of county commissioners, or the departments head or designee authorizing purchases to any reimbursement forms.*

- 7) By virtue of the contract, WSU Extension Agents and Lincoln County Employees assigned to WSU Extension are reimbursed under the travel policies of WSU (state policy). Out-of-state travel for Lincoln County employees assigned to WSU Extension still requires prior approval from the Board of County Commissioners as prescribed in item #5 of this policy.

**Reimbursement will be processed differently on official trips depending on single-day or overnight travel as follows:**

#### **15.02      Single-Day Travel:**

**Please note:** If you charge travel on a P-card for a single day travel you will be required to re-pay Lincoln County in full and then follow the procedures as listed below.

1. Travel on official business outside the County by an employee should be via County-owned vehicle or public carrier, as necessary. A private vehicle should only be used if a county vehicle is unavailable and with prior approval. If a private vehicle is used, mileage will be paid at the established State of Washington Office of Financial Management rate for directly to and from the meeting site only.
2. Reimbursement for mileage shall be turned in to Accounts Payable using a Lincoln County Travel Voucher form or a Lincoln County Claim for Expenses form. Both forms require documentation of the reason for travel (include your conference flyer or meeting agenda with location and date) and a MapQuest showing the starting and ending point and mileage. To be processed, the forms must have all supporting documentation and the signature of the Department Head authorizing travel. All reimbursement forms are due **Monday at 4 pm before** the Commissioner's meeting.
3. Individuals on travel status shall be reimbursed for meal expenses while on travel status at the per diem rate as established by the State of Washington Office of Financial Management. Per diem rates include the cost of tax and gratuity.

All per diem rates can be found at the following website:

[Per diem rate tables | Office of Financial Management \(wa.gov\)](#)

If link doesn't work please copy and paste: <https://ofm.wa.gov/accounting/administrative-accounting-resources/travel/diem-rate-tables>

4. Reimbursements shall be made for expenses incurred for meals as follows:
  - a. Meals in connection with authorized attendance at meetings, conventions, or conferences;
  - b. meals when official business prevents an employee from returning to his or her home by six p.m. except for employees whose normal duty hours extend beyond six p.m.;
  - c. meals for employees engaged in authorized emergency repair or operations substantially beyond their normal duty hours.
5. The meals that qualify for per diem and are allowed for reimbursement shall be as follows:
  - a. Full day: travel period before 8:00 a.m. and ending after 5:00 p.m.,
  - b. Breakfast: Departure prior to 6:00 a.m.,
  - c. Lunch: Departure prior to 12:00 p.m. lunch, and
  - d. Dinner: Returns after 6:00 p.m. qualifies for dinner per diem;
6. Reimbursement requests will be submitted on a Lincoln County Single-Day Travel Meal Reimbursement Claim Form. All meals for a single day per the IRS Code will be run through **payroll** and are considered taxable. Provide completed form to payroll by the 15<sup>th</sup> of the month for payment in that month. If form is submitted after the 15<sup>th</sup> the reimbursement will appear on the next month's check. No receipts are required to be turned in. All forms should be accompanied by a conference or meeting agenda with location and time for completion. Form must include supporting documentation and signature of Department Head authorizing travel for processing.

If on approved county business for the full day, but one or more meals are included in the registration fee, the amount authorized for the included meal will be subtracted from the total authorized per diem allowance to establish the maximum amount available for the remainder of the day.

### 15.03 Overnight Travel:

**All reimbursements are due on *Monday at 4 pm before the next Commissioner's meeting.***

**Please note:** If you charge travel on a P-card you may be required to re-pay Lincoln County if your meals are **over** the per diem rate.

1. Travel on official business outside the County by an employee should be via County-owned vehicle or public carrier, as necessary. A private vehicle should only be used if a County vehicle is unavailable and with prior approval. If a private vehicle is used, mileage will be paid at the established rate for directly to and from meeting site only.
2. Reimbursement for mileage shall be submitted to Accounts Payable on a Lincoln County Travel Voucher form or a Lincoln County Claim for Expenses form. Both forms require documentation of the reason for travel (including your conference flyer or meeting agenda with location and date) and a MapQuest printout showing the starting and ending point and mileage. To be processed all forms must have all supporting documentation and the signature of Department Head authorizing travel. All reimbursements are due **Monday at 4 pm before** the Commissioner's meeting.
3. Individuals on travel status shall be reimbursed for meal expenses at the per diem rate as established by the State of Washington Office of Financial Management. Per diem rates include the costs of tax and gratuity.
  - a. All per diem rates can be found at the following website:
  - b. [Per diem rate tables | Office of Financial Management \(wa.gov\)](#)
  - c. If link doesn't work please copy and paste:  
<https://ofm.wa.gov/accounting/administrative-accounting-resources/travel/diem-rate-tables>
4. Reimbursements shall be made for expenses incurred for meals as follows:
  - a. Meals in connection with authorized attendance at meetings, conventions, or conferences;
  - b. meals when official business prevents an employee from returning to his or her home by six p.m. except for employees whose normal duty hours extend beyond six p.m.;
  - c. meals for employees engaged in authorized emergency repair or operations substantially beyond their normal duty hours.
5. If on approved county business for the full day, but one or more meals are included in the registration fee, the amount authorized for the included meal

will be subtracted from the total authorized per diem allowance to establish the maximum amount available for the remainder of the day.

6. The meals that qualify for per diem and are allowed for reimbursement shall be as follows:
  - a. Full day: travel period before 8:00 a.m. and ending after 5:00 p.m.,
  - b. Breakfast: Departure prior to 6:00 a.m.,
  - c. Lunch: Departure prior to 12:00 p.m. lunch, and
  - d. Dinner: Returns after 6:00 p.m. qualifies for dinner per diem;
  
7. For hotel reimbursement:
  - a. Reimbursement requests shall be submitted on a Lincoln County Travel Voucher form or a Lincoln County Claim for Expenses form. All forms must be turned in with receipts from the hotel and receipts of any single expense over \$75. Please include your conference agenda and/or meeting agenda with the location and time for complete reimbursement. Form must include supporting documentation and signature of Department Head authorizing travel for processing.

## Chapter 16

### NO SMOKING AND OPEN FLAME POLICY

Adopted April, 2009

**16.01**      **Purpose of Policy:**      The object of this policy is to provide a healthy and productive work environment for all County employees. The policy responds to the growing medical and scientific evidence showing the detrimental effects of smoking on personal health and work performance. The policy also responds to public laws related to smoking in public facilities and to the strong desire of many County employees to work in a smoke-free environment. This policy intends to provide a smoke-free work environment for all employees. It does not intend to infringe upon the personal right and decision of an employee to smoke. This policy shall comply with all applicable Federal and State laws.

**16.02**      **Uniform Smoking Policy:** Smoking is prohibited twenty-four (24) hours of the day, every day, in all enclosed work and common areas, facilities, and automobiles.

Smoking is permitted in outdoor areas unless the smoke could be drawn into a workplace or common area. All employees who elect to smoke in outdoor areas are responsible for the proper maintenance and/or removal of all smoking debris.

The County-wide smoking policy applies to all County work and common areas, whether in an individual or shared office space, or an automobile. The policy also applies to all persons who visit enclosed work and common areas during all hours and days of the year. These persons include all officers, employees, contractors, and members of the general public.

Lincoln County motor pool vehicles or any County vehicles that are shared by employees are also considered "No Smoking Areas." County employees working in vehicles that are assigned exclusively to them may smoke in their assigned vehicle only when no other riders are present.

When representing the County, employees shall adhere to requests that they refrain from smoking.

**16.03**      **Violations:**      As with all department policy, violation of any part of this policy may be cause for disciplinary action. The primary objective of discipline is to correct the behavior in violation of the policy, not to punish employees who smoke.

**16.04**      **Open Flames:**      The use of any open flame in any administrative building of Lincoln County is expressly forbidden. This includes, but is not limited to, candles, heaters, smoked tobacco products and any other device that has an open flame or is consumed by burning.

In the event that maintenance or construction procedures are in process by authorized personnel, the ban is not in effect. However, appropriate safety procedures will be followed, including the use of fire guards, any time a device with an open flame is utilized.

Personal heaters that do not use an open flame may be used during office hours at the discretion of the Department Head. However, all personal heaters must be unplugged at the end of the workday or when not in use.

## Chapter 17

### WORK RULES

Adopted November 18, 2013

**17.01**      **Credit Cards:**      Credit cards used by the County for fuel and other purchases must have the over-the-counter itemized receipt attached to the voucher for reimbursement. A personal use card must follow these same requirements. P-Cards assigned for usage by the County shall follow the rules in the P-Card policy, adopted by the Board of County Commissioners.

**17.02**      **Safety:**      Lincoln County is committed to providing a safe working environment for all employees. The County expects employees to be safety conscious. For detailed safety policy, refer to the Lincoln County Safety Policy Manual. Copies of the manual are available from your Department Head.

Department heads, supervisors, and employees should promote the safety of themselves, fellow employees, and the public. Employees shall observe all safety suggestions and contribute to a safer working environment. It is the employee's responsibility to learn the safety rules applicable to his/her job. Safety and risk management meetings will be held on County time and will be held as often as possible.

Department Heads and supervisors are responsible for promoting safe working conditions and compliance with safety standards at each work site. Failure to comply with the responsibilities set forth above shall be reason for disciplinary action up to and including termination.

**17.03**      **Political Activity:**      Lincoln County recognizes the right of every employee to express his/her views as citizens, to pursue legitimate involvement in the political process, and to vote as he/she wishes.

However, no County employee shall expend public funds, use County supplies, work on any campaign during working hours, or participate in any other political activity not permitted by law.

**17.04**      **Outside Employment:**      Prior to considering outside employment, the employee should notify his/her Department Head of the nature and extent of such employment for approval or disapproval. An employee shall not engage in employment other than his/her County job if such employment interferes with personal safety and efficient performance of his/her County job or constitutes a conflict of interest that might result in a poor public image for the department as determined by the Department Head. Disciplinary action may be taken if the employee is requested not to take outside employment that interferes, as outlined above, and he/she takes the employment or refuses to quit.

**17.05      Drug Free Workplace:**      Employees are expected and required, as a condition of employment, to report to work on time and in appropriate mental and physical condition for work. It is the intent of the employer and union to provide and maintain a drug and alcohol free, healthful, safe, and secure work environment.

The employer recognizes that the unlawful manufacture, distribution, dispensation, possession, or the use of any illegal drug, both under state or federal laws, and/or alcohol is absolutely prohibited on the County's premises. Violation of this policy will result in disciplinary action, up to and including immediate termination, and may have additional legal consequences for the individual.

Drug and alcohol dependency is recognized as an illness and a major health problem; such substance abuse also presents a potential health, safety, and security problem. Employees needing assistance in dealing with such problems are encouraged to seek appropriate counseling and assistance. Lincoln County is very proud of the Alcohol and Drug Abuse Center and County Counseling Center. Any employee having an alcohol or drug problem or is in need of counseling should report this difficulty to the supervisor, and he/she will assist in arranging for treatment with no penalty. Continued use of alcohol or drugs without seeking assistance will result in disciplinary action.

Employees must, as a condition of employment, abide by the terms of the policy and report any convictions under a criminal drug statute for violations occurring on or off company premises while conducting County business. A report of conviction must be made within five (5) days after the conviction.

**17.06      Personal Appearance:**      Employees shall wear appropriate attire for their positions and departments. All employees shall be neat and clean in dress and personal appearance. The Department Head may issue rules regarding necessary, required, or appropriate attire for each department or particular position, and employees shall dress in compliance with said rules.

**17.07      Telephone Calls:**      The County's telephone lines are intended solely for business use and should not be used for personal phone calls. Accordingly, employees are not permitted to make or receive personal phone calls during working hours except in an emergency. Necessary calls shall be made during break times. No personal long distance or toll calls shall be charged to County phones.

**17.08      Cellular Phones:**      Departments within Lincoln County may obtain cellular phones for use in connection with County business. These telephones will be owned by Lincoln County. Personal telephone calls on the County owned cellular phones are not allowable by any employee of Lincoln County except for a legitimate emergency. Should a personal call be charged to a County owned cell phone, a personal check may accompany the County billing for all personal telephone calls.



Personal cellular phones shall be turned off during employee's work hours and can be used on employee's lunch and break periods. Personal cellular phones of Lincoln County employees are the employee's responsibility regarding all charges connected with the usage of the phones. Lincoln County is not obligated in any way to reimburse or pay the employee unless a properly executed personal expense voucher is submitted with detailed summary of business calls attached. For personal cellular telephones, it is recommended that the employee obtain two numbers to be assigned to the cellular phone. The phone numbers will enable the employee to use one for County business and one for personal business.

## Chapter 18

### ANTI-HARASSMENT POLICY

Adopted May, 2011

**18.01**      **Purpose of Policy:**      As an employer, Lincoln County values the dignity of all employees and is committed to providing a respectful workplace, one that is harassment free and in which all individuals are treated with respect. The expectation is that managers, supervisors and employees will create and maintain a work environment that is respectful of all persons in it.

**18.02**      **Application:**      This policy applies to all workplaces and employees of Lincoln County, volunteers working on behalf of the County and individuals under contract to the County.

**18.03**      **Roles and Responsibilities:**      Harassment is a concern for everyone and maintaining a safe and healthy workplace is everyone's responsibility. The County has a responsibility and a legal obligation to ensure employees are not exposed to harassment in the workplace and for the implementation of this policy. Supervisors and managers are responsible for ensuring a harassment free workplace and adherence to the policy. This includes taking appropriate preventive or corrective action and eliminating any harassment of which they are aware.

Supervisors and managers should support employees in the conflict resolution process.

Employees have a responsibility to create and support a workplace that is free of harassment by complying with this policy and by ensuring their behavior meets acceptable standards. Employees must refrain from discriminatory or harassing behavior. Employees who feel they have been harassed should make their objections known to the alleged harasser, if they feel comfortable doing so. Employees who feel they have been harassed should also immediately alert other appropriate County officials to the situation, even if they confront the harasser directly, and should document incidents of harassment. Employees witnessing harassment are required to immediately bring the incident to the attention of an appropriate County official.

**18.04**      **Policy:**      Harassment in the workplace will not be tolerated. The abuse of one's authority or position to intimidate, coerce or harass is forbidden and is considered absolutely intolerable in the County workplace. Harassment constitutes a disciplinary infraction that shall be dealt with through the appropriate measures up to and including termination.

This policy does not limit or constrain the County's right, as the employer to manage the workplace. For example, work assignments, operational reviews, performance reviews, coaching, work evaluation and disciplinary measures taken by a manager or supervisor, in good faith for valid reasons, do not constitute harassment in the workplace. These supervisory and management actions must

remain respectful of the individual. This policy will not, under any circumstances, be used to impede the supervisory relationship, nor is it intended to inhibit normal and acceptable day-to-day social interaction in the workplace.

## **18.05      Definitions:**

Discrimination:      Discrimination is defined in civil rights law as unfavorable or unfair treatment of a person or class of persons in comparison to others who are not members of the protected class because of race, sex, color, religion, national origin, age, disability, or sexual orientation. Reprisal for opposition to discriminatory practices or participation in the EEO process is also prohibited by law. Federal EEO laws prohibit an employer from discriminating against persons in all aspects of employment, including recruitment, selection, evaluation, promotion, training, compensation, discipline, retention and working conditions, because of their protected status. Discrimination can be intentional or unintentional, direct or indirect.

Discrimination in County employment is prohibited on the basis of race, creed, religion, color, sex, sexual orientation, marital status, disability, age, or national origin.

Harassment: Harassment is a form of discrimination. This policy defines harassment as any objectionable conduct, comment or display by a person that:

1.      Is unwelcome;
2.      Is made on the basis of race, creed, religion, color, sex, sexual orientation, marital status, disability, or national origin; and
3.      Creates a hostile or offensive working environment.

### Examples of Harassment:

Harassment can include, but is not limited to, the following examples:

- unwelcome remarks, jokes, innuendoes or taunts causing embarrassment or offense;
- displaying objectionable materials, graffiti or pictures;
- insulting gestures, jokes, disparaging written materials;
- unwelcome sexual advances, propositions or inquiries and/or comments about a person's sex life;
- unwanted contact or attention (may be one time only or persistent);
- inappropriate touching;
- shunning and ostracizing;
- staring or ogling;
- threats, bullying, coercion, isolation;
- actual or threatened physical assault;
- verbal assault;
- malicious gestures or actions; and
- stalking.

Harassment may or may not be intentional. The impact on the recipient and the workplace is a measure of whether or not harassment has occurred.

Workplace: For the purposes of this policy, the workplace includes, but is not limited to, the physical work site, break rooms, training sessions, business travel, field locations, conferences, work related social gatherings or any other place where the employee is required to be in service to the employer.

**18.06 Unfair Treatment versus Unlawful Discrimination:** Unfair treatment is not necessarily unlawful discrimination. Treating a person unfavorably in comparison to others may violate EEO laws only when that person's protected status is a factor in the treatment.

Employment decisions should be based only on job-related merit factors. All employees should avoid conduct which undermines fair and equal treatment. Although all unfair treatment may not be discriminatory, it is poor personnel management and should be avoided.

**18.07 Confidentiality:** The County will not disclose the name of a complainant or an alleged harasser or the circumstances related to the complaint to any person except where disclosure is necessary for the purposes of investigating the complaint or taking corrective action with respect to the complaint, as required for due process, or as required by law. All information relating to verbal and written complaints shall be kept confidential consistent with the need to investigate.

**18.08 Complaint Procedure:** If you feel that you or other employees have been subjected to harassment of any kind, you are encouraged to immediately identify the offensive behavior to the harasser and request that it stop.

If you are uncomfortable in addressing the matter directly with the harasser, or if you do so and the behavior does not stop, then discuss the matter immediately with the Human Resource Manager, your supervisor, the County's Employee Assistance Program, or any supervisor with whom you feel comfortable. You should report the matter regardless of whether or not you have confronted the harasser.

You should also report any harassment by members of the public, customers, suppliers, or other persons whom you encounter at work. Your concerns will be promptly investigated by the County and you will not suffer retaliation for reporting your concerns.

Any supervisor or manager who becomes aware of any alleged incident of harassment should immediately refer the matter to the Human Resource Manager for investigation. If the Human Resource Manager is the subject of the complaint, the matter should be referred to the County Manager for investigation.

**18.09 Investigation Process:** The complaint is promptly investigated and may be assigned to an independent third party/contractor. The investigation includes interviews with the individuals involved and any witnesses who are

available. Confidentiality during the investigation process is maintained to the degree possible.

Any action or conduct found to violate this policy may result in disciplinary action, up to and including discharge. Failure to maintain confidentiality may also result in disciplinary action.

**18.10 Sexual Harassment:** Any and all forms of sexual harassment will not be tolerated and all complaints will be fully and quickly investigated and appropriate disciplinary actions will be taken.

**Sexual Harassment** includes any unwelcome sexually motivated physical contact, sexually derogatory statements, and verbal sexual advances.

**Unwelcome** conduct is conduct that is regarded by the recipient as undesirable or offensive. Failure to follow internal complaint procedures may indicate there is no claim of harassment.

There are two basic types of sexual harassment: Quid pro quo harassment and Hostile Environment sexual harassment, usually defined as follows:

**Quid pro quo sexual harassment** occurs when requests for sexual favors, unwelcome sexual advances, or other verbal or physical conduct of a sexual nature are made "as a condition of employment."

**Hostile environment sexual harassment** means unwelcome sexual advances, or other sexually offensive conduct, that doesn't involve a specific reward or punishment, but unreasonably interferes with work performance, or creates an "intimidating, hostile, or offensive" working environment.

1. Should any individual feel that they are being subjected to any type of sexual harassment, he or she is encouraged to report such actions or situations to management immediately. Management consists of any or all of the following: supervisor, manager, Department Head, or Elected Official. If not previously provided, such report shall be provided to the immediate supervisor, manager, or Department Head for investigation.
2. Upon receipt of a claim of sexual harassment, the supervisor or manager contacted shall document the complaint, pledge the utmost confidentiality possible, investigate the claim quickly and fairly, and document the findings. The Prosecuting Attorney shall be immediately advised of the complaint and procedures undertaken by management.
3. Upon completion of the investigation, the supervisor or manager shall confer with upper management and legal counsel in regard to actions to be taken.

4. Should the claim be determined to be valid, the offender or perpetrator will be disciplined in accordance with the working agreement guidelines and as management determines to be appropriate. The injured or affected party shall be notified of the results of the investigation, except that the injured party need not be informed of specific disciplinary actions taken against the accused.
5. If it is determined that the complaint is invalid or was brought to cause difficulties for the accused employee, the investigating supervisor or manager shall confer with upper management and legal counsel before proceeding.

Any employee falsely accusing another employee of sexual harassment or misrepresenting the facts during an investigation or intentionally disrupting the investigation of a complaint shall be subject to disciplinary action.

All investigations into complaints of sexual harassment will be handled in the utmost confidentiality. Any investigating supervisor who unnecessarily violates the confidentiality of the injured parties will be disciplined as deemed appropriate.

Any employee making a complaint of sexual harassment and any witness that participates in the investigatory or complaint process shall be protected from any form of retaliatory actions by co-workers, supervisors and upper management. Violators will be severely disciplined.

## Chapter 19

### OPERATION OF COUNTY VEHICLE AND EQUIPMENT Adopted June, 2018

**19.01      County Vehicles:** Lincoln County is the owner of all County vehicles and those vehicles will be operated by County personnel only. All traffic regulations will be observed at all times.

Maintenance of County vehicles will be logged on each vehicle and retained by the department assigned to said vehicle.

From a risk management standpoint, it is a possible liability exposure when anyone other than a bona fide employee of the County is a passenger or operator of County-owned vehicles. The Workman's Compensation, hence the County, has legislative relief for "on the job" accidents. This does not hold true for the general public. It is the Board's wish that this practice is held to the very minimum possible. This section does not apply to the transportation of authorized clients, patients, or prisoners.

All County vehicles shall be marked as prescribed by R.C.W. 46.08.065, with the exception of vehicles used by the Sheriff's Office as he deems necessary for undercover work, and used by the Counseling Center and Alcohol/Drug Services for confidentiality purposes.

**19.02      Seat Belts:** When operating a County vehicle, the employee must use the seat belt/safety restraint and require passengers to do the same. An employee who does not comply is subject to disciplinary action up to and including termination.

**19.03      Driver's Licenses:** Any employee whose work requires him/her to drive a County vehicle must hold a valid driver's license for the type of vehicle, have a satisfactory driving record, and be insurable under County plans and current rates.

**19.04      Accidents:** Any employee involved in an accident of any kind should:

1. Stop at once.
2. Take steps to prevent further accidents--park safely and set out warning devices.
3. Send for police. If anyone is injured, ask for emergency medical services.
4. Protect your passengers, vehicle, and/or cargo.

5. Distribute accident questionnaires to witnesses.
6. Give other driver(s) your name, address, your County name and address, the vehicle's number, and your driver's license number.
7. Do not discuss the specifics of the accident EXCEPT with the police and your supervisor.
8. Complete the Driver's Report at the scene of the accident if possible.
9. Contact your supervisor as soon as possible in cases involving injury or serious damage.
10. Submit the completed report and accident questionnaires to your supervisor within 24 hours of the accident.
11. The Board of County Commissioners needs notification of any accident.

**19.05 Parking of Vehicles:** During the evening hours, all County owned vehicles shall be parked in the County parking area adjacent to their respective offices with the following exception:

1. Vehicles assigned to employees subject to 24 hour call.

Privately owned vehicles may be parked in the County parking lots only if ample parking for all customers and the disabled is still available.

**19.06 Operation of Equipment:** All County owned equipment will be used and maintained in a manner to promote the greatest and most efficient use possible.

The manufacturer's safety and operating instructions will be adhered to at all times.



## Chapter 20

### WORKPLACE VIOLENCE PREVENTION POLICY

Adopted September 2010

**20.01**      **Purpose of Policy:**      To establish a policy and procedure for Lincoln County protecting employees and the general public from acts of Workplace Violence.

**20.02**      **Policy:**      The policy of the County is to conduct its operations in an environment free of violence. Any County employee who engages in workplace violence will be subject to discipline up to and including termination. Further, any person who visits a County facility and engages in workplace violence and/or threatening behavior will be referred to local law enforcement and be subject to applicable laws.

Department heads are to ensure that any form of threat (direct, confrontational, and veiled) be immediately confronted/acted upon by management, then documented and assessed. The Board of County Commissioners is to be informed immediately.

It is not the intent of this policy to infringe upon or negate any constitutional rights afforded any United States citizen.

**20.03**      **Definitions:**

Workplace Violence: A violent act or threatening behavior that is directed at an employee or member of the public at a work location. Workplace violence does not include the use of reasonable force in self-defense or the defense of others.

Violent Act: Any non-consensual touching (such as hitting, pushing, kicking, holding or blocking the movement of another person) that results in physical harm or would have caused a reasonable person to feel threatened with physical harm.

Threatening Behavior: Any physical or verbal communication that would cause a reasonable person to feel threatened with physical harm.

Unauthorized Weapon: Any firearm, knife (such as a switchblade), explosives, dangerous chemical or any object that is not necessary for a County employee's job and has the potential to cause substantial injury to others.

Prohibited Activities: Any workplace violence; destruction of property belonging to Lincoln County or its employees; the possession or use of unauthorized weapons in or on any County premise or vehicles; frightening or annoying behaviors in the workplace including stalking or continuous unwelcome contact, in any form, by an employee towards another and bizarre or offensive comments regarding violent threats or events.

**20.04      Procedures:**

1. County employees shall:
  - A. Not engage in workplace violence.
  - B. Not bring unauthorized weapons to their work location unless required or authorized by their positions, e.g., commissioned police officers. For purposes of this restriction, County owned parking lots adjacent to County buildings shall constitute a work location.
  - C. If they are involved in prohibited activities or witness workplace violence:

protect themselves or others based on their best judgment under the circumstances; and

call 9-1-1 for assistance if necessary in light of the circumstances.

After being involved in a prohibited activity or witnessing workplace violence, immediately report the incident to your supervisor who in turn shall inform the appropriate people.
  - D. Immediately provide a copy of court issued protective or restraining orders (either temporary or permanent) that list any of Lincoln County's work areas/locations as protected areas to their supervisor.
  - E. Participate in periodic training sponsored by the County on identifying and defusing workplace problems or conflicts that could potentially lead to workplace violence.

For the safety of co-workers, employees should give serious consideration to making their supervisor aware of potential threatening or violent situations occurring in their personal life that may become problematic for the safety and security of the workplace. The purpose for this notification is to heighten the supervisor's awareness of any possible dangerous and preventable violent situations that may occur in the workplace.

2. All Department heads shall:
  - A. When work place violence occurs, take every reasonable effort to ensure that persons involved are safe.

- B. Notify police if necessary, if this has not already been done.
  - C. Immediately provide verbal notification of incidents of prohibited activities and workplace violence to the appropriate people and confirm the incident in writing as soon as reasonably possible.
  - D. Provide a copy of any court issued protective/restraining order that list any County work areas/locations as protected areas to the Board of County Commissioners.
  - E. Take appropriate steps to diffuse workplace violence that they witness, if they can do so without endangering themselves or others.
  - F. Advise employees within the affected work unit and others, as necessary and as soon as possible, as the supervisor becomes aware of a situation that could lead to possible workplace violence. Supervisors should consult with the County Auditor and Board of County Commissioners regarding this communication.
  - G. Ensure the incident is appropriately documented.
  - H. Contact the County Auditor to jointly initiate an investigation.
  - I. Take appropriate corrective action against any employee who engages in a prohibited activity or workplace violence up to and including termination. Factors such as the nature of conduct, past disciplinary action and work history of the employee, and other mitigating or aggravating circumstances may be considered in the disciplinary process.
  - J. Notify both County Auditor and the Sheriff's department of any court issued protective/restraining order that lists any County work areas/locations as protected areas. Other department management staff in the location where the individual works should also be notified. In the case there is a violation of the order, those in positions of responsibility will be aware of the issue and can take the action of notifying the Sheriff's department and asking the person who violated the order to leave.
  - K. Where appropriate and in consultation with law enforcement, take steps to provide security measures at work locations where violence is anticipated or threatened.
4. The Board of County Commissioners shall:

- A. Review, monitor, and adopt necessary modifications to this policy to ensure its effectiveness and compliance with employment trends and laws.
- B. Design and implement periodic workplace violence prevention/awareness training for County personnel.
- C. Assist department heads in investigating incidents involving prohibited activities and workplace violence.
- D. Review job applications and references in the applicant recruitment/screening process of prospective employees for any indications of workplace violence in prior employment.
- E. Ensure a quality employee assistance program (EAP) is available for all County employees and immediate family members as a resource to assist with anger management, stress, conflict management, and/or alternative dispute resolution.

## Chapter 21

### EMPLOYEE RECORDS AND WORKING AGREEMENTS

Adopted April, 2011  
Amended & Adopted April, 2022

**21.01**      **Purpose for Maintaining Personnel Records:** Objectives for maintaining adequate personnel records and reports are:

1. To demonstrate that legal, regulatory, and procedural requirements for all personnel actions have been satisfied;
2. To provide a basis for making decisions involved in personnel actions;
3. To provide a basis for reports on personnel activities;
4. To document the attainment of employees' educational, development and training goals.
5. To the degree possible, security of information will be respected and maintained.

**21.02**      **Personnel Files:**

Personnel records are maintained on all County employees and are the property of the County.

An employee's records are confidential except as hereinafter provided. Only the employee, the employee's supervisors, Department Head, Board of County Commissioners, and/or other appropriate County Payroll and Personnel Clerks, may examine the employee's personnel file. Employees are entitled to view their files, upon request, in the presence of a direct supervisor or clerk, and may not remove any item from the file.

Confidential personnel records shall not be released to any other unauthorized individuals except with the written consent of the employee or in response to valid court orders, government requests, or as allowed by RCW 42.17. Personnel records will be released based on written requests. These requests must state the specific information needed and the signature of the person receiving the personnel records.

**21.03**      **Records Open to the Public:** Neither the Payroll Department nor any employee can release the address, telephone number, Social Security number, or date of birth of any employee, officer, or appointed official as shown in the personnel records (except upon request from law enforcement agencies) without the prior consent of that employee, officer, or appointed official. The Payroll Department has the authority to verify or confirm the above information without prior written permission from the employee, officer, or appointed official.

The exemption of County personnel records from public disclosure is governed by applicable statutes. Refer to RCW 42.17.310. However, case law has concluded that some personnel records are not private, particularly records of employee misconduct.

**21.04 Notice of Employee Change of Status:** Every appointment, transfer, promotion, demotion, change in compensation, resignation, suspension, vacancy, leave of absence, official reprimand, commendation, address change, name change, reclassification, and all other temporary or permanent changes in status of employment should be reported to the Auditor's Office – Payroll Department. The effective date and a record of the change will be maintained and kept by the Payroll Department.

Change of Personal Information: Employees are responsible for keeping their personnel records up to date by notifying the Payroll office through their department head, in writing of any personal information changes to the following information: name, address, telephone number, marital status (for benefits and tax withholding purposes only), addresses and telephone numbers of dependents and spouse or former spouse (for insurance purposes only), beneficiary designations for any of the County's insurance, disability, retirement, and deferred compensation plans, and persons to be notified in case of emergency. Failure to do so may delay or have an adverse effect on the timely receipt of correspondence being mailed, insurance coverage, and/or accurate assessment of premium rates for the County. The County will not be responsible for an employee's error or omission in this regard.

**21.05 Destruction of Records:** Personnel files and payroll records are retained in accordance with County policy as well as State and Federal laws, guidelines and retention schedules.

**21.06 Working Agreements:** The following working agreements are negotiated between the appropriate union and the Board of County Commissioners:

**Courthouse Working Agreement:**

This agreement is entered into by the Board of County Commissioners and Local 1254-CH of the Washington State Council of County and City Employees, excluding the Sheriff's Office, Road Department, and Appointed Officials. It is necessary for each employee to read and understand this agreement, as its policies, when in conflict with this manual, will govern.

**Public Works Department Working Agreement:**

This agreement is entered into by the Board of County Commissioners and Local 1254 of the Washington State Council of County and City Employees, AFL-CIO, excluding the Engineer, Operations Director, Design and Construction Engineer, and

Maintenance Superintendent. It is necessary for each employee to read and understand this agreement, as its policies, when in conflict with this manual, will govern.

Commissioned and Non-Commissioned Sheriff's Deputy Working Agreements:

These agreements (Commissioned and Non-Commissioned) are entered into by the Board of County Commissioners and the Teamsters Local 690 Union. It is necessary for each employee to read and understand this agreement, as its policies, when in conflict with this manual, will govern.

## Chapter 22

### MISCELLANEOUS

Adopted May, 2011

**22.01 Handling of Complaints:** Citizen complaints are those personal contacts, telephone calls, or other communication to any County office from any private citizen, other governmental agency, or County department regarding responsibilities of an office or department, except those normal correspondence matters of said office or department.

If the appropriate supervisory personnel are available, the citizen will be sent directly to that supervisor with his/her request or complaint. If none is available, the request or complaint will be recorded and directed to the appropriate supervisor. All complaints or requests will be investigated and promptly addressed whenever possible.

**22.02 Public Records Disclosure:** Pursuant to RCW 42.56, the County must make available to the public for inspection and copying all public records, except where an invasion of personal privacy would result. In compliance with this RCW, the Board of County Commissioners adopted Resolution 09-23 on April 6, 2009 which repealed Section 2.36 of the Lincoln County Code and replaced it with a new Section 2.36 of the LCC. The Board of County Commissioners appointed the Lincoln County Auditor as the Public Disclosure Officer.

**22.03 Liability Insurance:** Consistent with the powers vested in the County legislative authority by RCW 4.96.041, whenever an action or proceeding for damages is brought against any officer or employee of this County where such action or proceeding arose from acts or omissions while performing or in good faith purporting to perform his or her official duties and when such officer or employee has requested defense of the action or proceeding at the expense of the County, the Board of County Commissioners shall be deemed to have granted such request. Upon such granting of the request, the necessary expense of defending the action or proceeding shall be paid by the County and any final money judgment against said officer or employee shall be paid by the County.

Lincoln County further covers all employees with a blanket bond, liability coverage, and where applicable, professional liability coverage and false arrest insurance, for performance of their duties.



## Chapter 23

### WHISTLEBLOWER'S POLICY Adopted April, 2009

**23.01 Purpose of Policy:** It is the policy of Lincoln County to encourage its employees to report: improper governmental action taken by County officers or employees; issues regarding the safety of an operation; or, issues regarding the safety of a piece of equipment. It is also the policy to protect County employees, who in accordance with County policies and procedures have reported improper governmental actions or safety issues, from retaliatory action.

**23.02 Definitions:**

Improper Governmental Action: Any action by a County officer or employee that is undertaken during the performance of the officer's or employee's official duties, whether or not the action is within the scope of the employee's employment, and does the following:

1. Violates any Federal, State or local law or rule;
2. Abuses authority;
3. Is of substantial or specific danger to public health or safety;
4. Is a gross waste of public funds;

This does not include personnel actions, including employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, re-employment, performance evaluations, reduction in pay, dismissals, suspensions, demotions, violations of collective bargaining or civil service laws, alleged violations of labor agreements, or reprimands.

Retaliatory Action: An adverse change in the terms and conditions of an employee's employment.

Emergency: A circumstance that, if not immediately changed, may cause damage to persons or properties.

**23.03 Reporting Procedures – Improper Governmental Action:** An employee who becomes aware of an improper governmental action will submit a written report to one of the following individuals:

- The appropriate department head,
- Board of County Commissioners,
- Lincoln County Prosecuting Attorney,
- Executive Director of the County Road Administration Board (if the action was within the Road Department),
- or any such person as designated by the County Commissioners to receive reports of improper governmental action

The written report will state in detail the basis for the employee's belief that an improper governmental action has occurred, identify additional witnesses, identify public officials involved, provide a detailed description of the action, and a signed statement that the information contained in the report is accurate.

The employee may report the improper action directly to the governmental agency responsible for investigating improper governmental actions when an employee believes that damage to persons or properties may result if immediate action is not taken.

The County will take prompt action to properly investigate the report of improper action. Employees involved in the investigation (to the extent possible under law), shall keep the identity of the reporting employee confidential, unless an employee authorizes, in writing, the disclosure of their identity.

After an investigation has been completed, the employee reporting the improper governmental action is given a summary of the results of the investigation. However, personnel actions taken as a result of an investigation shall be kept confidential.

If an employee believes the County's investigation of the improper action is inadequate, the employee may report the action directly to the governmental agency responsible for investigating improper actions. An employee may also turn to the government agency if they believe the County's action against the improper action is insufficient or believes that that the improper action is likely to recur.

If an employee **fails to make a sincere attempt to follow the County procedures** in reporting an improper governmental action, the employee will not receive the protection provided by the County in these procedures.

#### **23.04      Reporting Procedure – Safety Issue:**

1. When given an assignment by any supervisory personnel at or above the level of the employee's regular supervisor, the employee feels concern that the requested work or procedure may involve any single or combination of the following:
  - a) risk of personal injury to the employee,
  - b) risk of injury to other individuals whether County employees or the general public,
  - c) risk of citations against the employee's driving record,
  - d) risk of damage to County equipment, or
  - e) risk of damage to non-County owned personal property.
2. If the supervisor that has assigned the task is not available or scorns the employee's concerns, the employee is required to contact his/her immediate supervisor for resolution of the employee's concerns.

3. If it is determined that the employee's concerns are unjustified but the employee adheres to his/her refusal to perform the assigned task, another employee will be assigned the task and the original employee's concerns will be investigated to determine the basis.
4. Should the second employee express similar concerns regarding the performance of the assigned task, all work in regard to the task in questions shall be immediately suspended and a full report by the employees and the supervisor(s) involved detailing all concerns and determinations, shall be made to the appropriate Department Head for investigation, either by Agency personnel or outside consultant, and resolution.
5. At any time during the investigation of the employee's concerns should it be determined that the assigned task does contain risk to any of the identified items, the task shall be immediately modified to end the risk potential or abandoned until such time as the risk potential can be eliminated.
6. After the report an investigation by the appropriate Department Head, either done by Agency personnel or outside consultants, should it be determined that the task contains no risk potential to any of the aforementioned items, the original employee shall be directed to perform the task as originally instructed.
7. Should the employee again refuse to perform the task, he/she shall be subject to disciplinary action as detailed in the working agreement and determined by the Department Head.
8. Should the investigation, at any level, discover that the employee's expression of concerns were made in effort to delay work schedules or inconvenience the management of the department, and were not bona fide concerns of the employee, it will result in disciplinary actions against the employee in accordance with the current working agreement.

**23.05      Protection from Retaliatory Actions:** County Officials, Department Heads and Employees are prohibited from taking retaliatory action against an employee who, in good faith and in accordance with the proper procedures, has reported an improper governmental action or safety issue.

An employee who believes that they have been retaliated against shall provide a written notice to the Board of County Commissioners specifying the alleged retaliatory action and the relief requested no later than thirty (30) calendar days after the alleged occurrence of retaliatory action.

After receiving the charge of retaliatory action, the Board shall respond within thirty (30) calendar days to the charge of alleged retaliatory action and the request for relief.

Hearing: After receiving the response from the Board or thirty (30) calendar days after the delivery of the charge to the Board, the employee may request a hearing before a State administrative law judge to establish that a retaliatory action occurred and to obtain appropriate relief as provided by law. An employee seeking a hearing shall deliver the request for a hearing to the Board of County Commissioners within the earlier of these dates: either fifteen (15) calendar days after the delivery of the Board's response to the charge or forty-five (45) calendar days after the charge was given to the Board for response.

Hearing Procedure: Upon receiving a request for a hearing, the Board, within five (5) working days, shall apply to the State Office of Administrative Hearings for an adjudicative proceeding before an administrative law judge:

Office of Administrative Hearings  
P O Box 42488  
Olympia WA 98504-2488  
(360) 664-8717  
(360) 664-8721 (FAX)

The employee, as the initiating party, must prove his/her claim by a preponderance of evidence. A determination of the administrative law judge should be issued no later than forty-five (45) days after the date of request for the hearing was received by the Board of County Commissioners, unless circumstances do not allow the determination to be issues within that timeframe.

The administrative law judge shall have the authority to recommend that the retaliator be suspended with or without pay or that the retaliator be dismissed. The County shall consider, but not be bound by, any recommendation provided by the administrative law judge.

**23.06 Board and Department Head Responsibilities:** The Board is responsible for implementing the County's policies and procedures for reporting improper governmental action and for protecting employees against retaliatory actions. The Board's responsibilities include ensuring that this policy and these procedures are made available to an employee upon request and ensuring that this policy and these procedures are provided to all newly hired employees.

Department heads and supervisors are responsible for ensuring that the procedures are fully implemented within their areas of responsibility. Violations of this policy and these procedures may result in appropriate disciplinary action, up to and including discharge.

## Chapter 24

### BOARD OF COUNTY COMMISSIONERS

Adopted April 2001

Revised and Adopted April 2022 & May 2023

**24.01**      **Meetings:** The Board of County Commissioners meet on the first and third Monday of each month beginning at 8:00 a.m. Meeting extensions and continuations are possible. If the first or third Monday is a holiday, then the meeting will be held on Tuesday of that week.

**24.02**      **Agenda:** The meeting agenda is prepared by the Clerk of the Board and scheduled times are recommended.

When requesting a meeting with the Board, confirm with the Clerk a time, indicate to the Clerk the subject matter, provide the necessary documents, and be punctual and to the point.

**24.03**      **Required Documents:** Required documents presented to the Board such as resolutions, orders, contracts, or agreements must be provided in triplicate by the department by 4:00 p.m. the Wednesday prior to the meeting. All contracts and agreements must be approved to form by the Prosecuting Attorney, prior to submitting them for the next scheduled meeting.

Contracts and Agreements requiring electronic signature(s) presented to the Board must be approved to form by the Prosecuting Attorney, prior to submitting a single copy with the stamped approval by 4:00 p.m. the Wednesday prior to the meeting. The Contract or Agreement should be forwarded to the appropriate party after approved for signature at the meeting.

If you are presenting a contract or agreement, and will not be in attendance, a detailed memo shall be provided, explaining the nature and implications of the agreement. If a memo of explanation is not included, the contract or agreement will be returned to the department, unsigned.

**24.04**      **Commissioner's Meeting Room:** Any department or group wishing to use the Commissioner's Meeting Room for a meeting must schedule it with the Clerk of the Board. Departments and organizations utilizing the Commissioner's Meeting Room may reconfigure the room, according to their needs, with the folding tables and chairs provided. The room must be returned to its original configuration upon completion of the meeting. A large screen TV is provided for presentations. The meeting host can connect their laptop through a provided HDMI cable. High-speed internet is also available for access, and a password will be provided. The TV should be powered off upon completion of the meeting.

24.05        **VOUCHER APPROVALS:** Accounts Payable Commissioner Voucher Approval Reports for the regular board meetings must be received by the Clerk of the Board no later than 4:00 p.m. the Wednesday prior to the meeting.

## Chapter 25

### AMENDMENTS Adopted April, 2011

**25.01**     **Amendments to the Personnel Policy**: The Board of County Commissioners may amend, change, and revise this Personnel Policy.

Employee Recommendations: Any employee may suggest an amendment, change, or revision by submitting suggestions in writing to the Board of County Commissioners.

The Board of County Commissioners retains final authority to approve or disapprove proposed revisions made by employees.

All amendments, changes, and revisions are made available to all Department Heads in the manner and form approved by the Board of County Commissioners. The Department Head then has the responsibility to disseminate said information to that department's employees.

**25.02**     **Saving Clause**: If any section, subsection, paragraph, sentence, or phrase is found by a court to be invalid or unconstitutional, such findings shall not affect the remainder of this Personnel Policy.

## Chapter 26

### COUNTY INVENTORY Adopted June, 2018

**26.01**      **Purpose:**            It is the policy of the County to assure that assets owned by the County are accounted for and reported accurately and properly.

**26.02**      **Inventory:**            Each department shall receive an annual inventory of equipment and vehicles charged to said department. Each department shall update the listing and return it to the Auditor's Office. Inventory lists will be as of December 31 of the preceding year and presented to the Board of County Commissioners by the first Monday in March. Said lists shall include control number, description, number of items, and purchase costs, location and date. (R.C.W. 36.32.210)

All equipment purchased with the use of grant funds will be listed as such on all vouchers and noted separately on the County inventory.

The Board of County Commissioners has set a \$100 limit for inventory listings. All equipment valued at higher than the limit must be included on the departmental inventory list.

**26.03**      **Procedures:**

**26.03.01**    All assets that can be labeled shall have an identifying label stating that the asset is the property of Lincoln County. All assets will be recorded and tracked in a database managed by the Auditor's Office.

**26.03.02**    When an asset is received/installed in a department, the department head has the responsibility to fill out a Lincoln County Inventory Update form and send to the Auditor's Office. The update form information includes the department name, fund number, date acquired, purchase price, location, serial number/model number and item description. A copy of the form is included at the end of this chapter.

**26.03.03**    When an asset is relocated to another department. The department relinquishing the item shall fill out an Inventory Removal form. The receiving office shall fill out an Inventory Update form.

**26.03.04**    Assets cannot be traded, sold, auctioned, gifted, surplused, or junked without authorization from the Board of County Commissioners. See 26.04 for procedures on Surplus Inventory.



## **26.04      Surplus Inventory:**

Disposition of Fixed Assets:

Declaration of Surplus:

Any fixed asset owned by the County, and that is not needed at present or for the foreseeable job requirements, may be declared surplus by the Board of County Commissioners. Prior to disposing of any such property, the item must be declared surplus by public hearing and a formal resolution.

Capital assets must be declared surplus prior to disposition, even if the item has been determined to meet the definition of "worthless".

Disposition of "Worthless" Assets or Assets Illegal or Unsafe to Possess

All assets owned by the County that have been either determined to be "worthless" as used in this policy, unsafe, or illegal to possess by the public, will be disposed of by either discarding, recycling or destruction. If the item is unsafe or illegal to possess, destruction means the physical destruction of the item, which renders it useless, safe, and legal. The Facilities Supervisor is responsible for the disposing, recycling or destruction of any and all departmental assets. Assets not listed on either the Auditor's Fixed Asset System or the department's inventory of small and attractive items may be destroyed after approval of the Board of County Commissioners and will be added to the surplus listing kept in the Commissioners records.

Employees Prohibited from Taking Surplus Items:

County employees and volunteers are prohibited from taking possession of any County owned asset, including unclaimed property in the hands of the Sheriff that is being disposed of. County Commissioners and county officials and employees whose department would benefit from the sale of surplus property are prohibited from placing a bid or otherwise purchasing such surplus property. This prohibition also applies to county officers and employees who administer the sale and to the spouses and dependent children of anyone prohibited from bidding or purchasing.

This prohibition includes taking any item even if it is being disposed of as "worthless" or in the recycling or garbage bins.

Disposition of Fixed Assets with Value:

Fixed assets that do not meet the criteria above may be disposed of in one or more of the following methods. The disposition of fixed assets will be approved by resolution of the Board of County Commissioners. Before disposing of surplus property of value, the County shall advertise and hold a public hearing in accordance with RCW 39.33.020.

- Public auction – in accordance with RCW chapter 36.34, fixed assets may be disposed of by sale at public auction. In order to decrease costs and increase revenue, the County may join with other jurisdictions in combined sales.
- Other Governmental Agencies – Fixed assets may be transferred, sold, or traded to other Lincoln County departments or funds or to other governmental jurisdictions and agencies in accordance with this policy.
- Trade In – Fixed assets that are equipment may be used as “trade-in” on the purchase of other equipment in accordance with RCW 36.34.070.
- Exchange of Real Property – Real property assets may be exchanged for private property.

There are no special provisions in state statute for transfer of fixed assets to non-profit and charitable agencies. Transfer of fixed assets to non-profit and/or charitable agencies must be in accordance with the County’s normal procedures for disposition of property to the public.

#### Procedures of Fixed Asset Disposition:

The following are general procedures and responsibilities for the disposition of fixed assets:

#### Elected Official/Appointed Official/Department Head:

- Identifies fixed assets no longer of use by the County (including other departments) now or in the foreseeable future.
- Determines which, if any, items are “worthless”.
- Prepare a letter to the Board of County Commissioner’s listing all items to be surplus or traded-in and deliver the letter to the Deputy Clerk of the Board.
- Contact the Facilities/Grounds Supervisor to move surplus items to storage until disposition.

#### Treasurer:

- Receives listings, compiled by the Clerk of the Board or Deputy Clerk of the Board, of fixed assets declared surplus.
- Works with the Clerk of the Board and Deputy Clerk of the Board in preparation of public hearing and resolution declaring the assets surplus.
- Makes arrangements for and supervises sale of public property at public auction.
- Works with other local agencies to hold combined sales to reduce costs.
- Deposits revenues in appropriate funds.

#### Auditor:

- Prepares, together with the Deputy Clerk of the Board, listings of fixed assets to be declared surplus from all departments.
- Enters disposition information on assets listed on Auditor’s Fixed Asset Accounting System.

Board of County Commissioners:

- Approves all written declarations of surplus property.
- Conducts public hearings on declaration of surplus property and on disposition of property declared surplus.
- Declares all surplus property and disposition of property by resolution.
- Enters into agreements with other jurisdictions for joint disposition of property.
- Contact other Governmental Entities regarding available surplus property and documenting the distribution of said property.

# LINCOLN COUNTY INVENTORY UPDATE

Department \_\_\_\_\_ Fund Number \_\_\_\_\_

Date Acquired \_\_\_\_\_ Purchase Price \_\_\_\_\_

Location \_\_\_\_\_

Serial Number / Model Number \_\_\_\_\_

Item Description \_\_\_\_\_

*ALL OF THE INFORMATION REGARDING EQUIPMENT PURCHASED IS NECESSARY TO UPDATE THE CURRENT INVENTORY.*  
\*\*\*\*\*

Department \_\_\_\_\_ Fund Number \_\_\_\_\_

Date Acquired \_\_\_\_\_ Purchase Price \_\_\_\_\_

Location \_\_\_\_\_

Serial Number / Model Number \_\_\_\_\_

Item Description \_\_\_\_\_

*ALL OF THE INFORMATION REGARDING EQUIPMENT PURCHASED IS NECESSARY TO UPDATE THE CURRENT INVENTORY.*  
\*\*\*\*\*

Department \_\_\_\_\_ Fund Number \_\_\_\_\_

Date Acquired \_\_\_\_\_ Purchase Price \_\_\_\_\_

Location \_\_\_\_\_

Serial Number / Model Number \_\_\_\_\_

Item Description \_\_\_\_\_

*ALL OF THE INFORMATION REGARDING EQUIPMENT PURCHASED IS NECESSARY TO UPDATE THE CURRENT INVENTORY.*  
\*\*\*\*\*

*LINCOLN COUNTY INVENTORY REMOVAL*

Item Number \_\_\_\_\_

Date Removed \_\_\_\_\_

Item Description \_\_\_\_\_

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Item Number \_\_\_\_\_

Date Removed \_\_\_\_\_

Item Description \_\_\_\_\_

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Item Number \_\_\_\_\_

Date Removed \_\_\_\_\_

Item Description \_\_\_\_\_

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Item Number \_\_\_\_\_

Date Removed \_\_\_\_\_

Item Description \_\_\_\_\_

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Item Number \_\_\_\_\_

Date Removed \_\_\_\_\_

Item Description \_\_\_\_\_

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