
Table of Contents

**EMPLOYMENT PROCESSES AND PRACTICES
Policy 210**

.1 PERSONNEL ACTIONS TO BE DOCUMENTED 1

.2 EQUAL OPPORTUNITY EMPLOYMENT 1

2.1 STATEMENT OF PRINCIPLES AND VALUES1

2.2 POLICY1

 (1) *Equal Employment Opportunity*.....1

 (2) *Reasonable Accommodations*.....2

2.3 APPEALS.....2

.3 NON-DISCRIMINATION POLICY 2

3.1 REPORTING DISCRIMINATION2

3.2 RESPONSE TO REPORTS.....3

3.3 INVESTIGATION.....3

.4 PROTECTION AGAINST RETALIATORY ACTION 3

.5 RECRUITMENT 3

5.1 FILLING OF VACANCIES3

5.2 APPROVAL TO FILL VACANCIES REQUIRED4

5.3 ANNOUNCEMENTS AND APPLICATIONS4

 (1) *Announcements of Vacancies/Examinations*.....4

 (2) *Content of Announcements*5

 (3) *Filing Applications*5

 (4) *Evaluation of Applicants*5

 (5) *Disqualification of Applicants*6

 (6) *Review of Applicant Disqualification*7

5.4 EXAMINATION AND INTERVIEWS7

 (1) *Scheduling of Interviews and Examinations*7

 (2) *Preparing and Conducting Examinations*.....7

 (3) *Character of Examinations*.....7

 (4) *Reasonable Accommodation - Disabilities*8

 (5) *Grading of Examinations*.....8

 (6) *Examination Process to be Announced*8

 (7) *Skills Examination Results*.....8

 (8) *Inspection and Review of Skills Examination Papers*.....8

 (9) *Review of Skills Examination Ratings*.....8

 (10) *Preservation of Skills Examination Papers*9

 (11) *Special Examinations*.....9

 (12) *Drug Testing*.....9

 (13) *Physical Examinations – Fitness for Duty*9

 (14) *Driving Record*.....10

.6 APPOINTMENT.....	10
6.1 HIRING.....	10
(1) <i>Interview and Selection</i>	10
(2) <i>Reinstatements</i>	10
6.2 PROBATIONARY APPOINTMENTS.....	11
6.3 REGULAR APPOINTMENTS.....	11
6.4 TEMPORARY APPOINTMENTS.....	11
.7 JOB SHARE.....	12
7.1 JOB SHARE AT COUNTY DISCRETION.....	12
7.2 JOB SHARE RULES.....	12
.8 POST-RETIREMENT EMPLOYMENT.....	13
.9 EMPLOYMENT OF RELATIVES.....	13
.10 CONFLICTS OF INTEREST IN EMPLOYMENT.....	14
.11 EMPLOYMENT OF MINORS.....	14
.12 PROMOTION.....	15
.13 DEMOTION.....	15
13.1 VOLUNTARY DEMOTION.....	15
13.2 NON-VOLUNTARY DEMOTION.....	15
.14 TRANSFER.....	16
14.1 POSITION TRANSFER.....	16
14.2 DEPARTMENT TRANSFER.....	16
.15 SEPARATION.....	16
15.1 SEPARATION PROCEDURE.....	16
(1) <i>Resignation</i>	16
(2) <i>Discharge</i>	16
(3) <i>Other Separation</i>	17
(4) <i>Final Paycheck</i>	17
(5) <i>Exit Interview</i>	17
15.2 ELIGIBILITY FOR BENEFITS UPON SEPARATION.....	17
(1) <i>Vacation and Sick Leave Pay</i>	17
(2) <i>Expiration of Insurance Benefits and Continuation Options</i>	17
15.3 RETURN OF COUNTY PROPERTY.....	17
.16 LAYOFFS.....	18
16.1 REASON FOR LAYOFF.....	18
16.2 NOTICE OF LAYOFF.....	18
16.3 BUMPING RIGHTS.....	18
.17 RECALL.....	18
17.1 REINSTATEMENT TO PRIOR JOB.....	19

17.2	JOB BY BARGAINING UNIT	19
17.3	RECRUITMENT WHILE LAYOFF LIST EXISTS	19
.25	EMPLOYMENT ELIGIBILITY VERIFICATION REQUIRED	20
.30	AMERICANS WITH DISABILITIES ACT POLICY.....	20
30.1	REASONABLE ACCOMMODATION.....	20
30.2	LIFE THREATENING/COMMUNICABLE DISEASES.....	21
.32	WHISTLEBLOWER ACT	21
32.1	POLICY	21
32.2	DEFINITIONS.....	22
32.3	PROCEDURES FOR REPORTING.....	22
32.4	PROTECTION AGAINST RETALIATORY ACTIONS	23
32.5	RESPONSIBILITIES	24
32.6	LIST OF ENFORCEMENT AGENCIES.....	25
.40	HIPAA PRIVACY - PROTECTING PRIVACY OF MEDICAL INFORMATION	29
40.1	COUNTY OFFICIAL USES SAFEGUARDS TO PREVENT UNINTENTIONAL DISCLOSURE	29
40.2	CLALLAM COUNTY DESIGNATES PRIVACY OFFICIAL	29
40.3	EMPLOYEE DISCLOSES MEDICAL INFORMATION ONLY WHEN AUTHORIZED OR ALLOWED	29
.42	HIPAA PROCEDURE: RESOLUTION OF COMPLAINTS.....	30
42.1	PROCEDURE	30
(1)	<i>Employee Procedure</i>	<i>30</i>
(2)	<i>Privacy Investigation and Log</i>	<i>31</i>
42.2	FILE STORAGE RETENTION.....	31
.50	PERFORMANCE EVALUATIONS.....	32
50.1	RESPONSIBILITIES	32
50.2	EVALUATION GUIDELINES AND PROCESS	32
50.3	EVALUATION OF PROBATIONARY PERSONNEL.....	33
50.4	REVIEW OF CONTESTED EVALUATION REPORTS	33
.70	TRAINING.....	33
70.1	EMPLOYEE TRAINING PLAN.....	33
70.2	RESPONSIBILITY FOR TRAINING.....	34
(1)	<i>County Official Responsibilities.....</i>	<i>34</i>
(2)	<i>Supervisor Responsibilities.....</i>	<i>34</i>
(3)	<i>Employee Responsibilities.....</i>	<i>35</i>
(4)	<i>Employee Responsible for Self Training</i>	<i>35</i>
(5)	<i>Human Resources Department Responsibilities</i>	<i>36</i>
70.3	MINIMUM TRAINING REQUIREMENTS	36
70.4	TRAINING REQUIREMENTS FOR SUPERVISORS.....	37
70.5	PRIORITY FOR TRAINING	37
70.6	FAILURE TO COMPLETE TRAINING	37
(1)	<i>Employees Required to Attend Scheduled Training.....</i>	<i>37</i>
(2)	<i>Failure to Complete Required Training.....</i>	<i>38</i>
(3)	<i>Human Resources Department Authorized to Assess Non-attendance Charge</i>	<i>38</i>

70.10	NEW EMPLOYEE ORIENTATION	38
70.30	ON-LINE TRAINING (E-TRAINING).....	38
70.35	COLLEGE COURSES.....	38
.80	VOLUNTEERS	39
80.1	VOLUNTEER POLICY.....	39
80.2	VOLUNTEER CATEGORIES.....	39
80.3	VOLUNTEERS NOT COUNTY EMPLOYEES.....	40
80.4	VOLUNTEERS TO BE PROPERLY AUTHORIZED	40
80.5	PROCEDURES REQUIRED PRIOR TO VOLUNTEER PROVIDING SERVICE	40
(1)	<i>General County Volunteers</i>	<i>40</i>
(2)	<i>Board and Committee Volunteers.....</i>	<i>41</i>
80.6	RECORD KEEPING REQUIRED BY COUNTY OFFICIAL DEPARTMENT.....	41
80.7	TIME REPORTING REQUIRED.....	41
80.8	REIMBURSEMENT OF EXPENSES	41
80.9	VOLUNTEERS WORKING PAID COUNTY EMPLOYMENT	41
80.10	VOLUNTEERS SUBJECT TO COUNTY RULES.....	42
80.11	TERMINATION OF VOLUNTEER STATUS	42
80.12	INSURANCE FOR VOLUNTEERS	42
(1)	<i>Limitation on Liability for Volunteers:</i>	<i>42</i>
(2)	<i>County Maintains Insurance Coverage For Volunteers:</i>	<i>42</i>
80.13	DEFINING VOLUNTEER "SCOPE OF WORK"	43
80.14	VOLUNTEER ORIENTATION AND TRAINING.....	43
80.15	VOLUNTEERS SUBJECT TO ALL SAFETY AND ACCIDENT REPORTING	43

EMPLOYMENT PROCESSES AND PRACTICES

.1 PERSONNEL ACTIONS TO BE DOCUMENTED

All personnel actions contained in this section shall be properly documented in accordance with procedures contained in the section on Employment Records.

.2 EQUAL OPPORTUNITY EMPLOYMENT

2.1 Statement of Principles and Values

Clallam County is committed to maintaining an inclusive community that recognizes and values the inherent worth and dignity of every person; fosters tolerance, sensitivity, understanding, and mutual respect among its employees; and encourages every individual to strive to reach his or her own potential. In pursuit of its goals of public service, Clallam County seeks to develop and nurture its diversity. The County believes that diversity among its employees strengthens the institution, stimulates creativity, promotes the exchange of ideas, and enriches the quality of life.

Clallam County views, evaluates, and treats all persons in any County related activity or circumstance in which they may be involved, solely as individuals on the basis of their own personal abilities, qualifications and other relevant characteristics.

2.2 Policy

(1) Equal Employment Opportunity

Clallam County does not condone and will not tolerate discrimination against any individual on the basis of race, creed, political ideology, color, national origin, sex, marital status, sexual orientation, age, the presence of any sensory, mental or physical disabilities, Vietnam-era veteran or other basis not reasonably related to the accomplishment of a legitimate governmental purpose (except where there are bona fide occupational qualifications). The County promulgates policies and programs to ensure that all persons have equal access to its employment opportunities. All aspects of the employment relationship, including but not limited to, recruitment, employment, compensation, benefits, promotions, training, discipline, transfer, and layoff practices are administered in accordance with the "Statement of Values" and this equal employment opportunity policy.

The County recognizes that it is insufficient to proclaim opposition to discrimination; therefore, the County takes the initiative in affirmative action to achieve the status of an equal opportunity employer.

(2) Reasonable Accommodations

Clallam County provides reasonable accommodations that allow otherwise qualified applicants or employees with disabilities to perform the essential functions of the position. Reasonable accommodations will be made unless such accommodations have the end result of placing an undue burden on the operations of the County. Employees needing accommodations should contact their supervisor or County Official or seek assistance from the Human Resources Department.

2.3 Appeals

Employees or applicants who have an appeal relating to this policy shall file the appeal under the provisions outlined in the County's Non-Discrimination Policy.

.3 NON-DISCRIMINATION POLICY

"In the exercise of its powers or in the performance of its duties, the County shall ensure that no person is discriminated against because of race, creed, political ideology, color, national origin, sex, marital status, sexual orientation, age, the presence of any sensory, mental or physical handicap, or any other basis not reasonably related to the accomplishment of a legitimate governmental purpose, and shall take whatever affirmative action necessary to accomplish this purpose as defined in the state and federal constitutions and applicable court interpretations." (Clallam County Home Rule Charter, Article X, Personnel System, Section 10.30: Nondiscrimination)

In the spirit of compliance with the Clallam County Home Rule Charter, the Board of Clallam County Commissioners has adopted this core principle of nondiscrimination into all systems that govern the day-to-day activities of County government. Management and staff, as well as the general public, have a fundamental right to conduct employment and business in an environment free of discrimination.

The policies set out herein are intended as guidance on particular expanded areas of nondiscrimination where it is required by law that we do so. It is important to read and apply these policies in the context of all other documents that govern such protected activities.

3.1 Reporting Discrimination

Any employee who believes discrimination has occurred is urged to report this to their immediate supervisor, County Official, or the Human Resources Director. The report may be informal or formal. A formal report shall include a written statement or a grievance under labor agreement.

3.2 Response to Reports

Written reports concerning discrimination will be forwarded to the Human Resources Director unless there is an allegation against that person, and if so, then written reports will be forwarded to the Prosecuting Attorney or the County's Labor Attorney. This procedure will apply to written statements received from reporting employees or written records made by supervisory employees, including County Officials. Whenever a supervisor becomes aware of allegations of discrimination, they will make a written record of the allegations and immediately forward the record to the County in accordance with this policy.

3.3 Investigation

The Human Resources Director or the Prosecuting Attorney or Labor Attorney will begin an investigation if necessary. The first pre-investigation step shall be to inquire of all persons reporting as to whether the record now includes all allegations of discrimination. The investigation will be conducted promptly on a priority basis and will be directed toward ascertaining the facts concerning the allegations. If, in the course of investigation, evidence of discrimination involving other employees is found, the County shall initiate separate investigations.

The investigation results shall be reduced to writing and delivered to the County. Such report will include any recommendations to remedy any harm that was suffered if the evidence shows that the employee alleged to have been affected by discrimination was injured or harmed.

.4 PROTECTION AGAINST RETALIATORY ACTION

Clallam County officials and employees are prohibited from taking retaliatory action against an employee who has in good faith reported a violation of policy, participated in an investigation, or exercised rights granted under the Constitution or the laws of Washington allowing free speech and association.

Employees who believe that they have been retaliated against should advise their supervisor, the Human Resource Director, or any designee so named by the County Administrator who shall take appropriate action to investigate and address complaints of retaliation. Retaliatory action is strictly prohibited by law and will lead to disciplinary action, up to and including dismissal.

.5 RECRUITMENT

5.1 Filling of Vacancies

All vacancies shall be filled as provided in this section, county charter, and state statute. All regular appointments and promotions to positions shall be based upon merit,

qualification, fitness, ability, knowledge, and skills that are ascertained by application and open competitive examination. No appointment shall be made until approved by the County Official and Director. The Human Resources Department shall assist the County Official in the recruitment, screening, and selection of employees.

5.2 Approval to Fill Vacancies Required

The County Administrator shall approve the filling of all vacancies prior to any recruitment, advertising, or hiring. The Administrator review includes evaluation of position necessity, proper classification, and available funding.

In order to initiate the review and recruitment process, the County Official is responsible to complete and submit a Personnel Requisition to the Director.

5.3 Announcements and Applications

(1) Announcements of Vacancies/Examinations

Public notice to fill vacancies shall be open for a minimum of 14 calendar days. Job openings shall be announced in one or more newspaper of general circulation, posted on public bulletin boards within the County Courthouse and in such other publications, electronic or otherwise, as may be determined appropriate by the Human Resources Director.

When in the opinion of the County Official there are qualified interested employees for an upcoming job opening, the County Official shall provide a written request that an In-house Job Recruitment be posted to fill the position. The position shall be posted for a minimum of 14 days with notice of the job opportunity communicated to all departments. Qualified, interested employees include those extra help employees who work a regular weekly schedule and who are on the payroll at the time the position is posted.

Announcements for internal promotional opportunities may be provided only to eligible employees and posted on the public bulletin boards. Such announcements do not need to be published in the newspaper.

When there are employees on a layoff list, announcement of job openings may be delayed to allow an opportunity for the affected department to review the qualifications of laid off employees. Specific provisions in these policies and respective collective bargaining agreement will determine recall rights.

(2) Content of Announcements

The vacancy/examination or promotional announcement shall contain:

- a. Identification and description of the position or job classification that is intended to be filled through examination or promotion;
- b. The pay for the position;
- c. The time, place, and manner of making application to admission to such examination;
- d. A schedule of dates, times, locations, and relative weights for all elements of the examination or promotional process;
- e. Specification of the requirements for participation in the examination including closing dates for filing applications; and
- f. Description of the process to be used for the testing, evaluation, and selection of personnel within the selection process.

(3) Filing Applications

All applications for County employment, including promotions, must be made upon the forms prescribed by the Human Resources Director and filed with the Human Resources Department or postmarked on or before the closing date specified in the vacancy/examination announcement. Each application must contain the original signature of the applicant, which constitutes a certification that all information contained therein is true and complete to the best of the knowledge of the applicant.

Applications will be accepted only when there is an open and listed job vacancy. Unsolicited resumes and applications will not be accepted. All applications shall specify the job applied for and shall not be transferred from job opening to job opening. Applications filed with the County become the property of the County. Resumes will not be accepted as an application; however, may be submitted along with other supplemental documentation.

(4) Evaluation of Applicants

Applicants for appointment to positions shall possess the minimum qualifications and such other requirements specified in the classification description. Selection criteria must be job related and may be written, oral, physical, in the form of demonstrated skills, and an evaluation of training and experience. Consideration will be given to education, experience, aptitude, capacity, knowledge, character, physical fitness as is reasonably related to the qualifications for the position, length and quality of service, and other qualifications to determine the relative fitness of the applicants. County Officials are encouraged to conduct pre-employment inquiries to verify past employment records.

(5) Disqualification of Applicants

Applicants may be deemed disqualified from taking an examination; may be refused certification; or, may be removed from an eligibility list as determined by the County Official and/or the Human Resources Director for any of the following reasons:

- a. Failure to meet the standard requirements for the class for which application is made
- b. Making false statement in the application with regard to any material fact
- c. Failure to furnish true and complete statements in the application or in an interview
- d. Failure to fully and accurately complete the application form provided by the County
- e. Failure to successfully pass any portion of the post offer testing and background investigation
- f. Practice or attempted practice of fraud or deception in connection with filing of application
- g. Physically or mentally unfit to perform effectively the duties of the class
- h. Failure of applicant, after notification, to be promptly present at the time and place designated for any portion of an examination
- i. Failure to meet a bona fide occupational qualification
- j. Has used, or attempted to use, political pressure or bribery to secure an advantage in testing or appointment
- k. Demonstrated inability to safely and carefully operate a vehicle
Note: Ability to safely and carefully operate County vehicles, abide by the law, and overall suitability will be judged based upon the applicant's driving and criminal record, if any, and other reliable information. A higher standard may be applied to those whose job responsibilities warrant, such as deputy sheriffs and adult and juvenile correction officers and counselors and certain administrative, technical and professional staff. Applicants will be judged on a case by case basis and may be disqualified by the appointing authority and/or Human Resources Director.
- l. Disqualification extends to include any time in the course of an employee's employment with the County when the discovery of the misrepresentation occurs
- m. Disqualified applicants may be notified by mail addressed to their last known residence
- n. Disqualification for a Sheriff's Department position with a full or limited commission includes not being a citizen of the United States or being unable to read and write the English language.

(6) Review of Applicant Disqualification

An applicant whose application has been rejected may within 7 days after receipt of the notice of rejection, request in writing, that the Human Resources Director reconsider the applicant's qualifications. Reasons for reconsideration must be clearly stated. The Human Resources Director's decision with respect to any such requests shall be in writing and shall be final. Applicants may be admitted to an examination by the Human Resources Director pending a consideration of a written request for review. However, admission to an examination under such circumstance is conditional, and a decision against the applicant shall result in destroying the conditional examination papers and the applicant shall receive no score thereon.

5.4 Examination and Interviews

(1) Scheduling of Interviews and Examinations

Interviews or other examinations shall be scheduled at such time or times as the County Official and Human Resources Director may approve and may be postponed by the County Official and Human Resources Director if the best interest of the County will be served.

(2) Preparing and Conducting Examinations

The Human Resources Director and the County Official may prepare or cause to be prepared all examinations, and/or screening criteria. The interview or examination questions shall be approved by the Human Resources Director prior to holding the examination or interview. All examinations shall be free to all persons who satisfy the pre-employment requirements and screening.

(3) Character of Examinations

Tests shall be job-related and competitive, and must be designed to determine the qualifications, fitness, competence, and ability of candidates to perform the duties of the class for which a list is to be established. Tests may be written, oral, physical in the form of a demonstration of skill, evaluation of training and experience, aptitude, capacity, knowledge, character, physical fitness, length and quality of service, and other qualifications to determine the relative fitness of the candidates. Applicants may be required to pass a pre-placement physical examination administered by a licensed physician, a psychological exam, drug test and/or polygraph exam.

(4) Reasonable Accommodation - Disabilities

It shall be the responsibility of a qualified individual with a disability to request reasonable accommodation in the testing procedures.

(5) Grading of Examinations

The Human Resources Director shall determine a final score for each applicant's examination, computed in accordance with the weights for the several parts as established by the Human Resources Director and the County Official. Failure of any part of the examination shall disqualify the applicant in the entire examination. All applicants for the same position shall receive uniform and equal treatment in all phases of the examination procedure.

(6) Examination Process to be Announced

A list of skill tests will be outlined in the job announcement. The procedures to be observed in conducting written examinations will be outlined at the time of the test.

(7) Skills Examination Results

No skill examination shall be deemed to have been completed until the grading has been determined, the general averages computed and the eligible list of applicants established. No person taking an examination will acquire any rights whatsoever until the eligible list has been established. All candidates shall be notified of the results of their competition within 7 days.

(8) Inspection and Review of Skills Examination Papers

An applicant shall have the right to inspect the test examination paper and the markings given thereon within 15 days after the date of establishment of the eligible list. Examination papers of applicants are not open to inspection by the public or other applicants.

Polygraph and psychological exams and reference checks are the property of the County. Such results shall be deemed confidential and shall not be opened to the applicant or to other applicants or to the general public.

(9) Review of Skills Examination Ratings

Any applicant who has taken a skills examination may request the Human Resources Director review the rating in any part of such examination to assure fair and equal application. Such request shall be in writing stating the reasons

and shall be filed at the office of the Human Resources Director within 15 days after the date on which notification occurs. A rating in any part of an examination shall not be changed unless it has been found that a significant error has been made. The decision of the Human Resources Director with respect to a review or change shall be in writing. A correction in the rating shall not affect a certification or appointment that may have already been made from the eligible list.

(10) Preservation of Skills Examination Papers

Examination papers shall be preserved for a period of at least one year after the closing date.

(11) Special Examinations

If an applicant fails to take or complete an examination because of an error or oversight that is the fault of the County, a special examination may be given. The claim for such an examination shall be presented in writing to the Human Resources Director within 14 days after the date of the original examination. If the applicant's failure to take or complete an examination was the fault of the County, the Human Resources Director may cause a special examination to be constructed and graded on a pattern similar to the original examination given.

(12) Drug Testing

The County may require applicants to submit to tests to determine whether or not they are using illegal drugs at any time during the hiring process. Drug testing may also be performed by the County, subject to the provisions of the Clallam County Drug and Alcohol Policy and Procedure that is incorporated into these Uniform Personnel Policies and Procedures.

(13) Physical Examinations – Fitness for Duty

An offer of employment may be contingent upon an applicant's successful completion of a medical examination. The County may require each applicant to take a pre-employment physical examination. If required, the medical exam will be at County expense.

In order to ensure continued qualification for employment, the County periodically may request its employees to submit to a medical or psychological examination at the County's expense.

Employees are required to maintain a level of health, including mental and physical fitness, which will allow them to perform their duties effectively. Should

a question arise as to an employee's fitness for duty, the employee may be required to submit to an examination by a physician(s) or other qualified professionals as may be deemed appropriate by the County, and to bring his or her health or fitness level to an acceptable standard as determined by the consulting physician(s) and the County.

(14) Driving Record

The County monitors driving records as a component of risk management in order to identify needs for driver improvement.

Job applicant driving records are checked prior to being hired as a condition of employment. An applicant whose driving records indicate felony or criminal traffic violations within the last 5 years, or more than two moving infractions within the last 3 years may be disqualified from driving on behalf of the County.

.6 APPOINTMENT

6.1 Hiring

All appointments to the County positions included in the personnel system shall be made in conformity with this section.

(1) Interview and Selection

The County Official to which the eligible applicants are certified may examine their applications and interview them. The County Official shall make a selection from the names certified. The County Official shall notify the Human Resources Director of the applicant selected and shall notify the applicant of the selection.

(2) Reinstatements

Every employee accepts and holds a position subject to reinstatement of another person thereto in accordance with one of the following procedures:

- Reinstatement of a career employee from a leave of absence granted by the County Official or the Board of County Commissioners
- Reinstatement of a career employee in accordance with the laws or these rules, or by order of a court of competent jurisdiction

6.2 Probationary Appointments

Employees hired, promoted or transferred into regular funded full or part time positions are subject to a probationary appointment during which the employee serves in an at-will status. All probationary periods shall be 12 months unless otherwise required by labor agreement. The probationary period is an essential part of the examination process and shall be used for training and orientation of new, promoted, or transferred employees. Time spent in a temporary appointment shall not reduce the probationary period.

Newly hired probationary employees who fail to meet acceptable performance standards shall be terminated. Promoted or transferred probationary employees may be returned to their prior classifications upon failure to satisfactorily complete a probationary period, provided they still remain qualified for their prior position. Termination, demotion, or return to prior position may be made during the probationary period at the sole discretion of the County Official with or without cause, and without prior notice to the employee. An employee serving a probationary period has no right to appeal.

An employee, who is transferred to another position within the same classification prior to the completion of the probationary period, shall complete the probationary period in the latter position by adding the service time in both positions together.

6.3 Regular Appointments

Upon successful completion of the probationary period, employees shall be transitioned to regular appointment status. Regular appointment of a probationary employee shall begin on the day following the probationary period, provided the Human Resources Director has received an accurate, detailed performance evaluation statement from the County Official stating that the services of the employee during the probationary period have been satisfactory and that the employee is recommended for continuation in the County's service.

It shall be the responsibility of the County Official to prepare such performance evaluation a minimum of 20 days prior to the end of the probationary period. On the basis of such service ratings, the County Official shall determine if the services of the employee have been satisfactory. An employee whose appointment is to be confirmed shall be so notified.

6.4 Temporary Appointments

Temporary employees may be hired full or part time for a period of time or for a job of limited duration with the understanding that there is no guarantee of continuation of employment.

Temporary employees are not subject to the rights of recall.

The acceptance or refusal of a temporary appointment shall not affect an employee's eligibility for a probationary appointment. The period of temporary service shall not be credited towards the completion of any probationary period. Successive temporary appointments to a regular position shall not be made so as to circumvent a probationary appointment of a qualified applicant.

.7 JOB SHARE

7.1 Job Share at County Discretion

Establishment and continuation of any job share position is at the discretion of the County based on operational need. If a job share position is considered when the position is filled, the establishment of the position shall be with the concurrence of the employee. Specific scheduling arrangements shall be determined by the County Official and should be a function of the needs of the department, the nature of the job and the desires of the job share partners.

Job share positions shall be established only with the approval of the Director.

7.2 Job Share Rules

The following rules shall govern job shares unless specifically exempted in writing by the Director:

- a. When a job share is established or when there is a change in employee(s) working the job share, hours of work, and sharing of benefits is established with mutual agreement of the employees and the County Official. Once established, change may only be made with the approval of the County Official and both employees and must be documented by a personnel action.
- b. If a job share position is for less than 40 hours per week, one employee must work sufficient hours to be benefit eligible.
- c. Total hours worked by both employees in a job share position cannot equal more than the total hours authorized for the position.
- d. Employees may be required to work extra hours during periods of absence of one of the job share partners. County Officials must consider budget impacts and the availability of extra help funds when scheduling excess hours.
- e. Benefit sharing and rules shall be subject to procedures detailed in Policy 225, Employee Benefits.

.8 POST-RETIREMENT EMPLOYMENT

Clallam County recognizes the value of institutional knowledge that is lost when employees retire from public service. Retirees of the Public Employees' Retirement System are eligible to return to public employment without jeopardizing their retirement benefits provided they meet the criteria as established under the statute. When appropriate the County supports the return of retirees to the workforce and the economies gained by hiring an individual with prior knowledge of the job. In such instances, it shall be the County Official's responsibility to document the need to hire a retiree utilizing the County's rules and procedures governing general recruitment. Such documentation shall be maintained in the official personnel file maintained in the Human Resources Department.

.9 EMPLOYMENT OF RELATIVES

It shall be the policy of Clallam County to prohibit County Officials from refusing to hire or from terminating an individual "solely because another member of that individual's family presently works for that department." However, County Officials are not required to hire or to continue the employment of an individual when one or more of the following circumstance occurs:

- a. One of the parties would have authority (or practical power) to supervise, appoint, remove, or discipline the other
- b. One party would handle confidential material that creates improper or inappropriate access to that material by the other
- c. One party would be responsible for auditing the work of the other
- d. The hiring or retention would cause the County to disregard a bona fide occupational requirement reasonably necessary to the normal operation of the County's business
- e. Any other circumstance that exists that may lead to potential conflict among the parties; or has the potential to create conflict between the interest of one or both parties and the best interests of the County

For purposes of this section, "Member of an individual's family" means: husband, wife, son, daughter, mother, father, grandparent, grandchild, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, or stepparent or stepchild of the individual.

If two employees marry, become related or begin sharing living quarters with one another, and in the County's judgment, the potential problems noted above exist or reasonably could exist, only one of the employees will be permitted to continue employment with the County, unless reasonable accommodations, as determined by the County can be made to eliminate the potential problem.

Upon determining there is a conflict or potential conflict of interest between two employees as set out above, the County shall so notify such individuals in writing. The notification will include a detailed statement of the conflict or anticipated conflict and any other pertinent details the

County believes necessary to be considered. The County shall designate a specific place, date and time to meet with the affected employees and their representatives for the purpose of reviewing the parties' positions as well as possible resolution.

In the event it is determined the County is unable to reasonably accommodate the affected employees, the decision as to which employee will remain in County service shall be made by the two employees within 30 calendar days of the date they marry, become related, or begin sharing living quarters. In the event no decision is made by the affected employees, the County reserves the right to terminate either employee.

.10 CONFLICTS OF INTEREST IN EMPLOYMENT

It is the objective of the County to employ and retain the best qualified individuals as employees. The protection of the individual as well as of the County requires certain safeguards from potential conflicts of interest. Therefore, the following policies regarding employment, administration of County funds, or transactions involving the County shall apply to employees of the same family, persons in a cohabitative relationship, and any persons engaged in a romantic or sexual relationship. "Family employees" shall be defined as spouse, domestic partner, child, parent, grandparent, sibling, grandchild, or in-law.

No employee, elected or appointed, trainee, intern or volunteer (here and after in this policy referred to as "employee") shall participate in any decision which involves the appointment, employment, evaluation, promotion, compensation, retention, or dismissal of a family employee, a person with whom the employee is in a cohabitative relationship, or a person with whom the employee has a romantic or sexual relationship.

No employee shall oversee or audit funds expended for County programs that are under the control of another family employee, a person with whom the employee is in a cohabitative relationship, or a person with whom the employee has a romantic or sexual relationship. No employee shall participate in any County decision in which a family employee, a person with whom the employee is in a cohabitative relationship, or a person with whom the employee has a romantic or sexual relationship has an economic interest.

When an employee discovers that their responsibilities will lead to decisions regarding one of the above mentioned conflicts, that person will promptly inform their immediate supervisor and request that those responsibilities be assigned to a different employee.

Exceptions to this policy require the prior written approval of the County Administrator.

.11 EMPLOYMENT OF MINORS

While the County is interested in training youth in relevant areas of public service, it must provide a work environment that complies with Washington State's Child Labor rules. Varying Washington State Department of Labor and Industries rules apply to minors ages 14-15 and

minors ages 16-17. These rules define the number of hours that a minor is permitted to work and the working conditions. The work hours vary depending on the age group and are differently defined during school and non-school periods.

Working conditions that exist at the County and are not permissible for minors are those that involve:

- a. Potential exposure to hazardous substances which are considered to be carcinogenic, corrosive, highly toxic, toxic sensitizers, or which have been determined to cause reproductive health effects;
- b. Risk of exposure to bodily fluids or transmission of infectious agents;
- c. Requiring the wearing of personal protective equipment other than gloves, boots, or eye protection; or
- d. Operation of dangerous or heavy equipment.

.12 PROMOTION

The County recognizes career service and shall make a reasonable attempt to fill vacancies by promoting qualified employees. The promotional procedures shall be those outlined in this chapter. Under no circumstances will a decision on promotion be subject to grievance or any appeal procedure under a bargaining agreement.

.13 DEMOTION

A demotion is an appointment to a position and classification that has a lower maximum salary rate than the employee's present classification, or a reduction in rate to a lower step on a range.

13.1 Voluntary Demotion

An employee may submit a written request to the County Official for a demotion from a position in one class to one in a lower class. If the employee is qualified, the County Official may, at their discretion, approve the request, provided it does not result in the layoff of another employee. Service of an additional probationary period under such circumstances shall be at the sole discretion of the County Official.

13.2 Non-Voluntary Demotion

Non-voluntary demotion may be done as a part of disciplinary action or as the result of failure to satisfactorily perform the duties of a classification during a probationary period.

.14 TRANSFER

14.1 Position Transfer

County Officials have the authority to transfer employees between positions in the same classification within their department based on business needs.

14.2 Department Transfer

A department transfer is an appointment to a position in the same classification but in a different department. Before a department transfer is made, approval of both County Officials shall be required and the Human Resources Director shall have verified that the employee is qualified to perform the duties of the new position. Seven (7) calendar days' notice shall be given to the employee if the department transfer is without the consent of the employee.

.15 SEPARATION

The following guidelines for separation from County employment outline the procedures, conditions and employee entitlements consistent with the County's employee relations practices.

15.1 Separation Procedure

(1) Resignation

Employees should provide written notice to their County Official. At least a two-week notice of resignation must be given by an employee in order to leave County employment in good standing.

Verbal resignations are considered valid at the time tendered by the employee. Should the employee refuse to put the resignation in writing, the supervisor or County Official shall acknowledge receipt of the verbal resignation confirming the date, language used and to whom it was declared.

Resignations, written or verbal, are binding once submitted. Withdrawal of resignation is at the discretion of the County Official.

(2) Discharge

In the event of discharge of a non-probationary employee, approval is required from the County Official with concurrence from the Human Resources Director.

(3) Other Separation

In the event of employee layoff, a minimum notice of two weeks written notice shall be given to the affected employee. For Union represented employees, notice shall be pursuant to the applicable terms of the labor agreement.

(4) Final Paycheck

The Payroll Department is responsible for preparing the employee's final paycheck in accordance with appropriate policy, and for ensuring that final pay is issued to the separating employee no later than the subsequent regular payday.

(5) Exit Interview

Employees separating from the County are encouraged to participate in an exit interview conducted by the Human Resources Department.

15.2 Eligibility for Benefits upon Separation

(1) Vacation and Sick Leave Pay

Benefited employees who leave County service shall receive appropriate compensation for leave accruals subject to provisions in this policy or appropriate labor agreements governing pay out of vacation and sick leave. Leave accruals may not be used to extend insurance or paid time off benefits beyond the month in which separation occurs.

(2) Expiration of Insurance Benefits and Continuation Options

Any County-sponsored life, accidental death and dismemberment, and disability insurance ceases the last day of the month in which termination occurs. County-sponsored medical and dental coverage in which the employee is enrolled will continue pursuant to the terms of the provider contract.

Eligible employees and their eligible dependents have the option of continuing County health insurance coverage at their own expense upon employee separation. Details regarding this are explained in the Employee Benefits policy under COBRA.

15.3 Return of County Property

At the time of separation, it is the County Official/supervisor's responsibility to collect County property in the employee's possession (such as keys, identification, credit and

telephone cards, uniforms and equipment). Any delay in the return of County property could cause a delay in the issuance of the employee's final paycheck.

Supervisors should return County property as soon as possible to the issuing departments or notify the appropriate departments if County property is being transferred to another employee.

.16 LAYOFFS

16.1 Reason for Layoff

The County, by and through its County Officials may layoff an employee because of abolition of position, shortage of funds or work, a material change of duties, physical inability to perform the assigned duties, change in an agency or for other reasons which do not reflect discredit on the employee. Duties performed by laid off employees may be reassigned to other employees. A temporary or permanent separation of an employee from the County's service as a penalty for disciplinary action shall not be considered a layoff.

16.2 Notice of Layoff

Written notice of a pending layoff shall be given to any regular full-time or part-time employee, at least 2 weeks in advance of the effective date, except in emergency situations. Probationary, temporary, and provisional employees may be laid off without prior notice.

16.3 Bumping Rights

In the case of Non-Represented Employees, bumping rights shall not be granted to non-represented employees, County Officials, or deputy prosecutors who are displaced by reason of layoff or reorganization.

In the case of Represented Employees, bumping rights for represented employees shall be as specified in the applicable labor agreement and/or civil service rules.

.17 RECALL

Unless otherwise specified by contract or applicable Civil Service Rules, the following recall procedures apply to all employees. Employees who are laid off will remain on a countywide recall list for 13 months. The following procedures apply to employees who are eligible for recall and on a recall list.

17.1 Reinstatement to Prior Job

A laid off employee shall have first right to recall to their previous position/classification in the event the County reinstates the job. This reinstatement right continues even though they may be re-employed with the County in another position. Until the individual declines recall, others cannot be considered. In the event that individual declines recall to the position, it will then be opened to the other qualified laid off employees.

17.2 Jobs by Bargaining Unit

For those jobs represented by a bargaining unit, any laid off employee in the unit will be notified, and allowed to compete for the position with other interested employees in the unit, prior to the position being offered to laid off employees in other bargaining units. If the position is not filled by an existing employee in the bargaining unit, laid off employees from the bargaining unit will be given "first consideration" for the position prior to the position being announced outside the bargaining unit. If the position is not filled by an existing or laid off employee from within the bargaining unit, other laid off employees will be notified and may compete for the position. In the event there is no qualified or interested laid off employee, the position will then be released for general public recruitment.

"First consideration" means that the individual must meet all of the qualification criteria set out in the job description and be able to perform the essential functions of the job. If it is determined after testing and interview that the laid off employee does not meet qualification for the job, the County Official must document, in writing, the disqualification reasons.

Reinstatement to Civil Service classification shall be in accordance with Civil Service Rules. Employment in Civil Service classifications shall be subject to Civil Service testing and recruitment.

Job openings for key management or professional personnel, as determined by the Administrator, will not be subject to the recall policy established herein.

17.3 Recruitment While Layoff List Exists

General recruitment will not commence until all individuals currently on layoff who have not selected severance have been notified of the job availability per the above procedure.

.25 EMPLOYMENT ELIGIBILITY VERIFICATION REQUIRED

The Immigration Reform and Control Act (IRCA) require the County obtain an Employment Eligibility Verification Form (Form I-9) from each new employee within three business days of their hire date. Eligibility verification occurs as part of employee orientation. Documents are reviewed and verified by a member of the Human Resources Department. Completed I-9 forms are retained by the Human Resources Department.

Completion of the I-9 form is required for employment at the County. Each new employee must present documents to establish **identity and employment eligibility**. New employees who do not present documentation to verify eligibility within 3 working days will be deemed ineligible for further employment.

.30 AMERICANS WITH DISABILITIES ACT POLICY

Clallam County does not discriminate on the basis of disability status in the admission or access to, or treatment or employment in, its programs and activities. The Human Resources Director, 223 East Fourth Street, Suite 16, Port Angeles, Washington 98362-3015 has been designated to coordinate compliance with the regulations of Section 504 of the Rehabilitation Act of 1973, 31 USC 6701 through 6724 of the Revenue Sharing Act and the Americans with Disabilities Act of 1991 and the ADA Amendments Act of 2008 (ADAAA).

30.1 Reasonable Accommodation

The County has an affirmative duty to reasonably accommodate otherwise qualified individuals with a disability, unless such accommodation would pose an undue hardship to the ongoing business of the County or create a significant risk of substantial harm to the health or safety of the individual or others. To this end, the County will not turn away employees and/or a job applicant on account of the need to make accommodation. Whenever possible the County will make a reasonable accommodation to the "known" disabilities of an applicant or employee.

The duty to accommodate must first be initiated by a request from the applicant or employee. However, if the County has knowledge of a disability, the County may raise the possibility of a reasonable accommodation. Clallam County will determine reasonable accommodation requests on a case-by-case basis after fully considering the nature and impact of the accommodation.

The term "reasonable accommodation" means:

- a. Modifications or adjustments to a job application process that enables a qualified applicant with a disability to be considered for the position such qualified applicant desires; or

- b. Modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed that enable a qualified individual with a disability to perform the essential functions of that position; or
- c. Modifications or adjustments that enable a County employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by its other similarly situated employees without disabilities.

Reasonable accommodation may include but is not limited to

- a. Making existing facilities used by employees readily accessible to and usable by individuals with disabilities; and
- b. Job restructuring; part-time or modified work schedules; reassignment to a vacant position; acquisition or modifications of equipment or devices; appropriate adjustment or modifications of examinations, training materials, or policies; the provision of qualified readers or interpreters; and other similar accommodations for individuals with disabilities.

To determine the appropriate reasonable accommodation it may be necessary for the County to initiate an informal, interactive process with the qualified individual with a disability in need of the accommodation. This process should identify the precise limitations resulting from the disability and potential reasonable accommodation that could overcome those limitations.

30.2 Life Threatening/Communicable Diseases

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

.32 WHISTLEBLOWER ACT

32.1 Policy

It is the policy of Clallam County to encourage reporting by its employees of apparent improper governmental action taken by Clallam County officers or employees and to protect Clallam County employees who have reported apparent improper governmental actions in accordance with the Clallam County policies and procedures.

32.2 Definitions

As used in this policy, the following terms shall have the meanings indicated:

"Improper governmental action" means any action by a Clallam County officer or employee:

- a. That is undertaken in 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
- b. That (1) is in violation of any federal, state, or local law or rule, (2) is an abuse of authority, (3) is of substantial and specific danger to the public health or safety or (4) is a gross waste of public funds.

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

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

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

32.3 Procedures for Reporting

Clallam County employees who become aware of apparent improper governmental actions should raise the issue first with their supervisor. If requested by the supervisor, the employee shall submit a written report to the supervisor, or to some person designated by the supervisor, stating in detail the basis for the employee's belief that an apparent improper governmental action has occurred. Where the employee reasonably believes the apparent improper governmental action involves his or her supervisor, the employee may raise the issue directly with the Human Resources Director or such other person as may be designated by the County Administrator to receive reports of apparent improper governmental actions.

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

The Director or other person as designated by the County Administrator shall take prompt action to assist Clallam County in properly investigating the report of apparent improper governmental action. Clallam County officers and employees involved in the investigation shall keep the identity of reporting employees confidential to the extent possible under law, unless the employee authorizes the disclosure of his or her identity in writing. After an investigation has been completed, the employee reporting the apparent improper governmental action shall be advised of a summary of the results of the investigation, except that personnel actions taken as a result of the investigation may be kept confidential.

Clallam County employees may report information about perceived improper governmental action directly to the appropriate government agency with responsibility for investigating the apparent improper action, if the Clallam County employee reasonably believes that an adequate investigation was not undertaken by Clallam County to determine whether an apparent improper governmental action occurred, or that insufficient action has been taken by Clallam County to address the apparent improper governmental action or that for other reasons the apparent improper governmental action is likely to recur.

Clallam County employees who fail to make a good-faith attempt to follow Clallam County procedures in reporting apparent improper governmental action shall not receive the protection provided by Clallam County in these procedures.

32.4 Protection against Retaliatory Actions

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

Employees who believe that they have been retaliated against for reporting an apparent improper governmental action should advise their supervisor, the Human Resources Director or any designee so named by the County Administrator who shall take appropriate action to investigate and address complaints of retaliation.

If the employee's supervisor, the Human Resources Director, or any designee so named by the County Administrator, does not satisfactorily resolve a Clallam County employee's complaint that he or she has been retaliated against in violation of this policy, the Clallam County employee may obtain protection under this policy and pursuant to state law by providing a written notice to the Board of Clallam County Commissioners that:

- a. Specifies the alleged retaliatory action
- b. Specifies the relief requested

Clallam County employees shall provide a copy of their written charge to the Human Resources Director no later than 30-days after the occurrence of the alleged retaliatory action. The Board of Clallam County Commissioners shall respond within 30-days to the charge of retaliatory action.

After receiving either the response of Clallam County Board of Commissioners or 30-days after the delivery of the charge to the Board of Clallam County Commissioners, the Clallam County employee may request a hearing before a state administrative law judge to establish that a retaliatory action occurred and to obtain appropriate relief provided by law. An employee seeking a hearing should deliver the request for hearing to the Human Resources Director within the earlier of either 15-days of delivery of the Board of Clallam County Commissioner's response to the charge of retaliatory action, or 45-days of delivery of the charge of retaliation to the Board of Clallam County Commissioners for response.

Upon receipt of request for hearing, Clallam County shall apply within 5 working days to the State Office of Administrative Hearings for an adjudicative proceeding before an administrative law judge:

Office of Administrative Hearings
P.O. Box 42488, 4224 Sixth SE
Rowe Six, Bldg. 1
Lacey, Washington 98504-2488
(360) 459-6353

The Board of Clallam County Commissioners will consider any recommendation provided by the administrative law judge that the retaliator be suspended with or without pay, or dismissed.

32.5 Responsibilities

The Director is responsible for implementing Clallam County's policies and procedures (1) for reporting apparent improper governmental action; and (2) for protecting employees against retaliatory actions. This includes ensuring that this policy and these procedures (1) are permanently posted where all employees will have reasonable access to them; (2) are made available to any employee upon request; and (3) are provided to all newly hired employees. Officers, managers, and supervisors are responsible for ensuring 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 dismissal.

32.6 List of Enforcement Agencies

Following is a list of agencies responsible for enforcing federal, state, and local laws and investigating other issues involving apparent improper governmental action. Employees having questions about these agencies or the procedures for reporting apparent improper governmental action are encouraged to contact the Human Resources Director.

CLALLAM COUNTY

Human Resources Department
Clallam County Courthouse
223 East 4th Street, Suite 16
Port Angeles, Washington 98362
360.417.2241

Clallam County Prosecutor
Civil and Criminal Divisions
223 East 4th Street, Suite 11
Port Angeles, Washington 98362
360.417.2301

STATE OF WASHINGTON

Department of Agriculture
Office of Inspector General
100 Second Avenue
Seattle, WA 98174

Attorney General's Office
Fair Practices Division
1125 Washington Street SE
P.O. Box 40100
Olympia, Washington 98504-0100

State Auditor's Office
P.O. Box 40021
Olympia, Washington 98504-0021

State Department of Ecology
300 Desmond Drive
Olympia, Washington 98504-7600

Human Rights Commission
711 South Capitol Way
Olympia, Washington 98504-2490

Department of Labor & Industries
7273 Linderson Way, SW
Olympia, Washington 98504-4000

State Liquor Control Board
3000 Pacific Avenue
Olympia, Washington 98504-3075

Department of Natural Resources
P.O. Box 47001
Olympia, Washington 98504-7001

Puget Sound Water Quality Authority
P.O. Box 40900
Olympia, Washington 98503

Department of Social and Health Services
Special Investigation Office
P.O. Box 45100
Olympia, Washington 98504-5100

UNITED STATES

Department of Agriculture
Office of Inspector General
100 Second Avenue
Seattle, Washington 98174

Alcohol, Tobacco, and Firearms
Criminal Enforcement
915 Second Avenue
Seattle, Washington 98174

US Attorney
800 Fifth Avenue
Seattle, Washington 98104

Department of Commerce
Office of Inspector General
Office of Audits
915 Second Avenue
Seattle, Washington 98174

Government Accounting Office
Regional Office
701 Fifth Avenue
Seattle, Washington 98104

Consumer Product Safety Commission
1111 Third Avenue
Seattle, Washington 98101

Department of Homeland Security
Office of Investigations
1000 Second Avenue
Seattle, Washington 98104

US Department of Education
Office of Inspector General
915 Second Avenue
Seattle, Washington 98174

Environmental Protection Agency
Criminal Investigations
1200 Sixth Avenue
Seattle, Washington 98101

Equal Employment Opportunity Commission
909 First Avenue
Seattle, Washington 98104

Federal Emergency Management Agency
130 228th Street, SW
Bothell, Washington 98021-9796

Federal Trade Commission
915 Second Avenue
Seattle, Washington 98174

General Services Administration
915 Second Avenue
Seattle, Washington 98174

Department of Health and Human Services
Food and Drug Administration
22201 23rd Drive, SE
Bothell, Washington 98021

Department of Interior
Bureau of Indian Affairs
4735 E Marginal Way S
Seattle, Washington 98134

Department of Justice
Drug Enforcement Administration
220 West Mercer, Suite 104
Seattle, Washington 98119

Department of Labor
Occupational Safety and Health (OSHA)
1111 Third Avenue, Suite 715
Seattle, Washington 98101-3212

Office of Women's Bureau
1111 Third Avenue, Suite 885
Seattle, Washington 98101-3212
Mine Safety and Health Administration
117 107th, NE
Bellevue, Washington

National Transportation Safety Board
19518 Pacific Highway South
Seattle, Washington 98188

Securities and Exchange Commission
915 Second Avenue
Seattle, Washington 98174

Department of Transportation
Office of Inspector General
915 Second Avenue
Seattle, Washington 98178

Department of Treasury
Bureau of Alcohol, Tobacco, and Firearms
Law Enforcement Division
915 Second Avenue, Room 806
Seattle, Washington 98174

Department of Veterans Affairs
Office of Inspector General
915 Second Avenue
Seattle, Washington 98174

Department of Energy
1909 1st Avenue, Suite 380
Seattle, Washington 98101

.40 HIPAA PRIVACY - PROTECTING PRIVACY OF MEDICAL INFORMATION

This policy applies to Clallam County employees and volunteers with access to medical information.

40.1 County Official Uses Safeguards to Prevent Unintentional Disclosure

The County Official will restrict access to medical information to only those employees and volunteers who require it to perform their duties. The County Official will require such employees and volunteers to:

- Sign a Medical Privacy Agreement at the time of employment, transfer and promotion.
- Receive training about County policies on confidentiality and security of medical information within ten days of hire, transfer or promotion.
- Maintain medical records in locked file cabinets or designated secure areas.
- Discuss medical information, by phone or in person, in a private area when possible.
- Restrict access and password-protect any electronic files (including email) containing medical information.
- Follow security rules when using computer systems.
- Use a shredder for discarding documents and messages with medical information not subject to record retention guidelines.
- These requirements apply to all County employees and volunteers currently working as of the date of adoption of this policy.

40.2 Clallam County Designates Privacy Official

Clallam County designates the Director of Health and Human Services as the Privacy Official. The Privacy Official will assist County Officials in complying with privacy rules and will investigate complaints.

40.3 Employee Discloses Medical Information Only When Authorized or Allowed

An employee will not disclose medical information without signed authorization, except for cases where disclosure of medical information is allowed by law.

.42 HIPAA PROCEDURE: RESOLUTION OF COMPLAINTS

It is the policy of Clallam County to make available to individuals a mechanism to allow the reporting of any matter relating to an issue of non-compliance with the County HIPAA Privacy Policy. The County and its employees shall not threaten, intimidate, or retaliate against an individual filing a complaint. With respect to any such matter, every person within the County has direct access to, and is encouraged to consult with the County Privacy Official.

The County shall document all complaints received, and their disposition, if any, and shall maintain this documentation for a period of six years.

42.1 Procedure

(1) Employee Procedure

An employee of the County who acquires information that may give rise to a reasonable belief that another employee is engaged in conduct which violates any provisions of the HIPAA Privacy Policies shall promptly report such information to the Privacy Official. Further, should an agent, representative or other person or firm representing the County in any transaction who acquires information that may give rise to a reasonable belief that another is engaged in conduct which does not meet the standards set forth in the HIPAA Privacy Policy shall promptly report such information to the Privacy Official.

Reports to the Privacy officer shall be made in person, by telephone, by voice mail or by mail to the Privacy Official. Electronic mail (e-mail) may be used, but must be followed by a report in person, by telephone, by voice mail or by mail.

The Privacy Official shall maintain a "log" of all reports regarding privacy matters. These reports shall be assigned a sequential file identification number by the Privacy Official for the specific year and shall be used for new or additional information on the same matter. The caller/author shall be required to provide his/her name or any other facts that may give away his/her identity. The caller/author shall be encouraged to provide as much information as possible to assist with the investigation of the matter. The caller/author shall also be advised that the Privacy Official will use best efforts to keep the identity of the caller/author confidential; however, there may be a point in time when the individual's identity may become known or may have to be revealed.

The Privacy Official shall conduct an investigation of the report and make a record in the log of the results and the specific actions taken after completion of the investigation. The specific facts and circumstances surrounding the report must be kept confidential and any discussions regarding the complaints should be limited to those parties with a "need to know" during the investigation. Upon

final resolution of a problem, the Privacy Official shall provide feedback to the County Human Resources Director and County Administrator regarding the possible need for a policy or procedure change. In addition, the Privacy Official shall prepare periodic reports to be submitted to the County Administrator on the status of County compliance with the HIPAA Privacy – Protecting the Privacy of Medical Information Policy.

In accordance with the County's Policy, no employee shall suffer any penalty or retribution for the good faith reporting of any suspected instance of wrongdoing, regardless of whether or not such wrongdoing ultimately is determined to exist following investigation.

(2) Privacy Investigation and Log

As indicated above, it is the Privacy Official's responsibility to document, adequately investigate, (or oversee the investigation of) and appropriately respond to each in person disclosure, telephone call or voice message, and written correspondence, report form, or e-mail message concerning a Privacy matter. The Privacy Official shall maintain a Privacy Log which documents the following items in connection with Privacy matter inquiry:

- Sequential file identification number, date of report of potential non-Privacy or wrongdoing is received, whether the reporter has identified himself or herself, whether the reporter has brought the matter to the attention of his or her immediate supervisor (and if not, why not) and description of the incident;
- Identification of the person designated as being primarily responsible for investigating the incident, and identification of any outside counsel or external consultants retained to assist in evaluation and investigation of the incident;
- Current status of the investigation, as periodically updated;
- Date matter is resolved and type of resolution, including corrective action taken, where appropriate; and
- Date matter is reported to the County Administrator and Director of Human Resources or the reason why it was not reported.

42.2 File Storage Retention

All information surrounding the complaint and resolution system shall be kept in a secure location for a period of at least six years. Only the Privacy Official, the

Director of Human Resources, and the County Administrator shall have access to this information.

.50 PERFORMANCE EVALUATIONS

Written performance evaluations are conducted on all employees, except Elected Officials, at least annually. The evaluation bears a direct relationship to the skills, knowledge areas, aptitudes and personal characteristics defined in the job analysis and the duties and responsibilities listed in the job description. Refer to Evaluation Guidelines, incorporated by reference.

Evaluations are utilized by the County to determine proficiency, employee incentives, promotional qualifications, job assignment, continued tenure, etc. For those reasons, the evaluation process is a formal one.

The evaluation process is only beneficial if it is consistent, impartial and critical. Evaluations that only accentuate the positive and ignore the negative are not beneficial to anyone; therefore, the reverse is also true.

Supervisors are expected to evaluate critically and consistently and to ignore personal likes, dislikes, and biases. Supervisors are encouraged to involve the employee in the evaluation process whenever possible. Supervisors who evaluate subordinate employees will be evaluated regarding the quality of ratings given to subordinates.

Failure of supervisory personnel to evaluate does not detract from the responsibility of the employee to properly perform basic duties as outlined in these policies nor does this failure negate disciplinary action.

50.1 Responsibilities

Supervisors are responsible for submitting evaluations on their employees prior to the end of the probationary period and every 12 months thereafter. All evaluations are routed through the County Official for review and then to the employee's personnel file.

Evaluations shall be properly completed and shall reflect a fair and impartial representation of the employee's work performance.

50.2 Evaluation Guidelines and Process

The County maintains a manual of evaluation program guidelines which is incorporated as a policy by reference. These guidelines are available to supervisors on the County's intranet "Reference Documents" page.

50.3 Evaluation of Probationary Personnel

The evaluation of probationary personnel is even more important than for tenured employees. In addition to advising the employee and management of areas of strength, evaluations during probation assist the new employee to correct deficiencies and concentrate learning efforts in areas where supervisors and management believe additional training and concentration will improve performance. Evaluation of probationary personnel should be at least twice during the probation period.

50.4 Review of Contested Evaluation Reports

An employee may request review of the results of his/her evaluation by requesting such review in writing to the County Official. The request shall indicate those areas of the evaluation in which the employee disagrees, the basis for the disagreement and the requested remedy. The County Official's decision shall be final.

.70 TRAINING

Training employees to perform effectively is of vital importance in the services the County provides. All personnel must ensure that their training is current and sufficient in order to not only provide safe and efficient services to the citizens of Clallam County, but to avoid personal and County liabilities.

The County seeks, within limits of available resources, to develop staff by offering training opportunities that will increase employee job knowledge and skills. Opportunities may include, but are not limited to: on-the-job training, County sponsored training and workshops, training and seminars sponsored by other agencies and organizations, and programmed learning courses.

70.1 Employee Training Plan

Each regular employee and his/her supervisor should develop a written training plan. The plan should be monitored and updated by the employee and supervisor during the evaluation process. The training plan will, at a minimum, contain the following sections:

- a. Required certifications and re-certifications for coming year – This section should include training required to keep the employee current in the certifications or qualifications required for the position.
- b. Training necessary to meet basic skills – This section should include training which the member needs either to improve existing skills or learn new skills necessary to meet basic requirements of the employee's current position.
- c. Training desired for specialization or advancement – This section should include training which the employee and supervisor have agreed would allow the employee to learn advanced skills, specialized skills, or skills which will prepare

the member for advancement. The plans may include both long and short term goals in this area.

70.2 Responsibility for Training

Coordination and scheduling of required training for subordinates is the responsibility of supervisors. It is the employee's responsibility to notify the supervisor if required training or certifications have not been scheduled.

(1) County Official Responsibilities

County Officials are responsible for the overall training program in their department and for ensuring their employees are trained to an acceptable level and attend required training. County Officials shall maintain internal systems within their department to ensure training requirements are met and records of training are maintained.

(2) Supervisor Responsibilities

The assistance provided by the supervisor when encouraging, monitoring, and directing an employee's training is a primary part of improving an employee's skills, the learning of new skills and the advancement of the subordinate's career. The success of a supervisor's subordinates is a direct reflection on the success of the supervisor.

Each supervisor is expected to:

- a. Make reasonable efforts to maintain a working plan developed in conjunction with each subordinate in order to learn new skills, specialized/advanced skills and/or learn the skills necessary for career advancement.
- b. Use each subordinate's training plan to assist in approval or denial of requested training.
- c. Provide guidance and make reasonable efforts to provide training opportunities to subordinates in order to ensure that the subordinate has learned and mastered the basic skills necessary to be successful in the position.
- d. Monitor each subordinate's training requests in order to manage manpower and provide fair and equitable use of training resources.
- e. Make reasonable efforts to coordinate training requests and local training needs with the Human Resources Department.

- f. Make reasonable efforts to ensure training is accomplished with as little travel costs as possible. Supervisors should monitor local training opportunities and ensure subordinates take advantage of them whenever possible.
- g. Document and coordinate remedial training and/or discipline, as appropriate, for non-attendance or failure to pass required training.

(3) Employee Responsibilities

Employees are responsible to make reasonable efforts to ensure that their training requirements are met. Employees shall coordinate training through their supervisor. Employees are responsible to:

- a. Coordinate a training plan with their supervisor.
- b. Make reasonable efforts to ensure that they meet required minimum training standards of the County, their department, and their position.
- c. Submit training requests to their supervisor for approval.
- d. Attend all mandatory training or other training for which they are scheduled. If conflicts exist which may prevent attendance, the employee is responsible to advise their supervisor as early as reasonably possible so that adjustments can be made.
- e. Request and attend locally provided training whenever possible in order to minimize travel costs associated with training.
- f. Comply with County travel procedures for out of area training.
- g. Advise their supervisor as early as possible if they do not believe they will meet required training standards for their position.
- h. Submit documentation for credit for training per department procedures.

(4) Employee Responsible for Self Training

Changes and updated best practices in job fields, technical changes, new government and industry standards, etc. are contained in bulletins, digests and other printed material subscribed to by each department. These documents are circulated to Department employees, posted on Department bulletin boards, and/or circulated by e-mail or other means.

Upcoming training opportunities, announcements of required training, new and updated policies and procedures, etc. are published on the County's network welcome page (intranet) and/or sent by e-mail or other means.

Employees are responsible to read these documents and familiarize themselves with the contents on an on-going basis.

The County's Training Lending Library is maintained and coordinated through the Human Resources Department. The library materials are available to all employees to check out. The library list is accessible on the County's intranet.

(5) Human Resources Department Responsibilities

The Human Resources Department is responsible to coordinate the training effort in various departments in order to provide local training for certain required courses and maximize local training needed by multiple departments or multiple positions. The Human Resources Department is expected to provide information on required courses to employees, and to notify employees and supervisors of re-certification requirements.

70.3 Minimum Training Requirements

Employees are required to successfully complete and maintain certification in all training required by RCW, WAC, or Departmental procedure for continued employment. In addition, the following minimum training requirements must be maintained, by each employee, as appropriate.

- a. All Employees and Volunteers
 - New Employee Orientation including but not limited to: General County Organization and Policies, Safety and Evacuation, Drug and Alcohol Policies, Bloodborne Pathogens, Electronic Information Systems/Email/Internet Use, Harassment Policy, Hazard Communication, and Workers Compensation Program/CIMA Insurance.
 - Participate in an evacuation drill or attend the evacuation portion of New Employee Orientation every year.
 - Fire Extinguisher training (annually). Once hands-on practice with the actual fire extinguisher is completed, the e-Learning training will satisfy the training requirement.
- b. Employees and volunteers who drive on County business – Defensive Driving (within the first 90 days of hire and e-Learning annual updates thereafter).
- c. Supervisors and those employees that work in the field alone are required to maintain certification in Medic First Aid/CPR.
- d. Bloodborne pathogens training (annually) is required for all employees whose position satisfies the criteria set by OSHA/WISHA as set forth in policy 240, Health, Safety, and Security.
- e. Department specific certification in other required OSHA/WISHA/DOT training pertinent to their job tasks and services provided, including but not limited to Forklift Operations, Commercial Drivers Licenses, Lock-Out-Tag-Out, Hearing Conservation, and Confined Space Training. Criminal justice departments have additional job specific training requirements that are coordinated and monitored through those departments.

70.4 Training Requirements for Supervisors

Quality supervision of employees is a key to both the success of individual employees and to successfully providing effective services to our citizens. The supervisory skills necessary to supervise a diverse group of individual employees and to develop them into a successful team are very different from those required to provide direct services as a line level employee. Because of those differences, Clallam County is committed to providing training to new supervisors to assist them in gaining competency with the supervisory and management expectations contained in these policies.

Every employee appointed or promoted to a first level supervisory position shall successfully complete a supervisory training course approved by the Director within one year of such appointment or promotion. Supervisors shall also complete instruction in performance evaluation rating procedures and rater responsibilities prior to evaluating employees, as well as instruction on employment law and drug and alcohol awareness.

70.5 Priority for Training

In order to efficiently utilize training resources and to ensure that all employees receive sufficient training necessary to perform their current job functions, supervisors are responsible to prioritize the training of individual employees. Supervisors shall ensure that subordinates remain current in all required certifications and that subordinates receive all basic skill training and a significant portion of journeyman level training necessary to effectively perform their duties prior to other courses designed for specialization, career development, or advancement. The priorities for training are:

- a. Required certifications or re-certifications.
- b. Training necessary to meet basic skills.
- c. Training necessary to meet journeyman level skills.
- d. Training desired for specialization or advancement.

70.6 Failure to Complete Training

(1) Employees Required to Attend Scheduled Training

Employees must attend required and/or scheduled training. Failure to attend training without an excused absence will result in a charge to the department and/or disciplinary action. Excused absences include notification to the training sponsor at least one week in advance, emergency leave, or unanticipated illness.

(2) Failure to Complete Required Training

Employees are responsible to ensure that they complete training required by the County and necessary to perform their essential job functions. Employees who fail to complete required training and certifications, and who have not made reasonable efforts to ensure that they meet required minimum training standards of the County, their department, and their position shall be subject to discipline, including termination.

(3) Human Resources Department Authorized to Assess Non-attendance Charge

The Human Resources Department has authority to voucher "non-attendance penalty fees" directly from department budgets when employees fail to attend or appropriately cancel scheduled training. Human Resources will notify the department that the levy has been assessed.

70.10 New Employee Orientation

Every new County employee will begin County employment by attending the New Employee Orientation presented by the Human Resources Department. Attendance and completion of all required documents is mandatory and an individual does not become an employee until they have fully participated in orientation. Topics covered at orientation include mandatory and County-required training that assures familiarity with the rules surrounding County employment. Orientation is also the time in which an employee is enrolled in the various benefits available at the County.

70.30 On-Line Training (E-Training)

The County subscribes to a number of on-line training services. Both elective and required courses as well as re-certifications may be offered via this method. Course listings and access instructions are posted on the County's intranet pages. Supervisors and employees are responsible to complete required courses and re-certifications in a timely manner and to submit record of completion as required by policy.

70.35 College Courses

The County maintains a limited tuition reimbursement program for college courses directly related to improving job performance approved in advance in accordance with policies and procedures contained in Policy 225, Employee Benefits.

.80 VOLUNTEERS

80.1 Volunteer Policy

Volunteers play a pivotal role in County Government. The service they provide through their honorary employment is invaluable and often times overlooked. Within their works of volunteerism, activities assigned to them become as diverse as the services provided within County Government.

This policy is designed to provide information pertaining to how volunteers are recognized, responsibilities, and work assigned, and protected in case of injury by Clallam County.

80.2 Volunteer Categories

- a. General County Volunteers include those individuals performing administration, technical and manual labor. Examples include Parks and Fair volunteers, Sheriff's volunteers, Juvenile Services volunteers, etc.
- b. General Community and Service Club volunteers include those individuals performing manual labor as directed by the Public Works Department. Examples include working on the trail and in the County parks.
- c. Board and Committee Volunteers include those individuals serving on appointed boards, commissions, and committees.
- d. Volunteers Provided by Other Organizations include volunteers provided by RSVP or other service related organizations. Departments utilizing service organizations for volunteer work shall coordinate work with the organization and provide supervision appropriate for the level of work performed. Service organization shall be defined as a non-profit organization or club.
- e. Work Crew Volunteers include in-custody workers performing out-of-facility manual labor and chain gang activities as directed by the Sheriff. The Sheriff shall be responsible to maintain written policies and procedures on the eligibility requirements, work rules, termination process, security procedures, emergency procedures, safety rules, and other policies necessary for the safe and effective operation of the program.
- f. Community Service Volunteers include court referred alternative sentencing workers assigned to provide work for a County department. The District and Superior Courts assign offenders to the Community Service Program. As such, the Courts are responsible to provide necessary rules and regulations. The Sheriff's Department and other County Departments assigned workers shall maintain procedures and practices to ensure a safe workplace.

80.3 Volunteers Not County Employees

Volunteers are not employees of the County. No expectation of job right or continuation of service exists. When volunteers serve, they are subject to the County's rules and policies governing employee conduct. Their status as volunteers is subject to the County's sole discretion and may be discontinued at any time, with or without cause.

80.4 Volunteers to be Properly Authorized

Persons providing unpaid service to the County as General County Volunteers shall be properly authorized and receive required pre-employment training prior to providing such service.

County Officials are responsible for ensuring all individuals performing volunteer service for the County are properly registered and perform such service in compliance with this policy. County Officials who allow individuals to work as volunteers outside this policy assume liability for those persons.

80.5 Procedures Required Prior to Volunteer Providing Service

(1) General County Volunteers

Prior to providing service, General County Volunteers are required to complete or, the appropriate County Official is required to complete, the following:

- a. Volunteer Application – Provided either by the Human Resources Department, or other application as authorized by the Administrator.
- b. Authorization for Release of Confidential or Privileged Information and an Applicant Disclosure.
- c. Background Investigation – Documented background investigations are required to be completed on all General County Volunteers who may have contact with juveniles, disabled persons, or those who may have unsupervised contact with the public. The County Official who recruits the volunteer and the Director should coordinate and agree on the extent of the background investigation necessary. Minimum background investigation includes a check of conviction records and a check of references.
- d. Abstract of Driving Record – For those volunteers who may drive on behalf of the County.
- e. Parental Permission – If under the age of 18, prospective volunteers will have a permission and waiver form signed by the volunteer's parents.
- f. Personnel Action Form (PAF) – Actions on General Service Volunteers shall be documented by PAF in the same manner as for employees.

- g. Volunteer Service Agreement – The agreement releases the County from certain responsibility and liability for the volunteer's service, and establishes other conditions under which the volunteer provides service.
 - h. Orientation
- (2) Board and Committee Volunteers

Application and appointment procedures for volunteers on County boards and committees shall be as outlined in the County's Policies on Boards and Committees.

(3) Volunteers Provided Under Subsection b. Above

Volunteers who are affiliated with a community service organization or otherwise defined in subsection b. above who provide project service time to the County shall not be required to complete the application process as described in section (1) above. For such groups, the Volunteer Coordinator will provide a department specific orientation and maintain a roster that includes the project assignment, volunteer names, address and telephone contact information, service organization affiliation, date of service and total hours worked.

80.6 Record Keeping Required by County Official Department

Personnel records of volunteers shall be maintained in the same manner as, and in accordance with, County policies on employment records.

80.7 Time Reporting Required

The County maintains a system for the reporting of volunteer time and activity. All volunteer time and the activity performed must be accurately reported utilizing the County's system. County Officials are responsible to ensure that compliance is maintained within their department. Failure to do so may result in the volunteer not being appropriately covered by insurance.

80.8 Reimbursement of Expenses

When authorized in writing, volunteers may be reimbursed for expenses and nominal fees, in accordance with other County policies, without losing their status as volunteers.

80.9 Volunteers Working Paid County Employment

Clallam County will strictly enforce the Fair Labor Standards Act and Washington Law as it pertains to volunteer service and paid employment status. All questions related to

paid status should be referred to the Human Resources Director. Volunteers who violate the labor provisions shall be dismissed from volunteer service.

80.10 Volunteers Subject to County Rules

Volunteers shall be held to and follow the standard of conduct, behavior and performance that is expected of County employees, including operational regulations as specified in these policies and procedures. A volunteer who knowingly or unknowingly violates the County's rules and policies may be terminated from County volunteer service.

80.11 Termination of Volunteer Status

The County reserves, in its sole discretion, the right to sever volunteer service for any reason, with or without cause. The volunteer shall have no right to appeal such decision.

80.12 Insurance for Volunteers

(1) Limitation on Liability for Volunteers:

Through Federal and State legislation, volunteers are afforded protection against claims for harm caused by an act or omission on their part. Basically, the law removes the volunteer from legal liability in negligence lawsuits involving acts committed while volunteers are acting in the scope of their responsibilities for a local government. However, legislation has been constructed with exceptions and limitations. The law will not protect volunteers for an action that constitutes a hate crime, involves a sexual offense, or constitutes a crime of violence.

(2) County Maintains Insurance Coverage For Volunteers:

The County provides volunteers the following three insurance coverages separately or combined:

- a. Up to \$25,000 in accident medical reimbursement (all volunteers).
- b. Up to \$1,000,000 in personal liability insurance (work crew & community service workers excluded).
- c. For those volunteers who drive, up to \$500,000 in excess automobile liability insurance above the volunteer's own insurance (work crew & community service workers excluded).

Coverage is extended to volunteers while acting for and under the direction of Clallam County. Consequently, volunteers working or acting outside the direction

and control of Clallam County government are not covered under the definition of insured.

80.13 Defining Volunteer "Scope of Work"

It shall be the responsibility of the County Official to clearly define, in writing, the duties assigned to each volunteer in their service. In addition, it shall be the responsibility of the County Official or his/her designee to train, supervise and monitor the performance of volunteers. Specific training needs depend on the type of work the volunteer will be performing.

80.14 Volunteer Orientation and Training

In addition to other training requirements outlined in these policies, County Officials are responsible to ensure each new volunteer receives a department orientation. Such orientation shall include a review of department policies and procedures, department work rules, safety orientation, identification of safety equipment, evacuation routes, and other issues necessary for the volunteer to perform the work required.

80.15 Volunteers Subject to All Safety and Accident Reporting

Volunteers are subject to all safety and accident reporting rules and procedures. Failure to comply with safety rules shall be grounds for immediate dismissal from the County and may subject the volunteer to personal liability and penalties.