

ADAMS COUNTY
PERSONNEL POLICY

ADAMS COUNTY PERSONNEL POLICY

ADOPTION AND AMENDMENT SCHEDULE

Adopted – July 14, 1997 (R-75-97)
Amended – September 28, 1998 (R-67-98)
Amended - April 17, 2000 (R-29-00)
Amended – September 17, 2001 (R-89-01)
Amended – September 22, 2003 (R-79-03)
Amended – October 27, 2003 (R-91-03)
Amended – May 3, 2004 (R-38-04)
Amended – September 20, 2004 (R-78-04)
Amended – April 17, 2006 (R-37-06)
Amended – July 24, 2006 (R-65-06)
Amended – January 24, 2007 (R-11-07)
Amended – June 11, 2007 (R-53-07)
Amended – December 22, 2008 (R-67-08)
Amended – November 17, 2010 (R-36-2010)
Amended – April 11, 2011 (R-14-2011)
Amended – January 30, 2012 (R-07-2012)
Amended – February 21, 2012 (R-11-2012)
Amended – April 9, 2012 (R-20-2012)
Amended – February 10, 2014 (R-010-2014)
Amended – March 3, 2014 (R-014-2014)
Amended – March 10, 2014 (R-015-2014)
Amended – March 24, 2014 (R-016-2014)
Amended – December 22, 2014 (R-058-2014)
Amended – December 22, 2014 (R-061-2014)
Amended – November 16, 2015 (R-030-2015)
Amended – April 4, 2016 (R-008-2016)
Amended – September 10, 2018 (R-034-2018)
Amended – October 22, 2018 (R-038-2018)

TABLE OF CONTENTS

1.	EMPLOYMENT STATUS	1
2.	EMPLOYMENT	2
1.	Recruitment	2
2.	Application	2
3.	Salary Plan	2
4.	Pay Period	2
5.	Definitions	3
3.	HOURS OF WORK AND OVERTIME	4
1.	Definitions	5
2.	Break Time	5
3.	Hours of Work	5
4.	Absence from Work	5
5.	Work Rules	5
4.	BENEFITS	7
1.	Health and Welfare Insurances	7
2.	Annual Leave	8
3.	Sick Leave	9
4.	Maternity Leave	10
5.	Bereavement Leave	10
6.	Military Leave	10
6a.	Spouse of Armed Services Member Leave	11
7.	Jury Duty Leave	11
8.	Subpoena Leave	11
9.	Domestic Violence Leave	11
10.	Holidays	12
	Floating Holidays	12
	Unpaid Holidays for Reasons of Faith or Conscience	12
11.	Workmen's Compensation	13
12.	Leave of Absence	14
	Family Medical Leave	14
	Family Care Act	16
5.	COUNTY EQUIPMENT USAGE	17
5A.	WIRELESS COMMUNICATION DEVICE (WCD) POLICY	17
5B.	RELEASE OF ADAMS COUNTY ELECTRONIC DATA	21
6.	EMPLOYMENT OF RELATIVES/NEPOTISM	22
7.	RECLASSIFICATION	23
8.	COMPUTER USAGE	24
9.	DISCIPLINARY PROCEDURES	32

10.	GRIEVANCE PROCEDURES	35
11.	EVALUATION	38
12.	VOLUNTARY RESIGNATION/RETIREMENT	37
13.	WHISTLEBLOWER ACT	39
14.	DRUG AND ALCOHOL	43
15.	SEXUAL HARASSMENT	46
16.	POLICY PROHIBITING DISCRIMINATION	48
17.	SMOKING POLICY	51
18.	EQUAL OPPORTUNITY	52
19.	COUNTY CREDIT CARD POLICY	53
20.	EMPLOYEE TRANSFER – ACCRUED VACATION/SICK LEAVE	54
21.	WORKPLACE VIOLENCE POLICY	55

APPENDIX

A	Salary Plan FLSA Exempt Positions - R-35-06, R-51-06, R-11-07 Incentive Pay and Employment Status change from Union to Non-Union - R-59-98 Anniversary Date for Part-time Employees Converting to Full-time and Part time Converting to Regular Part-time - R-92-95 Withdrawal by Community Counseling in Adams County Salary Schedule – R-64-91 Anniversary Dates for Clinical Employees of Community Counseling – R-67-91 Adams County Salary Policy – R-98-84 Establishing Benefits for an Employee in Full Time Job Shared Positions – R-54-95
B	Vehicle and Travel Policy
C	Ordinance No. 98-88 Indemnification and Tort Representation Ordinance No. O-02-98 Procedure for County Commissioners to Provide Defense Costs to County Employees
D	R-102-95 Public Works Bloodborne Pathogens Exposure Control Plan
E	R-35-94 Job Descriptions for Adams County
F	R-75-01 and R-81-02 Shared Annual Leave Policy
H	R-030-2015 Reimbursement Rate for Job Related Meal Expenses
I	R-07-2012 Credit Card Policy
J	R-68-03 Employee Benefit Retention When Transferring from One Department to Another County Department

K R-70-05 Authorizing Establishment of a Health Reimbursement Arrangement/Voluntary Employees' Beneficiary Association ("HRA VEBA") Plan

**SECTION 1
EMPLOYMENT STATUS**

Welcome to employment with Adams County. The following guidelines are given to you as an employee in order to provide you with an understanding of your employment with Adams County.

These guidelines do not establish an employment contract with Adams County. Employees of Adams County are employed by Elected Officials pursuant to RCW Title 36. Unless the statutory authority of an Elected Official is modified by Civil Service Rule or a collective bargaining agreement, employees serve at the pleasure of the Elected Official of the County office where the employee is employed. Elected Officials may employ deputies and other necessary employees with the consent of the Board of County Commissioners. RCW 36.16.070.

The purpose of these guidelines is to provide guidance regarding working conditions to employees and Department Heads under the authority of the Board of County Commissioners. These guidelines are subject to ratification and/or modification by future Boards of County Commissioners. Review of these guidelines shall occur each time a Commissioner takes office whether by appointment or election. At such time these guidelines may be ratified or modified as determined by the Board.

The following County offices are recognized: Auditor, Treasurer, Central Services, Commissioners, Assessor, WSU Cooperative Extension, Prosecuting Attorney, Office of Support Enforcement, Superior Court Clerk, Superior Court, Othello and Ritzville District Court, Building and Planning, Public Works (including Facility Management), Solid Waste, Economic Development, Integrated Health Care Services (Mental Health, Chemical Dependency, Health, and Developmental Disabilities), Juvenile, Sheriff, and Emergency Management.

The Board of County Commissioners establishes compensation for all employees of the County. (RCW 36.16.070).

These guidelines are not intended to and do not supersede the provisions of Title 36 RCW.

SECTION 2 EMPLOYMENT

Section 1. Recruitment.

No employee may be hired by the Department Director without the approval of the availability of the position pursuant to a current budget authorization. All positions must be publicized for a minimum of two (2) weeks in the county's official newspaper. Other advertisement/posting may be in additional newspapers, on public bulletin boards, periodicals, and on the county's web page at <http://www.co.adams.wa.us>. Announcements shall specify the title, pay range and duties to be performed, required qualifications, time and manner of making application and other pertinent information related to the available position.

The pay range shall be consistent with the County salary plan. (Appendix A).

Section 2. Application.

Application and testing shall be made as prescribed by the Elected Official/Department Head of the county office and applicable to state law.

Section 3. Salary Plan.

Employees shall be paid in accordance with the County classification and salary system as established by the Board of County Commissioners.

Section 4. Pay Period.

Employees are to be paid once a month per RCW 36.17.040. Adams County employees are paid on the 5th day of the month following the end of the previous month. Payroll cutoff dates shall be the last working day of each month. The Auditor's Office establishes procedures for payroll policies including, but not limited to, payroll submittal dates.

The 20th of each month is a draw day as established by Adams County Resolution 83-85. Draw pay is not more than 40% of the average normal monthly salary of the employee. Draw pay is optional for county employees and is done through the individual's Department payroll person and submitted monthly to the Auditor's Office.

The County may modify its pay practices at a future date in such a manner as to begin paying employees twice per month rather than once per month. Concurrent with this change the County will delete the practice set forth in this Subsection 4 – Pay Period of allowing a mid month draw; and, Resolution No. 83-85 will be null and void.

The County shall furnish each employee with an itemized statement of earnings and deductions, hours worked and other compensation payable to the employee, as well as any and all deductions from the employee's gross wages for the pay period. Draw pay, when allowed, is not considered a regular "pay day".

Upon termination of employment, the County shall pay all monies due the employee on the payday following such employment termination. (Amended R-014-2014)

Section 5. Definitions.

Department Director: An elected or appointed County official with designated responsibilities for the operation of a county department or office.

Regular Full Time. An employee who has successfully completed the twelve (12) month probationary period and has no break in service and regularly works either five (5) seven (7) hour days per week or five (5) eight (8) hour days per week.

Regular Part-Time. An employee who has successfully completed the twelve (12) month probationary period and has no break in service and regularly works a minimum of eighty (80) but less than one hundred twenty (120) hours per month over a consecutive six (6) month period. Prorata benefits are available for any regular part-time employee who is eligible for P.E.R.S. I or P.E.R.S. II. (Amended R-91-03)

Job Shared Full Time. An employee who shares a minimum thirty-five (35) hour per week position with another employee. Benefits are available for these employees on a pro-rated basis. (Adams County Resolution R-54-95)

Temporary or Extra Help: Employees scheduled to work on a temporary basis or on-call, and who are not eligible for benefits. The hiring period shall be for a specific period of time not to exceed six (6) consecutive months to complete a seasonal or temporary project.

Probation: A working test period during which an employee is required to demonstrate the ability and capacity to perform the duties of the position for which he/she was hired.

Recognized Employee Organizations: An organization or union which includes employees of the County and which has as one of its primary purposes representing such employees in their employment relations with the County and which has become recognized with the County under the procedure as outlined in the state collective bargaining law. (RCW 41.56)

Reinstatement: Return of an employee to the employees' former position in the service of the county within six (6) months after layoff or at any time after successful appeal of a suspension, demotion or dismissal.

Uniformed Employees: Employees who are duly sworn officers of the County Sheriff's Department and who are under the state mandated Civil Service System of the County. (RCW 41.14), and the Adams County Sheriff's Department Personnel Policy.

Termination: Separation from employment with the County.

Transfer: The change of employment status from one position to another position where it is either:

a) a voluntary or involuntary transfer to a position having the same or similar qualifications, duties and responsibilities, which does not result in reductions of salary, benefits, or privileges; or,

b) a voluntary transfer to a position having the same, similar or lesser qualifications, duties, and responsibilities, which may or may not result in a reduction of salary, benefits, or privileges.

Retiree: Any person who has begun accruing a retirement allowance or other benefit provided by RCW 41.40.010 (32) resulting from service rendered to an employer while a member.

Retirement: Withdrawal from active service with a retirement allowance as provided by RCW 41.40.010

**SECTION 3
HOURS OF WORK AND OVERTIME**

Section 1. Definitions:

Exempt Employee. Employees who are exempt under the provisions of the Fair Labor Standards Act (FLSA) are not entitled to overtime pay or compensatory time. Exempt employees are paid on a salary basis. Adams County positions that qualify as exempt will be designated in the approved job description.

Non-exempt Employee. Employees who are entitled to overtime pay for all hours worked in excess of forty (40) hours per week, with the provision that the Sheriff may establish for law enforcement an overtime threshold of forty-three (43) hours in a seven (7) day work period or one hundred seventy-one (171) hours in a twenty-eight (28) day work period. In no event shall an overtime threshold of less than forty (40) hours per week be established by any Elected Official, without the consent of the Board of County Commissioners.

Overtime. All hours worked by non-exempt employees in excess of the established overtime threshold shall be paid at one and one-half (1½) times the employee's base hourly rate for all hours of work performed in excess of forty (40) hours worked in a workweek. Overtime must be authorized and approved by the employee's immediate supervisor. (Amended R-014-2014)

Section 2. Break Time. Employees shall be allowed a rest period of not less than ten (10) minutes, on the employer's time, for each four (4) hours of working time. Rest periods shall be scheduled as near as possible to the midpoint of the work period. No employee shall be required to work more than three hours without a rest period. *Exception:* Scheduled breaks are not required where the nature of the work allows employees to take intermittent rest periods equivalent to ten (10) minutes for each four (4) hours of work.

Section 3. Hours of Work. Regular full-time County employees shall work either thirty-five (35) or forty (40) hours per week as designated by their position and department. The standard seven (7) hour workday shall be from 8:30 a.m. to noon and from 1:00 p.m. to 4:30 p.m., Monday through Friday. The standard eight (8) hour workday shall be from 8:00 a.m. to noon and from 1:00 p.m. until 5:00 p.m. Due to the nature of the work, some divisions and departments will have different schedules. Those schedules shall be determined by department heads.

Section 4. Absence from Work. If an employee knows that he or she will be late for work or absent because of illness or other reasons, it is his or her responsibility to contact his or her supervisor as soon as possible to enable the employee's supervisor to make necessary arrangements to continue the employee's function while he or she is absent.

Section 5. Work Rules. The following work rules shall be applicable to affected employees. These rules are not intended to be all-inclusive, and the County shall, when it deems appropriate, establish additional rules to ensure the effective operation of the County government.

(1) Employees must be at a designated work area on time, and ready to work. Employees shall remain at the work area until the scheduled quitting time unless permission to leave is granted by their department director or designee.

(2) Where the operations are continuous, an employee shall not leave until replaced by the next shift or employee or until relieved by the department director or designee.

- (3) Employees shall not conduct personal business during working hours.
- (4) Employees shall follow all safety regulations including the wearing of required safety articles and using of protective equipment. Employees shall immediately report accidents or injury to their department director or designee. Employees shall complete a written accident on a form provided by the department immediately following any accident or injury.
- (5) Employees shall be responsible for and shall not misuse County property, records, or other materials in their care, custody or control. County property, records, or other materials shall not be removed from the premises without permission of the department director or designee.
- (6) Employees shall deal with the public and other employees in a courteous manner.
- (7) Employees shall conduct themselves in a professional manner while on duty and shall not engage in conduct detrimental to the good order and discipline of the department or the County.
- (8) Employees shall immediately report to their department head or designee their inability to work and the reason therefor.
- (9) Employees shall notify the department director or designee and the department responsible for payroll administration whenever there is a change in the employee's personal data such as address, name, or tax exemptions.
- (10) Employees shall report for and remain at work only when in proper physical and mental condition to perform their duties.
- (11) Employees shall not restrict or interrupt work or interfere with the work of others.
- (12) Employees shall not neglect their duties and responsibilities or refuse to perform assigned work.
- (13) Employees shall not engage in unapproved soliciting, using their positions for personal gain, or use their positions to directly or indirectly coerce others.
- (14) Employees shall not post notices on the County premises without prior approval from the Board of County Commissioners or designee, or the appropriate department director. Defacing of any existing notices is a violation of these rules.
- (15) Employees shall not possess unauthorized firearms, and/or weapons on the County premises.
- (16) Employees shall not falsify records, reports, or claims of illness or injury.
- (17) Employees shall not violate any of the terms and conditions of policies contained in these work rules.

**SECTION 4
BENEFITS**

Section 1. Health and Welfare Insurance. Other Benefits.

Health and Welfare Insurance(s)

Employees of the County, except as limited herein, shall have the right to participate in and select from the health and welfare insurance coverage(s) made available by the Board of County Commissioners. The County reserves the right to change health and welfare plan providers, and/or to delete, add to or amend coverage(s) and other health and welfare programs at any time.

The County's contribution toward a regular full-time employee's health and welfare benefits shall be set by the Board of County Commissioners. This contribution is considered part of the County's total benefit package and regular full-time employees do not have the option to elect non-participation.

Effective July 1, 2007, newly employed regular part-time employees, i.e., those who work a minimum of eighty (80) but less than one hundred twenty (120) hours per month, shall be eligible for a pro-rated Employer premium contribution equal to fifty percent (50%) of the monthly amount provided full-time employees. This contribution is considered part of the County's total benefit package and regular part-time employees may elect non-participation. Election of non-participation requires a signed non-participation election waiver. No additional compensation will be given the regular part-time employee who exercises the medical plan non-participation option.

Employees who work less than eighty (80) hours per month, or temporary/seasonal employees hired for a period of six (6) months or less, shall not be eligible for or allowed to participate in the Employer's health and welfare benefits. Benefit costs for an eligible employee, beyond the amount authorized by the Employer, shall be the responsibility of the employee and paid through authorized payroll deduction.

The Employer's contribution will not be paid when an employee is on an authorized unpaid leave of absence except as otherwise provided for in the Employer's policies or in law.

New regular full-time and part-time employees will become eligible for health and welfare plan participation on the first day of the month following completion of a minimum of eighty (80) hours of work. Insurance coverage(s) shall cease on the last day of the month of termination if the employee has worked less than eighty (80) hours during that month; or, the last day of the following month when the employee has completed eighty (80) hours of work or more during the month.

The Employer will provide an eligible employee access to an established Voluntary Employee Benefit Account (VEBA) to which it will contribute any monthly balance that may exist between the Employer's established health and welfare contribution and the cost of an employee's elected medical, dental and life insurance coverage(s). The funds contributed to these accounts may be, during the term of employment, used exclusively by an employee to meet medical and dental expenses not covered by their medical or dental insurance or those costs for dependent(s) insurance coverage(s) not covered by the Employer's contribution, or upon separation from service the procurement of continued health and welfare coverage, or the cost of medical and dental services as provided for in the adopted VEBA plan document.

Additionally, the Employer will establish, when individually requested, a Flexible Spending Account (FSA) into which an employee, through payroll deduction, may make voluntary pre-tax

contributions, up to an established annual maximum, to meet costs associated with planned or unplanned medical or dental services not covered by insurance, or the cost of providing care for a dependent child or children. Contributions not used during the time period set forth in the plan document will be forfeited if not used for the purpose(s) set forth above.

Continuation of Coverage/COBRA

The Employer offers continuing health care coverage to legally qualified employees and their dependents. Employees who are terminated or considering resignation or retirement, and wish to continue their health and welfare coverage(s) should contact payroll or the County's human resource representative as soon as possible. It is preferred that those voluntarily separating from service provide at least thirty (30) days prior notice, or sixty (60) days in the event of retirement, if possible.

Retirement

The Employer shall participate in the state-wide public retirement system (PERS) for pension, relief, disability and retirement for qualified employees as set forth in the laws of the State of Washington.

During periods of temporary duty disability, the "Alternative Method of Reporting" will be used to report regular compensation the employee would have earned if not on temporary duty disability (Amended Adams County Resolution No. R-37-2013, RCW 41.40.038, Department of Retirement Systems 94-006)

Other Benefits

In addition to those employment benefits set forth above and elsewhere in these policies, the Employer provides two (2) pre-tax benefit programs, i.e., deferred compensation and an IRS approved cafeteria plan for the pre-tax deferment of certain medical and dependent care costs. The Employer will explain and provide employees the opportunity to discuss these and all other employer sponsored benefits during a scheduled new employee orientation, or at such other times as requested by an employee.

Section 2. Annual Leave. (Amended R-14-2011)

Annual leave allowance shall be earned annually based on the following schedule:

<u>Years of Service</u>	<u>Working Hours Leave/Month or Major Portion Thereof</u>	<u>Annual Leave Working Hours</u>
0 thru completion of 5 years	7 hrs. (35 hrs./week)	84
	8 hrs. (40 hrs./week)	96
6 thru completion of 10 years	8.75 hrs. (35 hrs./week)	105
	10 hrs. (40 hrs./week)	120
11 years and over	10.5 hrs. (35 hrs./week)	126
	12 hrs. (40 hrs./week)	144

Each employee in a job share full time position is entitled to half of the benefits of a full time employee in a regular position (Resolution R-54-95).

Regular part-time employees earn annual leave in the proportion their hours bear to the total number of full time employment hours.

Employees may not use annual leave until after one year of continuous service.

Annual leave may be accumulated to a maximum of twice an employee's annual rate of earning according to the schedule set forth above, or two hundred eighty eight (288) hours, which ever is less. Earned annual leave which exceeds the allowed maximum accrual, if not taken, shall lapse month by month. Under no circumstances, at separation from service, including retirement, shall an employee be allowed to cash out more than two hundred forty (240) hours of accrued leave. Cash out payment is based on the employee's salary or rate of pay at the time of separation from service and/or retirement. Employee accrued leave hours in excess of two hundred forty (240) hours, on the date of separation from service and/or retirement, shall be forfeited. It is the responsibility of the employee to be alert to his/her accumulated leave status and to utilize as necessary to prevent loss or forfeiture.

An employee must have completed one year of service to qualify for cash out payment of accumulated annual leave as set forth above. In the case of death, accumulated annual leave is paid to the estate of the employee.

Requests to use annual leave must be approved by the Elected Official/Department Head prior to the commencement of the requested annual leave. No employee shall be paid for nor permitted to use annual leave in excess of their accrued balance.

Holidays occurring during an approved annual leave shall not be counted as a day of annual leave.

Annual Leave may be gifted from employee to employee under conditions and provisions set forth in Resolution R-75-01 and Resolution R-81-02. (Appendix F)

Section 3. Sick Leave.

Adams County views paid sick leave as an acquired insurance against an employee's short-term loss of pay due to their absence from work as a result of illness or injury which occurs outside the scope of employment; or other permitted use, including the necessary medical care of a member of the employee's immediate family.

Eligibility and Accrual Rate

All employees, including those employed on a temporary or seasonal basis, are eligible to earn and accumulate paid sick leave.

Full-time employees shall earn and accrue paid sick leave at the rate of either eight (8) hours of leave per month if employed on a forty (40) hour work week, or seven (7) hours of leave per month if employed on a thirty-five (35) hour work week.

Part-time employees who work eighty (80) hours or more each month shall earn sick leave in the proportion their hours bear to the total number of full-time hours.

Part-time employees who work less than eighty (80) hours a month, Temporary, Seasonal, and Extra Help employees shall earn sick leave at a rate of one (1) hour of paid sick leave for every forty (40) hours worked.

Employees may carry up to one hundred twenty (120) days of accrued and unused paid sick leave over to the following calendar year. Any sick leave exceeding this amount shall be automatically forfeited without required action by the employee or Employer on December 31.

Temporary, Seasonal, and Extra Help employees become eligible to utilize accrued paid sick leave on the ninetieth (90th) calendar day after they begin employment. Paid sick leave shall be utilized in increments of no less than fifteen (15) minutes and compensated at the employee's regular rate of pay. No employee shall be paid for, nor permitted to use sick leave in excess of their accrued balance.

Permissible Use of Paid Sick Leave

Any employee eligible for sick leave with pay shall be granted such leave for the following reasons:

- a) Illness, injury, or health condition of the employee which is beyond the employee's control or the illness, injury, or health condition of his/her immediate family member that requires care by the employee. For the purposes of sick leave, immediate family shall be defined pursuant to RCW 49.46.210 and shall include child, spouse, registered domestic partner, sibling, parent, parent in-law, grandparent, and grandchild.
- b) The need for preventative care, including medical and dental appointments, by an employee or his/her immediate family member.
- c) Closure of employee's place of business or his/her child's school/place of care by order of a public official for any health-related reasons.
- d) To address issues related to an employee or his/her family member being a victim of domestic abuse, sexual assault, or stalking.
- e) Bereavement purposes, subject to County policy.
- f) An employee's sickness or temporary disability caused by or contributed to by pregnancy and/or childbirth.

Requirements for the Use of Paid Sick Leave

Employees must provide reasonable notice of an absence from work for the use of paid sick leave. If an employee's absence is foreseeable, the employee must provide notice to their immediate supervisor via their department's leave request form at least ten (10) days, or as early as practicable, before the first day paid sick leave is used. If an employee's absence is unforeseeable, the employee must contact their immediate supervisor as soon as possible before the start of their shift. Department Directors may request the employee fill out a leave request form on the day the employee returns from paid sick leave.

If an employee has used paid sick leave for an authorized purpose for three (3) consecutive working days or more, the employee may be required by their Department Director to provide verification that confirms that the use of paid sick leave is for an authorized purpose. Acceptable verification may include:

- a) A written or oral statement from the employee indicating the use of paid sick leave is necessary to care for the employee or their immediate family member for an authorized purpose.
- b) A doctor's note or signed statement by a health care provider indicating the nature of the illness or injury, the onset of the sickness or injury, the site of treatment, the date and extent of recovery, and/or the date the employee is expected to return to work.
- c) Other documentation demonstrating the employee's use of paid sick leave is for the care of the employee or their immediate family member for an authorized purpose.

A Department Director may, at its discretion, require the employee to submit to an independent medical examination and assessment of their fitness for duty and ability to return to work.

Consequences of Sick Leave Misuse

Any employee deemed to have abused sick leave privileges by falsification or misrepresentation shall be subject to disciplinary action up to and including termination from employment.

Sick Leave Upon Separation or Reinstatement

Employees hired prior to January 1, 1983, shall be paid for one-half (1/2) of unused sick leave upon that employee's death, termination, or retirement from the service of the County.

Employees hired between January 1, 1983, and November 7, 1988, shall be paid for one-half (1/2) of unused sick leave only upon death or retirement.

There will be no sick leave pay off for employees hired after November 7, 1988.

If an employee separates from employment and is rehired within twelve (12) months of separation, any accrued and unused paid sick leave will be reinstated to the employee's paid sick leave balance.

Retaliation Prohibited by Law

Employees will not be disciplined, discriminated, or retaliated against for the lawful use of paid sick leave. If an employee feels they are being discriminated or retaliated against for utilizing their paid sick leave, the employee may contact Adams County Human Resources.

Section 4. Maternity Leave.

Any employee who is sick or temporarily disabled because of pregnancy or childbirth shall be allowed maternity leave for the actual period of time of such sickness or temporary disability. The Employer will require employees to use all sick leave and annual leave at the same time they are using maternity leave. However, in the interest of allowing an employee to maintain some reserve of sick leave, no employee would be required to take sick leave that would reduce her balance below 30 days if and when she is taking maternity leave.

Employee may be granted a leave of absence beyond the actual period of time of such sickness or temporary disability, without pay not to exceed six months, pursuant to Section 4.12(B).

Maternity leave shall be used in combination with leave taken by the employee pursuant to the Federal Family Medical Leave Act.

Section 5. Bereavement Leave.

An employee may use annual leave or sick leave, for bereavement purposes subject to the following limitations:

a) Such bereavement leave shall not exceed five (5) consecutive working days, unless an extension is granted by the Board of Commissioners based upon extenuating circumstances.

b) Bereavement leave may only be used for the death of immediate family members. Immediate family shall be defined as any relative by blood, marriage or adoption specifically and limited to wife, husband, parent, parent-in-law, grandparent, brother, sister, child, or grandchild of the employee. Immediate family does not include aunt, uncle, cousin, niece or nephew, unless living in the employee's household.

c) When authorized by the Elected Official/Department Head, to attend funeral services of a deceased County employee who was an employee of the County at the time of death and residing within Adams County or adjoining Grant County or Spokane County, the county employee attending the funeral services can do so without loss of pay. (Amended R-014-2014)

Section 6. Military Leave.

Any officer or employee of the County who is a member of a State National Guard or Federal Reserve Military Unit shall be entitled to be absent from the employee's duties or service with the County with full pay for up to twenty-one (21) calendar days during each calendar year while engaging in the performance of an officially ordered military duty and while going to or returning from such duty in accordance with the laws of the State of Washington (RCW 38.40.060). Such leaves shall be in addition to any other leave or annual leave benefit.

Employees who are called or volunteer for service with the armed forces of the United States shall be entitled to reinstatement consideration in accordance with the provisions of the State Law (RCW 73.16). Upon application for reinstatement, the individual must display a certificate showing separation from the service was satisfactory as defined by RCW 73.16.

Any employee returning from service with the armed forces shall be entitled to such length of service seniority as would have been credited had the employee remained for that period of time with the County.

An employee who was in a probationary period at the time of leaving for military service shall upon the employee's return complete the remaining portion of the employee's probationary period according to the then applicable rules and regulations currently in force.

An employee promoted to fill a vacancy created by a person serving the armed forces shall hold such position subject to the return of the veteran. The employee affected by the return shall be restored to the position formerly held or any other equivalent position if a position is available.

Section 6a. Spouse of Armed Services Member Leave (RCW 49.77 – 06/12/2008).

An employee of the County whose spouse is a member of the United States armed forces, national guard, or reserves who has been notified of an impending call or order to active duty, or who has been deployed, or when the military spouse is on leave from deployment, may take a total of fifteen (15) days of unpaid leave per deployment.

Section 7. Jury Duty Leave.

It is the civil obligation of each employee to serve on a jury if he or she is called. While on jury duty an employee will receive full pay for any normal work time missed as a juror from the County, provided the employee will "sign over" to the County any compensation (except mileage) paid for jury duty, except the employee shall keep that portion of said compensation for jury duty served on a normal day off.

Section 8. Subpoena Leave.

An employee subpoenaed by the County to testify in a case arising out of employment with the County will receive full pay for any normal work day time missed as a subpoenaed witness provided, the employee signs over any compensation (except mileage) paid for subpoena leave, except the employee shall keep that portion of said compensation for subpoena leave served on a normal day off.

Section 9. Domestic Violence Leave (RCW 49.76 – 04/01/2008).

An employee of the County may be granted a reasonable period of leave if they are a victim of domestic violence, sexual assault, or stalking to take care of legal or law enforcement needs and to obtain health care. Family members of a victim may also take reasonable leave to help the victim obtain treatment or see help.

Employees may use sick leave or other paid time off, or unpaid leave time. (Amended R-014-2014)

"Family member" includes a child, spouse, parent, parent-in-law, grandparent or person with whom the employee is dating.

Section 10. Holidays/Floating Holidays.

A. Holidays

The following days are recognized as paid holidays:

- New Year's Day
- Martin Luther King Day (Resolution R-133-94)
- President's Day
- Memorial Day
- Independence Day
- Labor Day
- Veteran's Day
- Thanksgiving Day
- The day following Thanksgiving Day
- Christmas Day

Any regular holiday which falls on a Saturday shall be observed on the preceding Friday and any regular holiday which falls on a Sunday shall be observed on the following Monday.

Any employee of the county who is on annual or sick leave when a holiday occurs will not be charged annual leave or sick leave for that holiday.

Work performed on any of these holidays shall be paid for at the employee's regular rate of pay in addition to the holiday pay.

Part-time and temporary employees are not entitled to holiday pay. Only regular and regular part-time employees who are on the regular payroll during the period that encompasses the holiday are entitled to full holiday benefits. Job share employees are entitled to half each of the holiday with pay. Probationary employees are eligible for holiday pay.

In order to qualify for holiday pay, an employee must have worked the last work day prior to the holiday and the first work day following the holiday, unless the employee's assigned work schedule conflicts with this qualification.

B. Floating Holidays (Resolution R-116-92)

Floating holidays (two (2) days off with pay at employee's choice with supervisor's approval) will be approved at the following rate:

Employed as of January 1: Two (2) float holidays per calendar year;

Employed with date of hire between January 1 and June 30: One (1) float holiday that calendar year;

Employed with date of hire on or after July: No floating holidays that calendar year;

provided that all other conditions and requirements for Holidays and employment as set forth in the Adams County Employee Guidelines are met. Floating Holidays may not be carried into the next calendar year.

C. Unpaid Holidays for Reasons of Faith or Conscience (Resolution No. R-058-2014)

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

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

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

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

Section 11. Workmen's Compensation.

Employees who are injured or become ill as a result of performing their work related duties shall be eligible, based on the determination of the State Industrial Insurance Division, for worker benefits pursuant to the Washington State Worker's Compensation Act.

An employee, who as a result of their work related injury or illness, is receiving worker's compensation time-loss payments may use his/her accrued paid leave, except as otherwise provided by law or a Collective Bargaining Agreement, during the first twelve (12) weeks of absence to make up the difference between his/her disability payments (time-loss) and his/her regular monthly salary. Paid leave shall be integrated with any health and welfare plan and/or other income protection benefit(s) such that the sum of the daily paid leave allowance and the aforementioned time-loss and other disability income shall not exceed one hundred percent (100%) of the regular daily rate of pay for any one workday. Employees electing to use paid leave to supplement income protection benefits, including time-loss payments, will have their accrued leave banks charged for only that portion of the employee's regular salary that exceeds his/her time-loss and/or other income protection payments. Paid leave shall be repurchased in the same order in which it was used. (See also Section 4, Benefits – Section 1: Retirement)

In order to not work an undue hardship upon an injured or ill employee resulting from the time delay between his/her first date of absence and receipt of authorized time-loss payments, the employee shall be compensated from his/her accrued paid leave, if available, their full salary. Upon receipt the employee shall endorse over to the County the aforementioned time-loss payments and shall have his/her paid leave reinstated to the value of the time-loss payments received.

Employees absent as a result of an on-the-job injury or illness, except as set forth above, shall be placed on an unpaid leave of absence, the length of which shall be determined by the Employer. Employees will not accrue longevity, sick and vacation leave, or other benefit(s) of employment when absent due to an on-the-job injury or illness, however, the Employer will continue to provide its contribution toward an injured or ill employee's health and welfare plan coverage(s) until such time as the employee is determined to be fixed and stable, or until he/she is released from service, whichever occurs first. Employees shall continue to be responsible for meeting any additional costs in maintaining these insurance coverage(s).

Employees receiving benefits pursuant to this provision may be requested and required to perform medically approved light duty work. Employees assigned to light duty shall be compensated at a level commensurate with the work performed.

Employees who accept other employment or actively engage in a business for himself/herself while absent due to an on-the-job injury or illness, except as authorized by the Employer, or who abuse the benefits provided for hereunder, shall be subject to disciplinary action up to and including termination.

Section 12. Leave of Absence

A. Leave of Absence

Upon written request of the employee, the Employer may grant a regular full-time employee a leave of absence without pay, not to exceed three (3) months. Approval of such leave shall be in writing and signed by the Employer. Except as provided for under the provisions of the Family Medical Leave Act, or elsewhere in law, no annual or sick leave, or any other fringe benefit(s) shall accrue while an employee is on leave without pay; moreover, the employee's anniversary date will be adjusted by the length of the leave period.

An employee on an approved leave of absence, except as provided for under Section 4.11 or elsewhere in law, may continue his/her medical insurance coverage(s) by paying the full cost to the County, in advance for each month or position thereof, that he/she is absent. These payments shall be subject to the terms of the insurance contract.

All leaves of absence without pay, except family medical and military leave, may be canceled for the necessity of the Employer, at any time, upon written notice to the employee. The Employer shall specify a reasonable date for termination of the leave.

Upon expiration of an approved leave without pay the employee will be reinstated in the position held at the time the leave was granted or other equivalent position. Failure of an employee to report to work as scheduled following expiration or cancellation of a leave shall be considered as job abandonment and a voluntary resignation.

B. Family Medical Leave

Eligible employees shall be entitled to medical leave subject to the provisions of the Washington Family Medical Leave Act (FMLA) and the Federal Family Leave Act (FLA).

Eligibility:

The term "eligible employee" means an employee who has been employed for at least twelve (12) months and one thousand two hundred fifty (1,250) hours in the twelve (12) months immediately preceding the first date of the requested leave.

Leave Entitlement:

An eligible employee shall be entitled to a total of twelve (12) workweeks of unpaid leave, except where under law such leave entitlement may be withheld, during any rolling twelve (12) month period for one or more of the following reasons:

1. The birth and/or care of an employee's newborn child;
2. The placement of a child with an employee for adoption or foster care;
3. To care for the employee's spouse, child under the age of eighteen or eighteen years of age or older and incapable of self-care because of a mental or physical disability, parent, parent-in-law or grandparent who has a serious health condition; and,
4. A serious health condition that prevents the employee from performing the function(s) for which they are employed.
5. Eligible employee with a covered military member serving in the National Guard or Reserves to Military to use for "any qualifying exigency" arising out of the fact that the covered military member is on active duty or called to active duty status in support of a contingency operation. A "qualifying exigency" for which the employee can use FMLA leave is defined as: a) Short-notice deployment; b) Military events and related activities; c) counseling; d) rest and recuperation; e) post-deployment activities; f) additional activities not encompassed in the other categories, but agreed to by the employer and employee. Department of Labor certification forms may be used by employees and employers to facilitate the certification requirement for the use of military family leave.
6. An eligible employee who is the spouse, son, daughter, parent, or next of kin of a "covered service member" who is recovering from a serious illness or injury sustained in the line of duty while on active duty is entitled to up to 26 weeks of leave in a single 12 month period to care for the service member. This Military Caregiver Leave is available during "a single 12-month period" during which an eligible employee is entitled to a combined total of 26 weeks of all types of FMLA leave.

The entitlement to leave for the birth or placement of a child shall expire at the end of the twelve (12) month period beginning on the date of such birth or placement.

When a husband and wife are both employed by the County the aggregate number of work weeks of leave to which both may be entitled may be limited to twelve (12) weeks during any twelve (12) month period, except when the leave is for a serious health condition of the employee.

Type of Leave:

Leave may be requested and taken consecutively, intermittently or on a reduced leave schedule. Leave may be taken intermittently or on a reduced leave schedule only when medically necessary, or when requested for the birth, placement, or care of a child, at the discretion of the Employer and only when the granting of such leave serves a legitimate business purpose. If an employee requests intermittent leave, or on a reduced leave schedule that is foreseeable based on planned medical treatment, the Employer may transfer the employee, temporarily, to an alternative position which better accommodates recurring periods of leave. Leave taken intermittently or on a reduced leave schedule shall not result in a reduction in the total amount of leave to which the employee is entitled.

Unpaid v. Paid Leave: Employees must use their accrued sick, vacation and personal leave (floating holidays and compensatory time) prior to being placed on unpaid Family Medical Leave. However, in the interest of allowing an employee to maintain some reserve of sick leave, no employee shall be required to use sick leave that would reduce his/her accrued balance below thirty (30) days. Employees taking leave for the birth, placement or care of a child may not substitute, unless the leave is medically necessary, accrued sick leave for unpaid leave.

Employment and Benefits:

An employee who takes Family Medical Leave shall be entitled, upon return from such leave, to be restored to the position he/she held prior to date the leave commenced, or restored to an equivalent position with equivalent employment benefits, pay and other terms and conditions of employment.

The taking of leave shall not result in the loss of an employment benefit accrued prior to the date on which the leave commenced. However, nothing except as specifically provided for in law, by a Collective Bargaining Agreement or elsewhere in this policy and procedure shall be construed to entitle any restored employee to the accrual of any seniority or employment benefits during any period of leave, or any right, benefit, or position of employment to which the employee would have been entitled had the employee not taken leave. Employees will, however, continue to accrue seniority, sick and vacation leave during that portion of their leave in which they are in paid status.

The Employer will continue to pay any health and welfare insurance coverage(s) normally provided by the County during the period of an employee's Family Medical Leave.

Notice, Certification and Approval:

Unless the qualifying event is unforeseeable, employees must submit requests for Family Medical Leave in writing at least thirty (30) days prior to the commencement of the leave period. If the need for leave is foreseeable and requests are not submitted within the thirty (30) day timeline, the Employer may require that the employee wait thirty (30) days before the leave is approved and scheduled to begin.

Except for the birth of a baby, employees may be required to provide written medical certification from a qualified healthcare provider establishing the need for and length of the requested leave. Employees may be required to update certification(s) during the course of the approved leave period.

Human Resources shall be responsible for determining leave eligibility and the terms and conditions for each Family Medical Leave. All leaves shall be approved by the Elected Official, Department Head, and/or the Board of County Commissioners.

C. Family Care Act

Employees may use their sick leave or other paid time off to care for a child with a “health condition” or a spouse, domestic partner, parent, parent-in-law, or grandparent of the employee with a “serious health condition” or emergency.

**SECTION 5
COUNTY EQUIPMENT USAGE**

As required by the Washington State Constitution, Article 8, Section 7: employees are prohibited from using any County equipment for personal gain or benefit.

Phone calls for private purposes are to be kept to a minimum. Personal long distance phone calls by an employee shall not be billed to the County. The billing shall either be to a third party or by use of personal credit card.

**SECTION 5A
WIRELESS COMMUNICATION DEVICE (WCD) POLICY
(CELLULAR TELEPHONE POLICY)
Resolution No. R-20-2012**

1.0 PURPOSE

The purpose of the Cellular Telephone Policy is to outline criteria for the purchase and use of cellular telephones, and to establish guidelines for reimbursement by employees for personal use of County cellular telephones.

2.0 POLICY

It is the policy of Adams County to provide employees with efficient, cost effective telephone communication equipment and services. The purchase and utilization of cellular telephones shall be limited to the requirements and specifications contained in this guideline. The policies and procedures of this guideline apply to all County departments.

3.0 ACQUISITION

3.1 Agency Owned Devices

The acquisition of cellular telephones shall be limited to those instances in which there is a need for such equipment to perform essential County business or to improve safety, increase productivity, increase service to the public, or in situations in which necessary communications cannot be provided by any other means. The purchase of cellular telephones shall be subject to approval by the County and will be processed through the Cellular Telephone Coordinator.

3.2 Privately Owned Devices

The acquisition of cellular telephones shall be the responsibility of the employee. The device used must be consistent with the approved use as stated in Section 7 of this policy.

4.0 RESPONSIBILITY

4.1 Cellular Telephone Coordinator

The Adams County Board of Commissioners has designated the Cellular Telephone Coordinator oversight responsibilities for all County cellular telephones to be the Central Services Department; and, the Coordinator for all Personal cellular telephones used for county business to be the Department Head of each individual Department.

4.2 Department Heads

The Department Head or designee shall assign each cellular telephone to one specific individual, aka Assigned User, and shall ensure appropriate controls are in place for checkout, return, security, and maintenance of the equipment.

The Department Head or designee will insure that all Assigned Users have read and signed the Assignment of Cellular Telephone form and will return a copy of each signed form to the appropriate Cellular Telephone Coordinator.

It is the responsibility of the Department Head or designee to provide for a routine examination of cellular telephone billing detail to ensure proper use of such equipment.

4.3 Assigned User

Each Assigned User shall control and monitor the use and when applicable the return of the cellular telephone.

5.0 USE OF COUNTY-OWNED CELLULAR TELEPHONES

Use of cellular telephones shall be authorized only when there is a demonstrated need for the use of the equipment for the purposes listed in Section 3 of this policy. Only the assigned user or any additional county employee who has been informed of county guidelines on the use of cellular telephones and who has signed the assignment of cellular telephone form may use county owned telephones.

Cellular telephones may be used for personal reasons only in an emergency situation when no other immediate means of communications is available to the employee. In such event, the employee shall reimburse the County for the cellular telephone charges incurred as outlined in Section 6. This shall apply to both incoming and outgoing cellular telephone calls.

Cellular telephones should not be used when a less costly alternative is safe, convenient, and readily available.

Cellular transmissions are not secure. Employees should use discretion in relaying confidential information.

Reasonable precautions should be made to prevent theft and vandalism of any cellular telephone. In the event that a cellular telephone is lost, stolen, or vandalized due to an employee's failure to use reasonable precautions, the county may require the employee responsible for such cellular telephone to reimburse the county for the reasonable cost to replace such telephone.

6.0 REIMBURSEMENT FOR PERSONAL CELLULAR TELEPHONE CALLS

Employees shall reimburse the County for personal calls made on County cellular telephones. In the event of an emergency necessitating a personal call on a County cellular telephone, the employee making or receiving the call shall keep a record of the date, time and identifying information for the call.

Personal cellular telephone charges will be reimbursed at the per minute rate the County pays for minutes billable to the telephone in excess of the "free time." This reimbursement shall apply to all personal calls within or outside the "free time" range.

Long distance and roaming charges will be reimbursed at the rate identified on the billing detail.

The Cellular Telephone Coordinator or designee will invoice the employee for the personal telephone calls. Failure of the employee to reimburse the County within 20 days of receipt of invoice may result in the deduction of the amount due from the employee's paycheck or final check upon termination of employment, or garnishment of wages if employee has received final check upon termination of employment.

7.0 USE OF PERSONAL DEVICE TO CONDUCT COUNTY BUSINESS

7.1 Reimbursement of County Calls with Personal Phone

Employees using privately owned cellular telephones may be reimbursed by their department for direct air time for calls to conduct authorized County business when evidenced by a billing detail. Reimbursement shall be made through the County's expense claim process with the billing detail attached. County business calls are identified, including name of person/agency called and reason for call.

7.2 Stipend Received for Use of Personal Phone

This section establishes requirements for employee use of wireless communications devices (WCD) to conduct department business and the option for employees to use their own personal WCDs instead of agency-owned WCDs and receive a stipend.

It is the policy of the department to use WCDs when the job duties or the positions necessitate its use as a justified business need. The department may pay an employee a stipend for using a personally-owned WCD, in accordance with the following rules.

1. Department Head/Director Approval
The Department Head/Director must receive approval from the Board of County Commissioners prior to exercising this portion of the policy.
2. WCD Use is based on Business Needs
The business need for WCD use by an employee must be documented and approved on the appropriate form. This form must be approved by the employee's departmental head/director.
3. Agency-Owned WCD or Stipend for Personal WCD
An employee with a documented business need may either use an agency-owned WCD, or request approval to receive a stipend for their personal WCD on a Wireless Communications Device Stipend Request Form.

Stipend Information

The department will pay one of the following stipend amounts to the employee less payroll taxes:

- \$10 per month for a voice only service plan
- \$15 per month for a voice and text message service plan
- \$40 per month for a voice and data service plan.

If a data plan is required, the employee's WCD and service plan must support access to the agency's electronic mail system via the secure Microsoft Exchange remote mail portal.

The employee is responsible for costs and details of the WCD and service plan.

The employee receives and pays invoices directly for the WCD and Service Plan.

The employee will be required to list the phone number with the County and place the number on their business card, if applicable.

The department is not responsible for the employee's WCD or service plan.

7.3 Privacy and Employee-Owned WCDs

Business related data transactions made via employee-owned WCDs are stored on the department's secured Microsoft Exchange servers and are subject to the existing public disclosure retention schedules as determined by content. In addition, should they be identified during a public disclosure request, an additional retention of six years will apply.

In the event a personal phone which uses the Adams County Microsoft Exchange system for e-mail is lost or stolen, that phone will be formatted from the Microsoft Exchange server. It will be the employee's responsibility to notify the County of such an event. All information whether County related or personal will be erased from the phone.

Employee-owned WCD information is private with the following exceptions:

For audit purposes, the employee must be able to provide proof of a qualifying voice and/or data service plan.

When notified of a litigation hold, the employee may be required to consent to the inspection and copying by Adams County of data and electronically stored information as determined by the scope of the litigation hold.

7.4 Responsibilities

Department Head/Director must:

Review and approve (or deny) requests to acquire or use WCDs as necessary to meet department business needs.

Review and approve (or deny) requests to pay a stipend to employees for personal WCD use.

Immediately notify the Auditor's Office when stipend for employee-owned WCD use is terminated.

Supervisors must:

Provide justification for the use of WCD and request approval or denial from the department head.

Provide oversight and instruction to the employee as to the proper use of WCD and evaluate need whenever job duties change.

Employees must:

Understand and comply with this policy and applicable state and federal laws regarding the use of WCDs.

Complete and sign required forms prior to the use of agency-provided WCD.

Complete and sign required forms prior to receiving a stipend for personal WCD use.

SECTION 5B
RELEASE OF ADAMS COUNTY ELECTRONIC DATA
Resolution No. R-82-05

Public requests are received requesting certain electronic data from various departments and this electronic data is generally only available through a secondary request to the Adams County Central Services Department. These requests may need to be reviewed by the various departments prior to any release to avoid any conflict with rules and regulations governing that department information and therefore the following Adams County Central Services Policy for the Release of Adams County Electronic Data is adopted and shall govern all public requests for Adams County electronic data.

- All requests from the public for Adams County electronic data must be made to the department that is the owner of that data.
- It is the responsibility of the owner department to determine whether the electronic data can be released.
- The department head or designee of the owner department must request the release of electronic data in writing to Central Services specifically naming the data to be released, including the fields to be released.
- The department head of the owner department must appoint a designee in writing to Central Services stating which data the designee can request for release before Central Services will honor the designee's written request for the release of electronic data. If the department head desires to remove the appointment of the designee, that must also be received in writing to Central Services.
- Central Services will provide the data to the department head or designee of the owner department requesting the release of electronic data in electronic form for review before the data is released.
- It will be the responsibility of the owner department to release the electronic data to the requesting party.
- Fees charged for the data, if any, will be set and retained by the owner department.

(Dated October 31, 2005.)

**SECTION 6
EMPLOYMENT OF RELATIVES/NEPOTISM**

For purposes of this policy, the term “member of the immediate family” is defined as the employee’s parents, spouse (or spousal equivalent), children, step-parents, step-children, sister, sister-in-law, brother, brother-in-law, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparents and grandchildren.

An applicant for a job within an office or department of Adams County may not be hired if the applicant has a member of his or her immediate family working in the same office or department and the employed member of his/her immediate family would be responsible, in whole or in part, for direct supervision of the job applicant or auditing his/her work if said applicant were to be hired.

An employee of Adams County may not be promoted to or hired into a position wherein he/she would have supervisory or audit responsibilities over a member of his/her immediate family.

An employee who, during his/her period of employment, is or becomes a member of the immediate family of a person who has direct supervisory or auditing responsibilities over the position occupied by said employee may be subject to discharge on decision of the department director.

<p style="text-align: center;">SECTION 7 RECLASSIFICATION</p>
--

A request to reclassify a position may be submitted to the Board of County Commissioners by the Elected Official/Department Head.

The Elected Official/Department Head may only submit reclassifications upon official notification and call from the Board of County Commissioners.

Reclassification requests, provided they are being accepted by the Board, must be in writing and provide justification for the request identifying at a minimum significant and substantial changes in the daily duties of the position. A copy of the previous as well as the revised job description shall be submitted with the request. Budgetary impact of the proposed reclassification must be included with the request.

The Board may elect to consult with the elected official/department head regarding the reclassification.

All decisions by the Board on reclassification requests will be final. Any favorable action would be effective at a time specified by the Board of County Commissioners. The effective date of the reclassification shall be an incumbent employee's new anniversary date for purposes of compensation. (R-78-04)

**SECTION 8
COMPUTER USAGE
Resolution No. R-42-00**

IN THE MATTER OF ADOPTING COMPUTER AND NETWORK POLICIES AND PROCEDURES

WHEREAS, Adams County is responsible for securing its computer systems in a reasonable and economically feasible degree against unauthorized access and/or abuse while making them accessible for authorized and legitimate users; and,

WHEREAS, users of the County's systems are responsible for respecting and adhering to certain standards of conduct and to certain laws;

THEREFORE BE IT RESOLVED that the attached Computer and Network Policies and Procedures dated May 23, 2000, are adopted.

(R-42-00 dated May 30, 2000)

Section 1 General Policy

Adams County is responsible for securing its computer systems in a reasonable and economically feasible degree against unauthorized access and/or abuse, while making them accessible for authorized and legitimate users. This responsibility includes informing users of expected standards of conduct and the punitive measures for not adhering to them. Any attempt to violate the provisions of this policy may result in disciplinary action in the form of temporary revocation of user access, regardless of the success or failure of the attempt. Permanent revocations can result from continued violations or from management decision.

The users of the County's computer systems are responsible for respecting and adhering to local, state, federal and international laws. Any attempt to break those laws through the user of the County's computer systems may result in litigation against the offender by the proper authorities. If such an event should occur, the County will fully comply with the authorities to provide any information necessary for the litigation process.

1.1 Privacy

All electronic equipment used by employees is to be considered property of the County. All data, messages, or other files created while using the equipment is also considered property of the County. The County reserves the express right to monitor and review all activities of the employee, including information created or obtained by the employee.

This monitoring includes, but is not limited to, reviewing files or correspondence created by any software medium and periodic scans of an employee's computer hard drive.

1.2 Personal Use of Computers

Employees are not to place personal copies of software or data on any County equipment. If an employee requires the software, the County must purchase a copy. This includes, but is not limited to, games, screen savers, and questionable material. If found, the software or data will be removed and a memorandum sent to the user's Department Head outlining what was found and the action taken to remove it.

It is County policy that County owned software is not to be taken home and installed on an employee's home computer for personal or County use, regardless of the software's licensing agreement. The instances of abuse and the inability to monitor and control the software is beyond the scope of Central Services.

1.3 Confidentiality

Unless otherwise dictated by public disclosure laws, all information regarding the computers systems, or data created by employees, are to be considered confidential. Removing of data from the County offices without the express consent of the Department Head is considered a breach of this confidentiality.

1.4 Violations of County Policy

Violations of this County policy may lead to revocation of computer use or disciplinary action, including discharge.

1.5 Employee Signature

All employees will be required to sign a Use of County Network and Computers form (see Appendix) before access to the computer systems will be made available to the user. Refusal to sign the form will result in the employee not receiving computer system access and possible disciplinary action.

Section 2 Use of Local and Wide Area Networks

Once a user receives a network login account to be used to access the network and computer system, they are solely responsible for all actions taken while using that network login account.

2.1 Requesting A Network Login Account

When a new user needs network access, his Department Head must fill out the Central Services New User Request Form and sign it. The form needs to be returned to Central Services along with the employee's signed Use of Computer and Network form for processing. Applying for a network login account under false pretenses is a punishable disciplinary offense.

2.2 Prohibited Actions

Sharing passwords - sharing your password with any other person is prohibited. In the result that you do share your password with another person, you will be solely responsible for the actions that other person appropriated.

Use of Files - deletion, examination, copying, or modification of files and/or data belonging to other users without their prior consent is prohibited.

Changing Resources - altering, or attempting to alter, yours or any other person's system configuration is prohibited. This includes attempting to gain greater access to the system or attempting to access data that you have not been given rights to.

Use of System Resources - improper use of system resources (e.g. waste of hard drive space, network bandwidth) can result, after the user is formally warned in writing, in either denial of further access to the system or further disciplinary action.

Use of Computer System - use of facilities and/or services for commercial or personal purposes is prohibited.

Unauthorized Use - any unauthorized, deliberate action which damages or disrupts the computer system, alters its normal performance, or causes it to malfunction is a violation regardless of system location or time duration.

2.3 Appropriate Actions

All users should logout of the network and turn off computer equipment during nonworking hours (i.e. weeknights, weekends, vacations, holidays). This includes CPUs, monitors, printers and modems.

Section 3 Security

As a user of Adams County computer systems, you may be allowed access to other computer systems through the use of County networks. This policy is used to describe types of security and prohibited actions regarding computer system security.

3.1 Computer Security Defined

Physical Security - this is the action taken to ensure that the computer system components (CPU, monitor, keyboard, mouse, modem, printer, etc.) are secure and not easily available by non-County personnel. Physical security is the responsibility of the head of the department.

Access Security - this is the action taken by the user to ensure that the computer system data is not compromised or made available to unauthorized personnel within and outside the County. The use of passwords and file encryption are the most common.

3.2 Prohibited Actions

Accessing the use of computer systems and/or networks in attempts to gain unauthorized access to remote systems is prohibited. The use of computer systems and/or networks to connect to other systems, in evasion of the physical limitations of the remote system or local system, is prohibited.

Passwords - decryption of system or user passwords, or any other method used in an attempt to gain unauthorized access to the computer systems, is prohibited.

System Files - the copying or transferring of system files is prohibited. The copying of copyrighted materials, such as third-party software is prohibited.

Unauthorized Use - intentional attempts to "crash" network systems or programs is prohibited. Attempts to secure a higher level of privileges on any computer system are prohibited.

Viruses - the willful introduction of computer viruses or other disruptive/destructive programs into any County computer system, or any external computer system, is prohibited. The unintentional introduction of a computer virus or other disruptive/destructive programs into any County computer system, or any external computer system, by the failure to follow County policy will result in disciplinary action.

Section 4 Electronic Messaging Systems

This policy defines the framework for use of electronic message systems and communications media by employees of Adams County. This includes but is not limited to, electronic mail systems (e-mail), voice mail systems, calendar scheduling systems, faxes, Internet and other electronic media that generate, store, transmit and display correspondence for internal and external business communication purposes.

4.1 Definitions

Communications is defined as a system for sending and receiving messages, as by mail and telephone.

Media is the plural of medium which is defined as an agent by which something is conveyed, accomplished, or transferred.

Communication media is that aspect of electronic messaging systems that contains the message.

Employee is a person who is a permanent employee, temporary employee, contractor, student intern or otherwise engaged at Adams County and has been given authorized access to any agency electronic messaging system.

Encryption is a method of “scrambling” data using cryptographic algorithm based on a secret key that is known only to the originating system and the destination system.

Securing a device means to log off the network, invoke a keyboard locking feature requiring a password, or otherwise make the device inaccessible.

4.2 Electronic Messaging Systems Expected Use

The County will provide electronic messaging systems, making them available to Adams County employees as required subject to resources and other limitations. Employees with assigned access to electronic messaging systems are expected to use them.

Employees with access to electronic messaging systems are expected to check for messages on a frequent and regular basis and respond within a reasonable time as needed. An employee's use of County-provided communications media is restricted.

Employees are expected to use County provided communications media only for County business. However, the County recognizes the occasional need to exchange personal messages. These should be kept to a minimum, both in number and length. At no time should personal messages be sent in a way that charges the County for transmission.

Employees shall not use County provided communications media in a fashion that constitutes or involves any unlawful activity including but not limited to:

- a) discrimination on the basis of race, creed, color, age, national origin, marital status, religion, disability, sexual orientation, gender identity, genetic information or veteran's status;
- b) harassment, sexual and otherwise;
- c) copyright infringement;
- d) expression of an employee's personal political beliefs or personal business interests.

Electronic communications resources are limited and employees must manage their allotted resources in a responsible manner. This includes but is not limited to deleting old messages and downloading e-mail messages to diskettes for long-term storage.

4.3 Confidentiality

County-owned electronic messaging systems will provide data confidentiality and integrity. Employees must use reasonable means to minimize unauthorized access to electronic messages.

Employees are responsible for protecting messages from unauthorized access by maintaining password confidentiality and by securing the communications device to the extent possible before leaving it unattended.

Confidential and sensitive written information must be encrypted before transmitting electronically. This applies to information sent within the County and especially information sent to external agencies.

4.4 Electronic Messaging Privacy

All County information technology resources, including electronic messaging systems and files, are the property of Adams County. The county may, under certain circumstances and in the course of normal business functions, access an employee's electronic messages without authorization from the employee.

4.5 Sending of Electronic Messages Globally

Electronic messages sent globally (ie., to "**ALL**") must be appropriate for type and content. Examples of appropriate global messages are those that pertain to normal operations of the County such as training and security alerts.

4.6 Electronic Messaging Retention

Electronic messages conform to all applicable statutes and regulations governing public records, records retention and public disclosure. E-mail messages can only be stored for a limited time on the system. If an e-mail message needs to be preserved, it should be moved into another media for storage. Information requiring longer retention should be printed and stored as hard copies.

Section 5 Internet Access

The Internet, when used appropriately, is an extremely valuable tool for Adams County staff. It offers direct access to numerous agencies and organizations whose publication and information are sought by staff on a daily basis. Its use enables staff to locate materials without leaving their workstation. In addition, more elusive information can often be located in a highly time efficient manner by subject searching on the Internet or querying a list server. It benefits Adams County to provide direct access to the Internet to employees; contractors and volunteers who can use it to better perform their jobs.

5.1 Definitions

Internet - worldwide network of networks and computers.

Hacking - attempting to break into another system on which you have no account, and is treated as malicious intent.

Netiquette - a word made from combining "Network Etiquette" which is the practice of good manners in a network environment.

Flame wars - angry e-mail exchanges.

Surfing - random Internet browsing, normally not work related.

5.2 Guidelines

When accessing the Internet, employees are representing Adams County, therefore all rules of conduct and law that apply in your regular workplace also apply on the Internet.

Adams County has the right to review user accounts, workstations and file server space in order to make determinations on whether specific uses of the information systems are appropriate. Adams County may revoke an employee's, contractors or volunteer's access to the network and network services when there has been a clear violation of acceptable use principles and guidelines. In addition, where violations occur, employees, contractors and volunteers are subject to any disciplinary or corrective actions or penalties proscribed in law, rule or policy.

5.3 Acceptable Uses of the Internet

Adams County encourages appropriate use of on-line resources. Acceptable uses include, but are not limited to:

- facilitating communication with other agencies or business partners,
- facilitating discussions aimed at professional development,
- gathering information on industry trends,
- use in grant related activities,
- legal and policy research,
- gaining timely access to government publications and statistics, and
- generally advancing the information needs of the organization.

5.4 Prohibited Uses of the Internet

Inappropriate behavior may result in disciplinary actions ranging from verbal warnings to termination of network services and/or employment with Adams County. The severity of the misbehavior governs the severity of the disciplinary action. Inappropriate on-line behavior in the workplace would include, but is not limited to:

- unauthorized attempts to break into any computer whether of Adams County or another organization (Hacking),
- using County time, equipment and/or other resources for non-work-related activity, personal gain or recreation,
- sending threatening messages,
- sending racially and/or sexually harassing messages,
- theft, or copying, of electronic files without permission,
- sending or posting Adams County confidential materials outside Adams County, or posting Adams County confidential materials inside Adams County to non-authorized personnel,
- sending chain letters through electronic mail,
- "surfing" pornographic and sexually oriented sites,
- random "surfing" and "flame wars".

5.5 Internet Access Authorization

Access to the Internet will be provided to Adams County employees, contractors and volunteers when deemed appropriate for their work. This is at the discretion of the department head or elected official for their department subject to resources and other limitations.

Adams County

Use of Computer and Network Form

I hereby consent that Adams County, or its authorized representatives, may monitor, review, and/or copy any information on the electronic data processing system, including the electronic mail system, whether stored or in transit, at any time, and may, without further notice, disclose such information to any third party or parties, including government and law enforcement agencies.

Prevention of Unauthorized Access

I will maintain the confidentiality of my system password and will not permit access to my network account or to my electronic mail account by any person unless my immediate supervisor has approved such access in advance. If my password is disclosed to any other individual, for whatever reason, or if to my knowledge the security of my account is otherwise breached, I will immediately notify my supervisor or Central Services.

Acknowledgement of Adams County Central Services Policy and Procedures

This is to acknowledge that I have read and understand the Adams County Computer and Network Policies and Procedures. I understand that failure to follow the provisions of the Policies and Procedures could lead to the loss of my computer system privileges and/or more severe disciplinary action.

By signing below, I agree to abide by the County policy.

Employee Name (Please Print): _____

Department: _____

Employee Signature: _____

Date: _____

SECTION 9 DISCIPLINARY PROCEDURES
--

A. Purpose. These disciplinary procedures are applicable to all Adams County employees who are not members of a collective bargaining unit. The purpose of disciplinary action is to rehabilitate an employee who is not performing satisfactorily. The selection and training process is very expensive, and it is to the advantage of both the County and the employee to correct behavior before serious problems develop. Most incidents can be resolved by bringing the matter to the employee's attention. In some cases, however, stronger sanctions become necessary. This section outlines the process to be taken in dealing with these more serious infractions. Disciplinary action may be based on the following examples of misconduct, but are not limited thereto:

- (1) Violations of work rules set forth in Section 3(5) and any and all amendments thereto;
- (2) Neglect of duty;
- (3) Insubordination;
- (4) Conviction of any crime involving dishonesty or affecting an employee's ability to perform the job and/or conviction of any felony;
- (5) Malfeasance, misfeasance, or nonfeasance;
- (6) Gross misconduct;
- (7) Violation of departmental work rules, regulations, and amendments thereto;
- (8) Unauthorized use of equipment;
- (9) Abuse of sick leave;
- (10) Falsification of reports;
- (11) Violation of the County's substance abuse policy
- (12) Recklessness;
- (13) Theft;
- (14) Negligent and/or willful damage to County property;
- (15) Violation of the County's sexual harassment policy;
- (16) Physical or verbal abuse of fellow employees;
- (17) Violation of any of the policies and/or rules set forth in these Personnel Policies; and,
- (18) Violation of any policy or law regarding maintaining of confidentiality of information.

B. Investigation of Incidents. When an incident occurs which appears to call for formal disciplinary action, the department director shall be notified immediately, and shall commence an investigation into the alleged incident. In serious cases, where a suspension or termination is likely, department directors, or their authorized subordinates, may immediately suspend an employee, with pay, while the matter is being investigated.

The County's Legal Counsel shall be consulted as soon as possible in all suspension or termination cases before any action (other than immediate suspension) is taken with regard to the incident. Inquiries shall be made to determine who witnessed the incident, what physical evidence is available, if any, and what the facts surrounding the incident are. If the incident is of a criminal nature, the appropriate law enforcement agency shall be notified immediately.

Once sufficient information has been gathered, preferably in writing, the employee must be confronted and asked for his or her explanation. If the incident involves criminal behavior, nothing shall require the employee to waive his/her constitutional right against self-incrimination. Employees should be advised that if they choose to speak, they have a duty to the employer to tell

the truth concerning the incident, and that lying about a work-related violation may, in itself, be cause for dismissal. This initial meeting is investigatory only, and must not result in immediate disciplinary action.

C. The employee has the right to be represented by counsel or any other person at all stages of any disciplinary action(s). Disciplinary actions which the employer may take against an employee include the following:

(1) Verbal Reprimand. Verbal reprimands are used for minor offenses. The department director or designee may call the employee aside to discuss the offense or behavior and to warn the employee not to repeat the offense or behavior, and may document the occurrence by making a note into the departmental file (not the employee's official personnel file) concerning the infraction. The employee shall have the right to respond in writing to such reprimand, which written response shall also be placed in the departmental file. Repeated violations of verbal reprimand(s) will result in a formal written reprimand.

(2) Written Reprimand. Written reprimands are used initially for more serious problems or offenses, or for repeated incidents where verbal reprimand has failed to correct the offense or behavior. The employee will receive a letter signed by the employee's immediate supervisor listing the violations or failures of the employee, and clearly stating what corrective action must be taken by the employee to avoid further discipline, unless circumstances require immediate discharge. The written reprimand shall be placed in the employee's official personnel file. The employee shall have the right to respond in writing to the written reprimand, which response shall also be placed in the employee's official personnel file. All employee responses to written reprimands must be filed with the supervisor within five (5) working days of the date the employee receives the written reprimand.

(3) Suspension without Pay. An employee will be suspended without pay when the offense or behavior is of a serious enough nature usually sufficient for discharge but when circumstances related to the employee's overall performance would not warrant immediate discharge. The length of suspension shall be determined by the Board of County Commissioners and the department director. In no event shall a suspension without pay exceed ninety (90) working days.

(4) Demotion. Demotion may be called for under certain circumstances; primarily, where a person in a position of authority has abused that authority or committed a serious violation of some sort related to the authority of the position. As with other forms of disciplinary action, the County's legal counsel shall be consulted on the proposed action prior to serving any notice on the employee. Notice of demotion shall be given in the same manner as for a suspension or termination.

(5) Discharge or Termination: Employees may be terminated by Adams County whenever the employee's conduct, or circumstances, or work record justify termination.

D. The determination of appropriate disciplinary action shall be made by the employee's department director, subject to the following guidelines:

(1) Which disciplinary action is taken depends upon the seriousness of the affected employee's conduct as determined by the employer. The disciplinary actions enumerated in Section B may be implemented without regard to the order indicated hereinabove. In other words, the employer may implement disciplinary action by way of a written reprimand coupled with a suspension or the employer may determine that the just cause is of such a serious nature as to warrant a different combination of disciplinary actions. Disciplinary action does not necessarily have to be taken in order of increasing severity from oral reprimand to discharge.

(2) The employer may discharge or terminate an employee for just cause, unless circumstances require immediate discharge. The employer shall make the specified charges available in writing at least one (1) calendar day prior to the intended effective date of the action, and provide the employee with the opportunity to respond to the allegations or charges prior to making the decision to discharge or terminate the employee.

(3) When the employer determines that circumstances are such that retention of the employee will likely result in disruption of County programs, damage to or loss of County property, or be injurious to the County employee, fellow employees, or the services provided by the County, the employer may discharge, terminate, or suspend the employee immediately. In such cases, the specified charges shall be made available to the employee, in writing, not later than three (3) working days after the action has become effective.

(4) The employer may suspend an employee without pay for just cause as specified in this section.

(5) In cases of suspension without pay, the specified charges and duration of the action shall be made available to the employee in writing by the County at the time the action became or becomes effective.

(6) The time limitations relating to notification of disciplinary action are only for employee notification purposes, and shall not affect the validity of disciplinary action taken by the employer. If the County is unable to provide notification in strict adherence to the notification times expressed hereinabove, said inability shall not affect the validity or effectiveness of any type of disciplinary action against an employee.

(7) Probationary employees may be discharged or terminated at any time without just cause, without recourse.

(8) References to disciplinary actions in official personnel files shall remain in said files in accordance with the following provisions:

a. Written reprimands shall remain in the official personnel file for a period of twenty-four (24) months; provided, however, that if another written reprimand occurs within that twenty-four month period, said written reprimand shall remain in the official personnel file for another twenty-four (24) month period from the date of the last written reprimand.

b. If the disciplinary action is a suspension, the written references to the suspension shall remain in the employee's office personnel file for a period of twenty-four (24) months; provided however, if another suspension occurs within said twenty-four month period, references to both suspensions shall remain in the employee's personnel file indefinitely.

c. Annual evaluations shall remain in the employee's official personnel file, and are not subject to the removal provisions set forth above.

D. Annual Evaluations. Each department director shall do a written evaluation of each employee in his/her department, not later than the annual anniversary date of each employee. Each employee shall have the right to respond to and/or challenge, in writing, each such annual evaluation. An employee with two (2) years of unsatisfactory annual evaluations, shall be subject to dismissal for that cause.

SECTION 10 GRIEVANCE PROCEDURES
--

- A. Purpose. Adams County recognizes the need for fairness and justice in the adjudication of employee grievances. Each employee of the County will be provided ample opportunity to understand and resolve matters affecting his/her employment which the employee believes are unjust. Any employee having the right to file a grievance may do so without fear of reprisal.
- B. The County recognizes the need for fairness and justice in the adjudication of employee grievances in a cooperative spirit designed to adjust such actions promptly and fairly at the lowest possible level. If, however, a grievance cannot be resolved through normal means, the grievance will be settled as hereinafter provided.
- C. The County's Legal Counsel shall be notified in writing as soon as possible of all grievances filed to insure that the County is properly notified of "potential" litigation. The responsibility for notifying Legal Counsel shall rest with the initial recipient of the grievance.
- D. A grievance is defined as: Any dispute or controversy which might arise involving the interpretation, application or alleged violation of any provision of these Personnel Policies; alleged poor working conditions; unjust application of discipline; or unfair application, interpretation, or violation of rules, policies and procedures of the County, or of the department for which the employee works. Grievances involving union employees covered by a collective bargaining agreement will be handled in accordance with the terms of that agreement.
- E. Through the procedure set forth in this section, a grievance may be presented by any County employee. An employee has the right to be represented by counsel, or any other person, at all stages of the grievance proceedings.
- F. Grievances may be heard at any time where practical and feasible.
- G. The parties agree that the time limitations provided are essential to the prompt and orderly resolution of any grievance, and that each will abide by the time limitations, unless an extension of time is mutually agreed to in writing. The employer or its designee and the employee or his/her representative may mutually agree in writing to extend the time limits.
- H. No grievance shall be valid unless said grievance is submitted at Step 1 (below) within ten (10) working days from its occurrence. If a grievance is not presented within ten (10) working days from its occurrence, said grievance shall be considered waived and forever lost. If a grievance is not appealed to the next step within the specified time limit, or an agreed extension thereof, it shall be considered waived and forever lost.
- I. Grievant's immediate supervisor, department director, or the Board of County Commissioners has the authority to extend the time for responding to a grievance.
- J. Grievance procedure. The grievance procedure shall be as follows:

Step 1: The grievance shall be presented in written form to the employee's immediate supervisor within ten (10) working days from its occurrence. The immediate supervisor shall respond in writing within ten (10) working days after receiving said written grievance.

Step 2: If the grievance is not resolved to the satisfaction of the employee at Step 1, the employee shall present the written grievance to the department head within ten (10) working days of receipt of the immediate supervisor's response. Thereafter, the department head shall respond in writing to the aggrieved employee within ten (10) working days after receipt of the written grievance.

Step 3: If the grievance is not resolved to the satisfaction of the employee at Step 2, the employee shall present the written grievance to the Board of County Commissioners within ten (10) working days of the department head's response. The Board may elect to hear and resolve the grievance or exercise the right to appoint a neutral arbitrator. The employee and the department head shall arrange a meeting with the Board of County Commissioners within ten (10) working days after the written grievance is presented to the Board of County Commissioners and/or their arbitrator. Said meeting shall be a final attempt to resolve the grievance. The Board of County Commissioners shall issue its findings in writing within ten (10) working days of the meeting described hereinabove. The decision of the Board of County Commissioners (or decision rendered in conjunction with the arbitrator) shall be final, and shall be considered the final adjudicative proceeding and exhaustion of administrative remedies by the employee in the event of subsequent litigation. Nothing in this section shall be deemed to abrogate any legal means of redress to the court system.

**SECTION 11
EVALUATION**

For employees working in departments under the control of the Board of County Commissioners, the Department Head shall evaluate employees at least once a year; and, must at a minimum schedule an evaluation prior to any scheduled step or merit increase. The Payroll Department in the Auditor's Office must be notified in writing of approved step and merit increases.

The Payroll Department in the Auditor's Office must be notified in writing of approved step and merit increases granted to a county employee by an elected official or department head before it becomes effective and implemented.

SECTION 12
VOLUNTARY RESIGNATION/RETIREMENT

Any employee wishing to leave County employment in good standing shall file, with his/her department director, a written resignation or notice of intention to retire, stating the intended effective date of the resignation or retirement. The resignation from county employment or notice of intent to retire from the county shall be submitted at least a minimum of two (2) weeks prior to leaving.

The Board of County Commissioners may, at its sole discretion, waive the notice period, authorize payment of the salary of any employee up to and including the date they submitted official notice, and order the immediate departure of the resigning/retiring employee or department director.

All resignation and retirement practices shall be in accordance with state and federal law.

SECTION 13
WHISTLEBLOWER PROGRAM
Ordinance No. O-1-93

Policy Statement:

It is the policy of Adams County to encourage reporting by its employees of improper governmental action taken by Adams County officers or employees and to protect Adams County employees who have reported improper governmental actions in accordance with Adams County's policies and procedure(s).

Definitions:

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

1. "Improper governmental action" means any action by an Adams County officer 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 (i) is in violation of any federal, state, or local law or rule, (ii) is an abuse of authority, (iii) is of substantial and specific danger to the public health or safety or (iv) is a gross waste of public funds.

"Improper governmental action" does not include personnel actions, including employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, re-employments, performance evaluations, reductions in pay, dismissals, suspension, demotions, violations of collective bargaining or civil service laws, alleged violations of labor agreements or reprimands.

2. "Retaliatory action" means any adverse change in the terms and conditions of an Adams County employee's employment which are made because the employee has filed a Whistleblower complaint.

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

Procedures for Reporting:

Adams County employees who become aware of 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 improper governmental action has occurred. Where the employee reasonably believes the improper governmental action involves the employee's supervisor, the employee may raise the issue directly with the Board of County Commissioners or such other person as may be designated by the Board of County Commissioners to receive reports of improper governmental action.

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 improper governmental action directly to the appropriate government agency with responsibility for investigating the improper action.

The supervisor, the Board of County Commissioners or the Board of County Commissioners' designee, as the case may be, shall take prompt action to assist Adams County in properly investigating the report of improper governmental action. Adams 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 improper governmental action shall be advised of a summary of the results of the investigation, except that personnel actions taken as result of the investigation may be kept confidential.

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

Adams County employees who fail to make a good faith attempt to follow Adams County procedures in reporting improper governmental action shall not receive the protections provided Adams County in these procedures.

Protection Against Retaliatory Actions:

Adams County officials and employees are prohibited from taking retaliatory action against an Adams County employee because the employee has in good faith reported an improper governmental action in accordance with these policies and procedures.

Employees who believe that they have been retaliated against for reporting an improper governmental action should advise their supervisor, the Board of County Commissioners or the Board of County Commissioners' designee. Adams County Officials and supervisors shall take appropriate action to investigate and address complaints of retaliation.

If the employee's supervisor, the Board of County Commissioners or the Board of County Commissioners' designee, as the case may be, does not satisfactorily resolve an Adams County employee's complaint that the employee has been retaliated against in violation of this policy, the Adams County employee may obtain protection under this policy and pursuant to state law by providing a written notice to the Adams County Commissioners that:

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

Adams County employees shall provide a copy of their written charge to the Board of County Commissioners no later than thirty (30) days after the occurrence of the alleged retaliatory action. Adams County shall respond within thirty (30) days to the charge of retaliatory action.

After receiving either the response of Adams County or thirty (30) days after the delivery of the charge to Adams County, the Adams 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 Board of County Commissioners within the earlier of either fifteen (15) days of delivery of the Adams County's response to the charge of retaliatory action, or forty-five (45) days of delivery of the charge of retaliation to Adams County for response.

Upon receipt of request for hearing, Adams County shall apply within five (5) working days to the State Office of Administrative Hearing for an adjudicative proceeding before an administrative law judge:

Office of Administrative Hearings
P. O. Box 42488
4224 Sixth S.E.
Rowe Six, Bldg. 1
Lacy, Washington 98504-2488

Adams County will consider any recommendation provided by the administrative law judge that the retaliator be suspended with or without pay, or dismissed.

Responsibilities:

The Board of County Commissioners is responsible for implementing Adams County's policies and procedures or reporting improper governmental action and for protecting employees against retaliatory actions. This includes ensuring that this policy and these procedures are permanently posted where all employees will have reasonable access to them; are made available to any employee upon request; and, 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.

List of Agencies:

Following is a list of agencies responsible for enforcing state and local laws and investigating other issues involving improper governmental action. Employees having questions about these agencies or the procedures for reporting improper governmental action are encouraged to contact the Board of County Commissioners.

ADAMS COUNTY:

Adams County Prosecutor
210 W. Broadway
Ritzville, WA 99169
(509) 659-3219

Adams County Health Department
103 W. Main
Ritzville, WA 99169
(509) 659-3315

Adams County Sheriff's Department
210 W. Broadway
Ritzville, WA 99169
(509) 659-1122

STATE OF WASHINGTON

Attorney General's Office
Fair Practices Division
2000 Bank of California Center
900 Fourth Avenue
Seattle, WA

State Auditor's Office
Legislative Building
P.O. Box 40021
Olympia, WA 98504-0021

State Department of Ecology
3190 160th S.E.
Bellevue, WA 98008-5852

State Department of Health
Health Consumer Assistance
P. O. Box 4789
Olympia, WA 98504-7891

State Liquor Control Board
Enforcement Office
2101 Sixth Avenue
Seattle, WA

Puget Sound Water Quality Authority
P. O. Box 40900
Olympia, WA 98504

Human Rights Commission
402 Evergreen Plaza Bldg. FJ-41
711 South Capitol Way
Olympia, WA 98504-2490
Department of Labor and Industries
300 West Harrison, Room 201
Seattle, WA

Department of Natural Resources
P. O. Box 68
Enumclaw, WA 98022

Department of Social and Health Services
Special Investigation Office
5200 Southcenter Blvd., Suite 23
Tukwila, WA

SECTION 14
DRUG AND ALCOHOL
Ordinance No. 83-89 and Resolution No. R-44-92

- A. Drug and alcohol dependence and substance abuse have become serious problems in modern society and in the modern work place. These problems include increased number of sick days and illness, loss of productivity, and an impairment of the quality of work. As well, drug and alcohol abuse may lead to the loss of self-esteem and well being of the individual. It is therefore the policy of Adams County to create a drug free work place and healthful work environment for its employees while at the same time preserving the right of privacy, individual liberty and personal dignity of its employees. Testing based on individualized reasonable suspicion combined with treatment and/or disciplinary action are among the methods the County may use to accomplish these ends.
- B. An employee whose conduct indicates that the employee is not in a physical or mental condition that would permit the employee to perform in a job safely or efficiently will be subject to medical examination and/or urine, blood or breathalyzer test to determine the presence of alcohol or drugs in the body.
1. A supervisor must have a reasonable suspicion to believe that the employee is under the influence of or affected by alcohol or drugs. Reasonable suspicion includes, but is not limited to, abnormal coordination, appearance, behavior, slurred or illogical speech or thought process, odor, unusual work performance or attendance problems.
 2. An accident for which there is no reasonable explanation will establish sufficient reason for testing the employee(s) involved. An employee who is not an actuator in the accident, but only a passive participant will not be subject to testing unless the County has reasonable suspicion that the employee has otherwise violated this policy. Examples of a non-actuator party to an accident include, but are not limited to, a vehicle passenger, a driver, or pedestrian found to have no fault in an accident caused by another vehicle, or the victim of a work place accident caused by another party.
- C. It is the responsibility of every employee to be aware and abide by the above policy. An employee who observes or has knowledge of another employee in a condition which impairs his/her ability to perform job duties or poses a hazard to the safety and welfare of others has the moral responsibility to report the incident to his/her immediate supervisor. An employee found violating any of the prohibited provisions will be subject to disciplinary action, up to and including termination of employment. As part of the corrective action for violations of this policy's provisions, an employee may be required to participate satisfactorily in an alcohol or drug abuse assistance or rehabilitation program. An employee who feels the employee has a legitimate grievance must still submit to the test and then file a grievance in accordance with Section 10 of these Guidelines.
- D. The County shall select reputable facilities for drug or alcohol testing and such testing shall be performed at County expense. The facility for such testing shall meet accepted standards of the industry, and must employ technologists and technicians possessing credentials commensurate with accepted norms for the industry. The individual tested will be provided with the testing facilities' names, addresses, and credentials if requested.
- E. Employee representatives and/or the employee will have the opportunity to review the testing procedure.

- F. All samples which test positive will be confirmed using a gas chromatography/mass spectrometry test or an equally reliable test if same becomes reasonably available.
- G. The employee, at the employee's expense, will have the opportunity to have a reputable testing facility test the same sample submitted to the original test facility. Accepted chain of custody procedures must be followed in such testing and the test facility must meet accepted standards of the industry, and such facility must employ technologists and technicians possessing credentials commensurate with accepted norms for the industry. The County will be provided with the testing facilities' names, addresses and credentials if requested. An employee may request the independent test by notifying the County in writing within twenty-four hours after the day the employee is informed of the test results. The test results will be kept confidential and will be available only to designated employer representatives or designated legal representatives.
- H. None of the testing procedures are intended to be in violation of the law, and, if found to be invalid by a court of competent jurisdiction, they shall be eliminated or amended to comply with current court decision, and the remaining language of this policy shall remain in full force and effect.
- I. If test results indicate the presence of alcohol at a level suggesting impairment, or illegal controlled substances at any level, the employee may be disciplined or discharged or may be provided the opportunity to undergo treatment as a condition of continued employment. Treatment will be at the employee's own expense unless otherwise provided for in this manual or under a County Health insurance plan, and the employee may be suspended until he or she can produce a certificate from a certified treatment facility showing completion of a treatment program.
- J. Other actions, such as notification to and involvement of law enforcement agencies, may be taken in regard to any employee suspected of violating this policy, at the County's discretion as it deems appropriate.
- K. Employees must, as a condition of employment, abide by the terms of this drug and alcohol policy and report any conviction under a criminal drug or alcohol statute including DWI convictions for violations occurring on or off County premises while conducting County business. A report of a conviction must be made within five (5) days after the conviction. Failure to report a conviction within the five (5) day period may result in disciplinary action, including immediate termination.
- L. Employees subject to testing under 49 C.F.R. Part 382 - Controlled Substances and Alcohol Use and Testing, and 49 C.F.R. Part 40 - Procedures for Transportation Workplace Drug and Alcohol Testing Programs shall submit to such testing and the law and regulations shall apply to all such employees.
- M. Employees subject to testing under a collective bargaining agreement shall comply with all terms and conditions of the collective bargaining agreement in addition to any elements of this policy which are not in conflict with the collective bargaining agreement.
- N. Any employee with a problem relating to alcohol, drug or controlled substance abuse is strongly encouraged to contact their supervisor, physician, or health insurance carrier to secure counseling or the appropriate treatment before their job performance and employment at Adams County are jeopardized. An employee who comes forth and notifies Adams County of an alcohol, drug or controlled substance dependency problem will be given the same consideration and assistance extended to employees with any

other illness. The confidentiality of all admitted problems, reported complaints and violations of this policy will be maintained on a management need-to-know basis, except as required by public disclosure or court order.

- O. The use of or being under the influence of any illegal or prescription drug (whether or not the employee has a current valid prescription) or over-the-counter drug which may impair job performance and/or safety is prohibited at work. Prior to commencing work, each employee must report immediately the use of any illegal or prescription drugs which may affect work performance. Failure to report the use of medically authorized drugs or other controlled substances, failure to provide medical evidence of medical authorization, use of illegal drugs or failure to report a criminal drug statute conviction may result in disciplinary action, up to and including termination. Controlled substances may include, but are not limited to, the following:
- Narcotics (heroin, morphine, etc.)
 - Cannabis (marijuana, hashish)
 - Stimulants (Cocaine, diet pills, etc.)
 - Depressants (tranquilizers)
 - Hallucinogens (PCP, LSD, “designer drugs”, etc.)

The following conduct is strictly prohibited and may result in corrective action, up to and including termination.

1. Reporting to work or working under the influence of alcohol, drugs or controlled substances.
2. The failure to report the use of any drug that may affect work performance.
3. The use, possession, distribution, dispensing, manufacturing or trafficking of alcohol, drugs or controlled substances in any amount or in any manner on Adams County premises or in Adams County vehicles at any time, whether or not engaged in Adams County business.
4. The use, in any way, of Adams County property, equipment or the employee’s position within Adams County to make or traffic alcohol, drugs or controlled substances.
5. The use, possession or trafficking of alcohol, drugs or controlled substances off the work site by an employee may be grounds for disciplinary action if it results in an adverse impact on Adams County as an employer.

**SECTION 15
SEXUAL HARASSMENT**

Policy and Purpose:

A. It is the policy of Adams County to promote and support the individual human dignity of all of its employees. Adams County further recognizes that unwelcome sexual advances, offensive verbal or physical conduct of a sexual nature, and other forms of harassment based on gender and sexual orientation create an unpleasant and stressful work environment and demean the value of the individual and the employee's work. It is therefore the aim of Adams County with this policy to prevent all types of sexual harassment with County employment.

B. It is illegal and against County policy for any worker, male or female, to harass another worker on the basis of sex. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. Submission or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile or offensive working environment.

C. The creation of an intimidating, hostile, or offensive working environment may include, but is not limited to, such actions as persistent comments on a worker's sexual preferences or the display of obscene, or sexually oriented photographs or drawings.

D. Conduct or actions that arise out of a personal or social relationship and that are not intended to have a discriminatory employment effect can be acceptable and not viewed as harassment. In determining whether alleged conduct constitutes sexual harassment, the county will examine the facts and circumstances on a case by case basis.

E. The County will not condone any sexual harassment of its employees. All workers, including supervisory employees, will be subject to severe discipline, up to and including discharge, for any act of sexual harassment committed.

F. Retaliation against one who complains about sexual harassment, even if that complaint is determined to be unfounded, is a form of sexual harassment itself and will be dealt with according to the procedures set forth in this section.

G. Any employee making intentionally false accusations of sexual harassment shall be subject to discipline up to and including discharge for such misrepresentations.

H. The procedure for handling sexual harassment complaints is as follows:

1. Any employee who feels victimized by sexual harassment should report that harassment to the employee's supervisor immediately. If the employee's immediate supervisor is the source of the alleged harassment, or is so closely associated with the source of the harassment that the employee does not believe that the employee can get a fair hearing from the supervisor, the employee may report the problem to the supervisor's superior.

2. A supervisor or Department Head who receives a sexual harassment complaint must take immediate and appropriate confidential corrective action, even before investigation, to ensure that the behavior the complainant finds offensive is not repeated during investigation.

3. If the complainant does not wish that further investigation or action be taken, the complainant must so state in writing. The supervisor or Department Head who receives a complaint shall inform the complainant that a confidential written record must be kept if further investigation is done or disciplinary action is taken.

4. The supervisor or Department Head who receives a sexual harassment complaint must carefully and confidentially investigate the matter questioning all employees who may have knowledge of either the incident in question or similar problems. The investigating supervisor or Department Head should keep contemporaneous notes of all investigative conversations and findings. Such notes must be kept confidential except to the extent that either the court orders release or the object of disciplinary action wishes to examine evidence used in such action.

5. Upon a finding that sexual harassment has taken place, the supervisor or Department Head shall take disciplinary action against any offending parties. The objective of such disciplinary action should be to ensure that incidents of sexual harassment do not continue or recur.

6. Employees who are dissatisfied with the investigating supervisor or Department Head's resolution of a sexual harassment complaint may file a complaint with the Board of County Commissioners. Federal and State agencies referenced in Section 11 may be contacted as needed by the employee. No employee will be subject to any form of retaliation or discipline for pursuing a bona fide sexual harassment complaint.

SECTION 16 POLICY PROHIBITING DISCRIMINATION

Discrimination is an unlawful employment practice under Title VI of the 1964 Civil Rights Act, the Americans with Disabilities Act and the Revised Code of Washington, chapter 49.60. Discrimination occurs as a result of identifiable behaviors, acts, policies, procedures or practices which result in unequal treatment of individuals or groups on the basis of their race, color, creed, religion, national origin, sexual orientation, gender identity, genetic information, age, marital status, veterans status, presence of a physical, mental or sensory disability or the use of a trained dog guide or service animal by a person unless based on a bona fide occupational qualification or it can be shown that the particular disability prevents the proper performance of the particular worker involved.

Discrimination can result from individual behaviors or acts of ill-will or bias or from identifiable unequal treatment of individuals or groups on the basis of their race, color, creed, religion, national origin, sexual orientation, gender identity, genetic information, age, veteran status, marital status, or the presence of a physical, mental or sensory disability, or the use of a trained dog guide or service animal. Discrimination can also result from basic employment practices, policies and procedures such as recruitment, testing, ranking, certification, selection criteria, job assignments, promotions, transfers, training, disciplinary actions, termination, compensation and benefits which have adverse impacts on individuals or groups due to their race, color, creed, religion, national origin, sexual orientation, gender identity, genetic information, age, marital status, veterans status or the presence of a physical, mental or sensory disability or the use of a trained dog guide or service animal. Some specific examples of inappropriate or illegal actions or behaviors include, but are not limited to:

- Basing employment decisions such as hiring, pay, promotion, job assignment, discipline or discharge on an employee's race, color, creed, religion, national origin, sexual orientation, gender identity, genetic information, age, veterans status, marital status or the presence of a physical, mental or sensory disability, or the use of a trained dog guide or service animal *unless* a bona fide occupational qualification exists or can be shown;
- Negative or offensive comments, jokes or suggestions about another employee's race, color, creed, religion, national origin, sexual orientation, gender identity, genetic information, age, veterans status, marital status or about the presence of a physical, mental or sensory disability, or the use of a trained dog guide or service animal;
- Slang names or labels that others find offensive;
- Talking about or calling attention to another employee's race, color, creed, religion, national origin, sexual orientation, gender identity, genetic information, age, veterans status, marital status or the presence of a physical, mental or sensory disability, or the use of a trained dog guide or service animal in a negative or embarrassing way;
- Laughing at, ignoring or not taking seriously an employee who experiences discrimination;
- Blaming the victims of discrimination for causing the problem;
- Continuing discriminatory actions or behaviors after an employee has objected to that action or behavior.

Discrimination is an inappropriate, offensive and illegal activity that will not be tolerated in the workplace. Discrimination negatively affects morale, motivation and job performance and may result in increased absenteeism, employee turnover, inefficiency and loss of productivity.

Adams County will take an affirmative role in protecting its employees from discrimination. Should an instance of alleged discrimination occur, it is the employee's responsibility to bring concerns to the attention of management. This includes employees who think they are the recipients of discrimination as well as those who believe they have witnessed another employee being discriminated against.

If you believe you are being discriminated against, take action immediately by:

- Identifying the discriminatory behavior act, practice, policy or procedure and request the person engaging in the conduct to stop.
- Within five (5) days of the conduct, discuss your concern immediately with your immediate supervisor, or if your supervisor is absent or directly involved with the alleged discrimination, then discuss your concern with another Department Director/Supervisor.

Organizational Procedures. When a Department head or Supervisor is notified of an alleged discrimination he/she will promptly notify the Board of Commissioners or his/her designee. An investigation of the matter will be conducted by the Board or his/her designee in accordance with the following procedure:

Step One: A statement will be taken from the alleged victim which sets forth in detail the victim's allegation of discrimination and the alleged offender or offending practice, policy or procedure. The victim will be informed that discrimination in any form is a violation of Adams County policy and that his/her claims of discrimination will be fully investigated, and that he/she will be advised of the results of the investigation.

Step Two: An interview will be conducted with the alleged offender with respect to the allegations presented by the victim. The alleged offender will be informed that discrimination in any form is a violation of Adams County policy and that all claims of discrimination will be fully investigated and that he/she will be advised of the results of the investigation. In instances where a procedure, practice or policy is alleged to be discriminatory, an investigation will be conducted to determine whether adverse impacts have been experienced as a result of the procedure, practice or policy.

Step Three: Interviews will be conducted with other employees if this procedure is likely to provide pertinent information for the investigation.

Step Four: If the investigation reveals that the allegations appear to be true, a letter will be written to the victim stating any and all of the allegations which appear to be true, reaffirming that discrimination is against Adams County policy, and that appropriate disciplinary action has or will be taken against the alleged offender. In instances involving a procedure, practice or policy, the letter to the victim will include an explanation of action proposed by Adams County to modify or rescind in whole, or in part, the offending procedure, practice or policy.

A letter will be written to the alleged offender outlining the findings of the investigation, reaffirming that discrimination is against Adams County policy, and outlining the discipline which is being imposed as a result of the behavior or action. Inasmuch as both letters

could become evidence in subsequent litigation, they will be subject to review by Adams County legal counsel prior to being finalized and presented to the employees.

If the investigation reveals that the allegations are not true, letters will be written to both the alleged victim and the alleged offender outlining the results of the investigation and reaffirming that discrimination is against Adams County policy.

Department Heads and supervisors should be aware that EEOC guidelines and court decisions impose on employers an affirmative duty to investigate complaints of discrimination. Failure on the part of the employer to investigate complaints of discrimination could be a significant factor in determining the liability of the employer for discrimination occurring within the organization.

Disciplinary Action: Complaints and cases of discrimination will be dealt with promptly. An employee who discriminates against another employee will be disciplined as in any other case of serious or illegal employee misconduct. Procedures, practices or policies that result in discrimination will be modified or rescinded, in whole or in part, to eliminate the adverse impacts.

If the investigation shows that the accused employee did engage in discrimination, the supervisor will take appropriate action which will include at least a letter to the employee with a copy of the employee's personnel file, warning that any continued discriminatory behavior or actions may result in a negative employment action, such as suspension without pay or termination. Additional actions which may be taken include, but are not limited to, verbal or written reprimands, or an employee transfer where warranted. All disciplinary actions will be taken in conformance with the current Adams County policies and procedures relating to discipline.

Effect on Other Policies: This policy is supplemental. Every other policy which deals with a specific form of discrimination shall be interpreted in harmony with this policy. Where this policy is in conflict with other policies on specified discrimination act, the more specific policy shall be given precedence.

**SECTION 17
SMOKING POLICY
Resolution No. 54-89
Ordinance No. 66-89
Resolution No. R-008-2016
Clean Indoor Air Act 1985 – Amended Washington State initiative 901**

Adams County, in recognition that smoking or other use of tobacco or tobacco products, and nicotine-delivery products (vaping), are a major cause or contributor to illness and/or premature death. In concern for the health, safety and economic impacts of smoking, either conventionally or electronically, and being exposed to smoke or other vapors resulting from the use of tobacco, “e-cigarettes,” in the workplace, by purpose and intent, have determined that the work place and work environment shall be smoke-free.

Therefore, it is the Adams County Board of County Commissioners’ policy that smoking tobacco or the use of other related products, including “e-cigarettes,” except as set forth herein, shall be prohibited in or near County facilities, equipment, and/or while in the conduct of County business. This policy, as revised and adopted by resolution, is by reference herein, made part of the County’s rules and regulations, a violation of which may result in disciplinary action up to and including termination from service, or legal action, including the issuance of a monetary penalty, of not less or more than one hundred dollars (\$100.00) per day for each individual incident in violation of this policy, and in accordance with the provisions of RCW 70.160.070.

For purposes of this policy the term “e-cigarettes” shall refer to any battery powered nicotine-delivery product which emits fine and ultrafine inhalable liquid particles or nicotine and cancer-causing substances into the air when the user exhales, which may lead to adverse health effects for other individuals who share the work space.

Smoking, except where other restricted by law, is permitted in or at a County designated smoking area(s) and only twenty five (25) feet or more away from any entrance or exit to a County owned or operated facility.

Resolution No. 54-89 adopted July 24, 1989 specified the intention of the Board to pass an ordinance setting the following conditions prior to the October 12, 1989 effective date. Under Ordinance No. 66-89 all County buildings were established as “smoke free” effective October 1, 1989.

“Building” includes the Adams County Courthouse, the Adams County Jail, the Adams County Services Building in Othello, all Adams County Maintenance Shops, and any other building or area housing County offices or used for County business, whether leased or owned. “Violation” means an incident occurring in a County building by an individual “smoking” as that term is defined in RCW 70.160.020(1), or as set forth herein.

No individual shall smoke in any Adams County building, in equipment owned and operated by the County, and/or facility operated or used by the County, on or after October 1, 1989, subject to the provisions in Section 4.

In accord with the provisions of RCW 70.160.050, Section 5, signs shall be posted at the entrances of all County buildings decreeing the building “smoke free”.

The penalty provisions of RCW 70.10.070, Section 6, are adopted and incorporated by reference. The Adams County Sheriff’s Office is charged with enforcement of these penalties.

**SECTION 18
EQUAL OPPORTUNITY**

AFFIRMATIVE ACTION STATEMENT:

It is the policy of the County to be fair and impartial in all of its relations with employees, and to recognize the dignity of the individual. In furtherance of this policy, the County maintains an environment ensuring recognition of each employee's efforts, achievements, and cooperation. Employees will be treated impartially and allowed, without prejudice, to advance in the organization, as their abilities warrant and as openings occur. To this end, Adams County has established the Affirmative Action Policy which is to promote and afford equal treatment and service to all citizens regardless of race, color, creed, religion, national origin, sex, age, marital status, physical, mental or sensory disability, or sexual orientation. This policy shall apply to every aspect of employment practices, employee treatment, and public contact.

EQUAL EMPLOYMENT:

It is the policy of Adams County to attract and retain the best qualified people available for employment without regard to such factors as race, color, creed, religion, national origin, sex, age, marital status, and physical, mental or sensory disability. The County shall make reasonable accommodation for applicants or employees where such accommodation is required by law. Acts of discrimination against any individual because of race, color, creed, religion, national origin, sex, age, marital status, physical, mental or sensory disability, or sexual orientation are in contravention to this policy. All recruiting announcements will contain the following statement: "Adams County is an Equal Opportunity Employer."

Board of County Commissioners hereby repudiates any of the acts of any employees or officers which are inconsistent with the policies enumerated in this section. Such acts, if committed, are the acts of the individual party who is solely responsible for any injury resulting from such activities.

SECTION 19
CREDIT CARD POLICY
Resolution No. R-07-2012

The Credit card policy for the Adams County Sheriff's Department was approved on a permanent basis effective December 13, 2004 under Resolution No. R-117-04, with departmental rules previously established in 2003 for the use of the card remaining in effect.

Credit card policy originally approved on a permanent basis on December 13, 2004 under Resolution No. R-117-04. However, there was confusion regarding the parameters of the policy and Resolution No. R-07-2012 clarified the policy county wide and subsequently rescinded any resolutions in conflict.

Additional individual departmental requests, along with proposed rules, regulations and controls governing the use of that county credit card, must be presented to the Board of County Commissioners for their review and consideration before a credit card may be procured.

No county credit card for departmental usage may be obtained without the specific and express authorization of the Board of County Commissioners.

(Dated January 30, 2012)

**SECTION 20
EMPLOYEE TRANSFER
ACCRUED VACATION/SICK LEAVE
Resolution No. R-68-03**

An employee transferring from a position in one department to a vacant position in another department shall be subject to the following rules concerning accrued benefits:

Vacation – all unused accrued vacation hours shall be paid to the transferring employee by the employee's current department. Hours shall be paid at the employee's current rate of pay. Payment will be issued at the time of the next official payroll date. Should the employee leave the new position/department prior to completion of the one year probation period whether as a result of another transfer, resignation, or termination, any earned vacation hours during this probation time are forfeited and unpaid.

Sick – all accrued sick hours shall be retained by the employee at the time of transfer to another department to be available for use under the guidelines established in the Personnel Policy and/or Union Contract.

SECTION 21
WORKPLACE VIOLENCE POLICY
Resolution No. R-034-2018

Adams County is committed to providing, insofar as can reasonably be expected, a working environment free of violence, or threats of violence against individuals, groups, or employees, and destruction of personal and/or County property. By policy, Adams County will not tolerate acts of violence committed by employees while on County property or while performing County business at other locations. Adams County will use all reasonable legal, managerial, administrative, and disciplinary procedures available to secure the workplace and to protect employees and the public.

For purposes of this policy, workplace violence shall mean an act or behavior that: physically assaults; consists of a communicated or perceived threat to harm another individual; destroys property or in any way endangers the safety of an employee; could be interpreted, by a reasonable person, as carrying a potential for physical harm; carrying or displaying weapons, except as otherwise provided for in law; destroying property or throwing objects which harm someone or when done in a manner which manifests an intent to intimidate.

All employees are responsible for refraining from acts of violence and intimidation, either directly or through third parties, and promptly reporting to the County any dangerous or threatening situations that occur or are reasonably likely to occur in the workplace which may affect workplace safety. Failure of employees to comply with this policy shall be grounds for disciplinary action, up to and including termination of employment from Adams County.

For the purposes of this policy, weapon shall mean any tool, instrument, or object utilized with the intent to intimidate, and/or injure others.

ADAMS COUNTY EMPLOYEE GUIDELINES

APPENDIX A

SALARY PLAN

All salaries established in accordance with the provisions of this manual are subject to the Board of Commissioners' final approval of the County's annual budget. The Board of Commissioners shall have the responsibility for the development, administration, and amendments, as required of a uniform and equitable plan which will provide minimum and maximum rates of pay for each classification not covered by a labor agreement.

The County's compensation plan shall, provided prudent financial considerations permit, be competitive with other comparable employers in similar job markets. Salary ranges of each classification shall be representative of the skills and the responsibilities required and shall be reflective of levels of authority and responsibility in the organization.

Upon initial appointment to full-time, regular part-time, or temporary positions, the Department Head or Elected Official will recommend the employee's salary at the minimum rate of the range provided for that classification. A Department Head or Elected Official may recommend an initial rate of pay beyond the minimum of a salary range if an appointee is exceptionally well qualified for or experienced in the position. All pay actions shall be approved by the Board of Commissioners. (See Resolution No. 98-84.)

RESOLUTION NO. R-35-06

**ORDER OF BOARD OF COUNTY COMMISSIONERS
ADAMS COUNTY, WASHINGTON**

**IN THE MATTER OF IDENTIFYING ADAMS COUNTY POSITIONS EXEMPT UNDER
PROVISIONS OF THE FAIR LABOR STANDARDS ACT (FLSA); AND, RESCINDING
RESOLUTION NO. R-68-97**

WHEREAS, a review has recently been completed to identify all positions within Adams County that qualify as exempt under provisions of the Fair Labor Standards Act;

THEREFORE BE IT HEREBY RESOLVED that the following Adams County positions are classified as exempt under FLSA effective January 1, 2006:

Public Works Director
County Engineer
Assistant Public Works Director/Assistant County Engineer
Engineering Supervisor
Equipment and Shop Maintenance Supervisor
Maintenance Analyst
Road Supervisor
Economic Development Analyst
Building and Planning Director/Solid Waste Manager
Assistant Building and Planning Director/Solid Waste Manager
GIS Coordinator
Undersheriff
Jail Administrator
Civil Deputy
E-911 System Manager

APPENDIX A (continued)

Resolution No. R-35-06 continued

Adams County Sheriff Administrative Assistant
Central Services Director
Juvenile Services Administrator
Integrated Health Care Services Director
Integrated Health Care Services Assistant Director/Administrative Assistant
Clerk of the Board/Executive Services Manager
Deputy Prosecutor

(Dated April 17, 2006.)
(Amended R-015-2014)

RESOLUTION NO. R-51-06

**ORDER OF BOARD OF COUNTY COMMISSIONERS
ADAMS COUNTY, WASHINGTON**

IN THE MATTER OF CREATING POSITION #1115 FACILITY MANAGER, #1116 SOLID WASTE ATTENDANT, AND #1117 CUSTODIAL/MAINTENANCE TECH; ADOPTING JOB DESCRIPTIONS AND CLASSIFICATIONS FOR THOSE POSITIONS; AND, AMENDING RESOLUTION NO. R-35-06 ADDING POSITION #1115 AS AN ADAMS COUNTY FLSA EXEMPT POSITION

WHEREAS, the Board during official proceedings on Tuesday, May 30, 2006 approved an organizational restructuring of various county functions that included creating new positions to handle certain jobs required of the county; and,

WHEREAS, this restructuring necessitates the adoption of job descriptions for these new positions as well as setting of wage classifications;

THEREFORE BE IT HEREBY RESOLVED THAT THE FOLLOWING POSITIONS ARE CREATED WITH THEIR RESPECTIVE JOB DESCRIPTIONS; AND, CLASSIFICATIONS ARE ESTABLISHED AS FOLLOWS:

**POSITION #1115 – FACILITY MANAGER
CLASSIFICATION: MID-MANAGEMENT 1
PUBLIC WORKS DEPARTMENT - FLSA EXEMPT**

**POSITION #1116 – SOLID WASTE ATTENDANT
CLASSIFICATION: 10
PUBLIC WORKS DEPARTMENT - UNION**

**POSITION #1117 – CUSTODIAL/MAINTENANCE TECH
CLASSIFICATION: 8
PUBLIC WORKS DEPARTMENT - UNION**

AND, BE IT FURTHER RESOLVED THAT Resolution No. R-35-06 is hereby amended to reflect that Position #1115 Facility Manager is an Adams County FLSA exempt position.

(Dated June 5, 2006)

APPENDIX A (continued)

RESOLUTION NO. R-11-07

**ORDER OF BOARD OF COUNTY COMMISSIONERS
ADAMS COUNTY, WASHINGTON**

IN THE MATTER OF AMENDING RESOLUTION NO. R-35-06 THAT IDENTIFIED CERTAIN ADAMS COUNTY POSITIONS AS EXEMPT UNDER PROVISIONS OF THE FAIR LABOR STANDARDS ACT (FLSA) BY ADDING ADDITIONAL POSITIONS AS EXEMPT AND CONCURRENTLY AMENDING THE ADAMS COUNTY PERSONNEL POLICY

WHEREAS, following review of the job descriptions of certain positions within Adams County it was determined that those positions qualified as exempt under provisions of the Fair Labor Standards Act (FLSA);

THEREFORE BE IT HEREBY RESOLVED that the following positions be added to the Adams County list of exempt positions:

County Designated Mental Health Professional
Registered Nurse
Environmental Health Program Director
Personal Health Program Director
Chemical Dependency Clinical Director
Mental Health Clinical Director
Developmental Disabilities Program Director

AND, BE IT FURTHER RESOLVED that the Adams County Personnel Policy, Appendix A, is amended to reflect those additional positions.

(Dated January 24, 2007)

APPENDIX A (continued)

RESOLUTION NO. R-015-2014

**BOARD OF COUNTY COMMISSIONERS
ADAMS COUNTY, WASHINGTON**

**IN THE MATTER OF AMENDING RESOLUTION NO. R-35-06 WHICH IS A PART OF
APPENDIX A OF THE ADAMS COUNTY PERSONNEL POLICY; AND, CONCURRENTLY
AMENDING THE ADAMS COUNTY PERSONNEL POLICY**

WHEREAS, additional positions have been created within the County since 2006; and,

WHEREAS, some position titles have been modified based on a change in job responsibility;

THEREFORE BE IT HEREBY RESOLVED that the following positions are additional to the approved list of county exempt positions under FLSA:

Computer Support Technician
Solid Waste Operations Supervisor

AND, BE IT FURTHER RESOLVED that the following positions while retaining exempt status under FLSA, will now reflect the removal of "Solid Waste Manager" in the job title and are listed as:

Building and Planning Director
Assistant Building and Planning Director

AND BE IT FURTHER RESOLVED that Appendix A of the Adams County Personnel Policy is hereby amended.

(Dated March 10, 2014)

APPENDIX A (continued)

RESOLUTION NO. R-016-2014

**ORDER OF BOARD OF COUNTY COMMISSIONERS
ADAMS COUNTY, WASHINGTON**

**IN THE MATTER OF AMENDING THE ADAMS COUNTY PERSONNEL POLICY,
SPECIFICALLY RESOLUTION NO. R-015-2014 (APPENDIX A)**

WHEREAS, Resolution No. R-015-2014 added positions to the approved list of county exempt positions under FLSA and concurrently amended the Adams County Personnel Policy; and,

WHEREAS, a position was inadvertently omitted from the list;

THEREFORE BE IT HEREBY RESOLVED that Resolution No. R-015-2014, a part of Appendix A, is amended and the following position is included in the exempt positions under FLSA:

Emergency Management Director

AND, BE IT FURTHER RESOLVED THAT effective immediately the **ADAMS COUNTY PERSONNEL POLICY IS AMENDED.**

(Dated

APPENDIX A (continued)

RESOLUTION NO. R-59-98

**IN THE MATTER OF ADOPTING A POLICY REGARDING INCENTIVE PAY AND
EMPLOYMENT STATUS CHANGE FROM UNION TO NON-UNION AND RESCINDING
RESOLUTION NO. R-84-97**

WHEREAS, the Board of Adams County Commissioners granted non-union employees incentive pay in the amount of \$402.84 per year for those employees employed prior to January 1, 1989; and,

WHEREAS, additionally the Board of Adams County Commissioners granted non-union full time employees incentive pay in the amount of \$500.00 per year (permanent part-time employees \$250.00 per year) for those employees employed as of December 1, 1990, to be effective January 1, 1991; and,

WHEREAS, employees periodically move from union to non-union status and in some instances qualify for one or both incentive pay allocations because of their date of hire; and,

WHEREAS, it is the desire of the Adams County Commissioners to treat employees equitably;

THEREFORE BE IT RESOLVED THAT an employee who changes status from union to non-union and qualifies based on date of hire for one or both incentive pay allocations shall receive the same beginning on the date that the employee officially begins employment under non-union status.

AND, BE IT FURTHER RESOLVED THAT Resolution No. R-84-97 is hereby rescinded.

(Dated August 24, 1998.)

RESOLUTION NO. R-92-95

**ESTABLISHING THE ANNIVERSARY DATE FOR PART-TIME EMPLOYEES CONVERTING
TO FULL-TIME AND PART-TIME EMPLOYEES CONVERTING TO REGULAR PART-TIME**

Part-time employees converting to full-time status will have the anniversary date as that day they officially begin full-time employment.

Part-time employees converting to regular part-time status will have the anniversary date as that day they officially begin regular part-time employment.

(Dated September 5, 1995.)

APPENDIX A (continued)

RESOLUTION NO. R-64-91

**WITHDRAWAL FROM PARTICIPATION IN THE ADAMS COUNTY SALARY SCHEDULE BY
COMMUNITY COUNSELING SERVICES**

Effective July 1, 1991, Community Counseling Services is withdrawn from participation in the Adams County salary schedule.

The salary schedule title "North Central Washington Regional Support Network Salary Schedule" is adopted for Community Counseling Services employees effective July 1, 1991.

(Dated July 22, 1991.)

RESOLUTION NO. R-67-91

**SETTING ANNIVERSARY DATES FOR CLINICAL EMPLOYEES OF COMMUNITY
COUNSELING SERVICES**

The anniversary date for determining step raises for all employees covered by Resolution No. R-64-91 is set as July 1, 1991.

(Dated August 12, 1991.)

APPENDIX A (continued)

RESOLUTION NO. R-65-06

IN THE MATTER OF CLARIFYING CERTAIN ASPECTS OF THE ADAMS COUNTY SALARY POLICY, RESCINDING RESOLUTION NO. R-98-84, AND, AMENDING THE ADAMS COUNTY PERSONNEL POLICY

WHEREAS, certain aspects of the Adams County Salary Policy require clarification and amendment;

THEREFORE BE IT HEREBY RESOLVED as follows:

1. An employee who is promoted (appointed from a lower level to higher level position) shall be entitled to receive the step rate in the wage range of the new position which provides an increase. The effective date for any change of status pursuant to this paragraph shall set a new step anniversary date.

An employee who is voluntarily transferred (appointed to an equal level position in another department), except by specific action of the Board of County Commissioners, will be placed at the step within the range of the position to which appointed that does not exceed the wage rate held in the former position. Such appointments shall not set a new anniversary date.

2. A county employee demoted to a classification of a lower salary range than the previous classification will be placed at the next step immediately below the employee's current salary.
3. In the event that a new hire from outside the County has current and relevant experience in a position equivalent to the County classification, the employee, at the discretion of the Commissioners and the Department Head involved, may be placed on the Step Scale according to the following schedule:

Less than two years of experience	Step 1
Two to four years of experience	Step 2
Four to six years of experience	Step 3
Six years or more of experience	Step 4

(Dated July 24, 2006)

APPENDIX A (continued)

RESOLUTION NO. R-54-95

IN THE MATTER OF ESTABLISHING BENEFITS FOR EMPLOYEES IN A FULL TIME JOB SHARED POSITION

WHEREAS, the county has authorized establishment of a policy allowing two employees to share full time positions; and,

WHEREAS, these regular job share employees are now considered regular employees; and,

WHEREAS, the Board of County Commissioners during regular proceedings on Monday, April 14, 1995, authorized employees in job shared full time positions to share in the benefits of the full time position;

THEREFORE BE IT RESOLVED THAT:

- 1) A job share employee is described as an employee who shares a thirty-five (35) hour or more <per week> position with another employee.
- 2) Each employee in a job share full time position is entitled to half of the benefits of a full time employee in a regular position (vacation and sick leave accrual, holiday pay, and medical/dental insurance).
- 3) Rules governing accrual and use of annual leave and sick leave established under Adams County Personnel Policy (1988) and any subsequent amendments thereto are applicable to employees in a full time job shared position.
- 4) Rules governing holidays established under Adams County Personnel Policy (1988) and any subsequent amendments thereto are applicable to employees in a full time job shared position except Section 11.10.5(e) is not applicable due to the uniqueness and scheduling required for job shared positions.

(Dated May 8, 1995.)

ADAMS COUNTY EMPLOYEE GUIDELINES

APPENDIX B

VEHICLE AND TRAVEL POLICY

1. Employees are encouraged to use county owned vehicles designated for county business use when traveling on county business whether in-county or out-of-county.
2. Employees who use county owned vehicles shall register and attend a safe driving course offered by the county during regular work hours. If a safe driving course is not immediately available, the employee may operate a county vehicle while on county business but is required to then complete a safe driving course at the earliest scheduled course date.
3. Employees completing the safe driving course shall provide proof to their department head the county risk manager of course completion.
4. Employees who use private vehicles in the course of county business are required to either complete the county sponsored safe driving course or to choose to take a course on-line or privately.
5. Employees who use their private vehicles on county business will be reimbursed by the county at the rate set by the State of Washington Office of Financial Management (OFM).
6. Official mileage when traveling between Ritzville and Othello on county business for purposes of private vehicle reimbursement shall be 104 miles round trip.
7. Employees who use their private vehicles on county business are responsible for any additional insurance coverage required by their carrier.
8. Employees operating a vehicle while on county business must have a valid Washington State driver's license.
9. Employees using county vehicles shall not pick up hitchhikers or transport any private parties not directly involved with the work of the employee.
10. Smoking in county owned vehicles or equipment is prohibited.
11. All accidents occurring while operating county owned/leased vehicles or equipment shall be reported immediately to the employee's supervisor and to the county risk manager. An accident report shall be completed and filed with the supervisor with a copy to the county risk manager.
12. Employees are individually responsible for all fines or penalties assessed to the employee as a result of speeding tickets or other traffic infractions for which the employee is cited while using a county vehicle.

ADAMS COUNTY EMPLOYEE GUIDELINES

APPENDIX C

ORDINANCE NO. 98-88

AN ORDINANCE REGARDING INDEMNIFICATION AND TORT REPRESENTATION

Section 1.

The purpose of this ordinance is to make orderly provisions for the legal and financial protection of county officers, employees and their marital communities from personal liability for acts or omissions committed by such officers and employees while within the scope of their official county duties.

Section 2.

Consistent with the powers vested in the county legislative authority by RCW 36.16.134, whenever an action or proceeding for damages is brought against any officer or employee of this county where it has been determined pursuant to Section 3 of this ordinance that such action or proceeding arose from acts or omissions while performing or in good faith purporting to perform his or her official duties and when such officer or employee has requested defense of the action or proceeding at the expense of the county, the Board of County Commissioners shall be deemed to have granted such request. Upon such granting of the request, the necessary expenses of defending the action or proceeding by the prosecuting attorney shall be paid by the county and any final money judgment against said officer or employee shall be paid by the county.

Section 3.

The Board of County Commissioners hereby delegates to the prosecuting attorney the final determination of any and all questions relating to the following issues:

1. Whether acts or omissions performed by a county officer or employee were or in good faith purported to be within the scope of that person's official county duties; and,
2. Whether, for purposes of the issues raised by an action or proceeding for damages, a particular person is in fact a county officer or employee.

Section 4.

Where a county officer, employee or his or her marital community is sued for an act determined pursuant to Section 3 of this ordinance to be within the scope of such officer's or employee's official duties, the prosecuting attorney shall be responsible for defense of that person or marital community, and shall direct recommendations, if any, for settlement of such suits to the Board of County Commissioners. In arriving at any such recommendation for settlement, the prosecuting attorney shall consult with the county agency most involved with the litigation and/or named as a party to the lawsuit.

Section 5.

Except as specifically directed by the prosecuting attorney, no county agency and no county officer or employee may engage in any of the following acts with respect to actions or proceedings for damages defended pursuant to this ordinance:

1. Negotiate or otherwise affect the settlement of such an action or proceeding for damages against the county;
2. Make an admission of liability involving such an action or proceeding for damages against the county; or,

APPENDIX C (continued)

3. Discuss with persons who are not county employees incidents which could reasonably lead to actions or proceedings for damages against the county, or its officers or employees.

Section 6.

Should any section, subsection, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance.

(Dated November 14, 1988.)

ORDINANCE NO. O-02-98

AN ORDINANCE THAT DETERMINES PROCEDURE FOR THE COUNTY COMMISSIONERS ON PROVIDING DEFENSE COSTS TO COUNTY EMPLOYEES AND INDEMNIFYING AND HOLDING EMPLOYEES HARMLESS FOR ACTS DONE IN THE COURSE OF EMPLOYMENT IN ADAMS COUNTY; AMENDING ORDINANCE NO. 98-88; AND, AMENDING ADAMS COUNTY CODE 2.76et.seq.

SECTION 1.

Adams County Ordinance No. 98-88, Section 2, codified as Adams County Code Chapter 2.76.020 is hereby amended to provide as follows:

Consistent with the powers vested in the county legislative authority by RCW 4.96.041, whenever an action or proceeding for damages is brought against any officer or employee of Adams County where it has been determined pursuant to Section 2.76.030 that such action or proceeding arose from acts or emissions while performing or in good faith purporting to perform his or her official duties and when such officer or employee has requested defense of the action or proceeding at the expense of the county, the Adams County Board of Commissioners shall be deemed to have granted such request. Upon such granting of the request, the necessary expenses of defending the action or proceeding by the prosecuting attorney shall be paid by the county and any final money judgment against the officer or employee shall be paid by the county.

SECTION 2.

Adams County Ordinance No. 98-88, Section 3, codified as Adams County Code Chapter 2.76.030 is hereby amended to provide as follows:

1. Pursuant to RCW 4.96.041 the Adams County Board of Commissioners hereby delegates to the Washington Counties Risk Pool under its' procedures established in the Joint Self-Insurance Liability Policy, Claims Administration Policy and its' By-Laws, the determination of whether a county officer, employee or volunteer were, or in good faith purported to be, within the scope of his or her official duties whenever an action or proceeding for damages is brought.

APPENDIX C (continued)

2. If the Pool determines that the official, employee or volunteer were, or in good faith purported to be, within the scope of his or her official duties, the necessary expense of defending the action or proceeding, and any monetary judgment against the officer, employee or volunteer, shall be paid subject to the County's deductible election, all as determined by the Joint Self-Insurance Liability Policy.
3. This delegation under RCW 4.96.041 shall be granted for an indefinite time until revoked but may also be suspended in any case when written notice of suspension is provided the Pool by the Adams County Board of Commissioners.
4. If Adams County revokes or suspends the delegation, and if the County denies the request of a person or organization and does not authorize defense at the expense of the County or approval of payment of any related monetary judgment and the Pool disagrees, the County at its own expense shall pay all sums of monetary damages which the County may become obligated to pay by reason of liability imposed by law for denial, and hereby holds the Pool and its members harmless therefrom.
5. Pursuant to RCW 48.22.030(4) the county as named insured may reject Pool underinsured coverage for bodily injury, death, or property damage. The Board of Adams County Commissioners hereby elects to accept underinsured coverage.

SECTION 3. REPEAL OF CONFLICTING ORDINANCES

All former ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance as adopted and amended herein are hereby repealed.

SECTION 4. REPEAL OF CONFLICTING CHAPTERS IN ADAMS COUNTY CODE

All former chapters of the Adams County Code or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted and amended therein are hereby repealed.

SECTION 5. VALIDITY

If any section, subsection, clause, phrase, or word in this ordinance or any provision adopted by reference is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of remaining portions of this ordinance or any provision adopted by reference.

(Dated April 6, 1998.)

ADAMS COUNTY EMPLOYEE GUIDELINES

APPENDIX D

RESOLUTION NO. R-102-95

ADOPTING THE DEPARTMENT OF PUBLIC WORKS BLOODBORNE PATHOGENS EXPOSURE CONTROL PLAN

It is the policy of Adams County to provide a safe environment for employees which is as free as possible from infection from blood borne pathogens such as hepatitis B and HIV.

Employees of the Public Works Department will be required to know and follow precautions as described by the Centers for Disease Control and as outlined in the *EXPOSURE CONTROL PLAN*.

The *ADAMS COUNTY EXPOSURE CONTROL PLAN INCLUDING APPENDIX A THROUGH G* is adopted under this Resolution.

(Dated October 2, 1995.)

ADAMS COUNTY EMPLOYEE GUIDELINES

APPENDIX E

RESOLUTION NO. R-35-94

IN THE MATTER OF JOB DESCRIPTIONS OF ADAMS COUNTY, WASHINGTON

WHEREAS, Adams County is required to comply with certain Federal and State personnel laws referring to job descriptions; and,

WHEREAS, it has been a considerable time since a comprehensive assembly of all non-union county jobs has been made; and,

WHEREAS, it is in the public interest that Adams County have reasonably current, readily accessible job descriptions for each non-union county position authorized in the budget; and,

WHEREAS, the Board of County Commissioners has commissioned the drafting of job descriptions, uniform in style, format, and codification system; and,

WHEREAS, each employee has supplied a detailed description of tasks, duties, requirements, and so forth of their position with final approval of the appended job descriptions by the Department Head or Elected Official; and,

WHEREAS, the commissioned task of developing and producing job descriptions having been accomplished, delivered to the Board of Commissioners as the appended job descriptions, and are appropriate for adoption by the Board of Commissioners;

NOW THEREFORE BE IT RESOLVED THAT:

1. Those job descriptions appended to this resolution and titled "Adams County Washington Job Descriptions" are hereby adopted as the official job descriptions of this county. No other job descriptions will be used for employment purposes.
2. Should a new position be requested by a Department Head or Elected Official they shall first create a job description in the same format as the "official" job descriptions basing such new job description upon a comprehensive questionnaire completed for the purpose of job description drafting. Copies of the development questionnaire will be submitted with the job description for adoption by the Board of Commissioners. Each new position shall be assigned a "position number" by the County Auditor who will maintain such records, codifying the position in the same manner as the codification of the appended job descriptions.
3. Should any "official" job description require minor revision (less than 20% change) the proposed revision shall be submitted to the Board of Commissioners in red line form showing all additional or deletions. After review and approval the revised job description shall replace the previous "official" version as the current "official" job description for the affected positions.
4. Should any "official" job description require more than minor revisions the procedure for a new position (outlined in 2. above) will be followed.
5. The Board of County Commissioners will act on all properly completed job descriptions at a regular session by officially removing the description that is no longer current (in the case of revision) and adopting the new description for the position. To assure proper adoption, all job descriptions shall be dated and may be added or deleted to the roster of job descriptions by reference to the job title, position number, and date affixed thereto.

APPENDIX E (continued)

6. The Board of County Commissioners reserves the authority to revise, amend, rescind, or replace these procedures at any time in accordance with law.

(Dated March 28, 1994.)

APPENDIX F

ADAMS COUNTY EMPLOYEE GUIDELINES

RESOLUTION NO. R-75-01

**ORDER OF BOARD OF COUNTY COMMISSIONERS
ADAMS COUNTY, WASHINGTON**

IN THE MATTER OF ESTABLISHING A SHARED ANNUAL LEAVE POLICY AND FIXING THE PROVISIONS THEREOF

WHEREAS, the County provides annual leave to its employees as a vested right subject to payment upon termination; and,

WHEREAS, the County finds it appropriate and in the public interest to permit employees to share annual leave in carefully defined circumstances and to transfer such leave to and for the benefit of employees who, without such transfers, would be forced to terminate their employment or go without pay in order to meet the needs of severe illness; and,

WHEREAS, the County finds that development of a pilot program with specific provisions would help to meet this need;

NOW, THEREFORE BE IT RESOLVED THAT IT IS ORDAINED AS FOLLOWS:

SECTION A PURPOSE OF SHARED LEAVE

- To permit County employees, at no additional cost to any County fund other than the administrative costs of administering the program, to come to the aid of a fellow County employee who is suffering from or has an immediate family member suffering from an extraordinary or severe illness, injury, impairment, or physical or mental condition which has caused or is likely to cause the employee to take leave without pay or to terminate his or her employment.

SECTION B CONDITIONS

Employee Donating

- Has completed the required County probationary period.
- Transfer of leave may not reduce employee's leave to less than (10) days remaining.
- Leave donated must be in one (1) day increments. (Eight (8) or seven (7) hour increments depending on donor workday.)
- Has discussed with his or her department head the amount of shared leave to be gifted. Amount shall not be in excess of that requested by employee to receive gifted leave.
- Department Head must discuss with and receive authorization from the Board of County Commissioners to proceed with the transfer.
- Donated leave shall be voluntary.
- Transfer may only be between departments within the same Fund. In no instance may transfers be made between Funds.

APPENDIX F (continued)

Employee Receiving

- Has completed the required County probationary period.
- Has depleted or will shortly deplete his or her total available paid leave. Paid leave accrual is defined as vacation leave, sick leave, accrued compensatory time, and floating holidays.
- Has abided by the County's sick leave policy.
- Has been found to be ineligible for state industrial insurance benefits.
- Has discussed with his or her department head the amount of shared leave that may be received.
- Has provided appropriate medical justification and documentation both of the necessity for the leave and the time that he or she can reasonably be expected to be absent due to the condition.
- Must use shared leave on a consecutive basis to the extent possible.
- While using shared leave, employee will continue to be classified as a County employee and shall receive the same treatment, in respect to salary and benefits, as the employee would otherwise receive if using vacation leave.
- All salary benefits paid to the employee on a shared leave shall be made by the department employing the person using the shared leave.
- Salary rate shall not change as a result of being on shared leave, nor under any circumstances, shall the total of the employee's salary and other benefits, including but not limited to state industrial insurance or any other benefit received as a result of payment by the County to an insurer, health care provider, or pension system, exceed the total of salary and benefits which the employee would have received had he or she been in a regular pay status.

Administration

- Final approval authorization from the Board of County Commissioners must be on file prior to implementing the transfer.
- Payroll Department shall monitor the donated leave and shall initiate the adjustments for both the donor and recipient.
- Required forms completed by donor and recipient must be on file with the Payroll Department.
- Once annual leave is transferred to the recipient it shall remain with that employee until exhausted and shall not revert back to the donor.

AND BE IT FURTHER RESOLVED THAT:

- BARGAINING UNIT EMPLOYEES are ELIGIBLE for the program PROVIDED each unit has submitted a written waiver indicating that the unit understands that the program is a pilot program, agrees to the conditions of the program, agrees that the program shall not establish a past practice by the County or otherwise obligate the County to continue the program, and acknowledges that the County may cancel the program at any time or review it on one-year increments, extending it from time to time as the County, in its sole discretion, shall determine appropriate.

AND BE IT FURTHER RESOLVED THAT any previous resolutions or policies relating to gifting of sick or annual leave are hereby declared null and void.

POLICY EFFECTIVE upon adoption and extending for a pilot period ending December 31, 2002.

(Dated August 27, 2001)

APPENDIX F (continued)

RESOLUTION NO. R-81-02

IN THE MATTER OF AMENDING RESOLUTION NO. R-75-01 THAT ADOPTED THE SHARED ANNUAL LEAVE POLICY UNDER A PILOT TIME FRAME AND NOW PROVIDING FOR THE PERMANENT ADOPTION OF A SHARED ANNUAL LEAVE POLICY AND AMENDING THE ADAMS COUNTY PERSONNEL POLICY ACCORDINGLY

WHEREAS, Resolution No. R-75-01 established a shared annual leave policy for a pilot period ending on December 31, 2002; and,

WHEREAS, the Board of Adams County Commissioners deem it expedient to continue to offer employees the option of utilizing the shared annual leave policy;

THEREFORE BE IT RESOLVED that the terms and provisions of the Shared Annual Leave Policy as provided under R-75-01 are hereby permanently adopted effective January 1, 2003; and,

BE IT FURTHER RESOLVED that the Adams County Personnel Policy is hereby amended accordingly to reflect the addition of this Shared Annual Leave Policy.

(Dated November 4, 2002)

APPENDIX H

ADAMS COUNTY EMPLOYEE GUIDELINES

RESOLUTION NO. R-030-2015

IN THE MATTER OF ESTABLISHING THE REIMBURSEMENT RATE AND GUIDELINES FOR ON-THE-JOB RELATED MEAL EXPENSES INCURRED BY ELECTED OFFICIALS, DEPARTMENT HEADS, AND EMPLOYEES; AND, RESCINDING RESOLUTION NO. R-061-2014

WHEREAS, elected officials, department heads, and employees often incur meal expenses while out-of-the county on work related matters; and,

WHEREAS, a set policy applicable to all would provide uniformity for auditing purposes; and

THEREFORE BE IT RESOLVED that the following constitutes policy/procedure for reimbursement requests for meal expenses:

1. Claimant will complete an "Expense Claim Form".
2. Meals will be reimbursed at the following maximum amounts effective November 16, 2015:

Breakfast:	\$10.00
Lunch	\$13.00
Dinner:	\$18.00
3. Itemized receipts are required for reimbursement and must be attached to the "Expense Claim Form". In no case will reimbursement be greater than actual expense.

(Resolution No. 100-99 rescinded July 21, 2002. R-69-03 adopted July 21, 2003. R-69-03 rescinded 12/22/2014. R-061-2014 adopted 12/22/2014. R-061-2014 rescinded 11/16/2015. R-030-2015 adopted 11/16/2015.)

APPENDIX I

ADAMS COUNTY CREDIT CARD POLICY

RESOLUTION NO. R-07-2012

**ORDER OF BOARD OF COMMISSIONERS
ADAMS COUNTY, WASHINGTON**

**IN THE MATTER OF CLARIFYING THE PERMANENT APPROVAL FOR CREDIT CARDS
WITHIN ADAMS COUNTY DEPARTMENTS**

WHEREAS, Resolution No. R-65-03 established a Credit Card Policy for the Adams County Sheriff's Office under temporary "pilot" program status; and,

WHEREAS, Resolution No. R-117-04 approved the Policy on a permanent basis for the Sheriff's Office under their previously approved departmental rules; and,

WHEREAS, Resolution No. R-117-04 was designed to approve the Credit Card Policy as an option for all County Departments but there remains some confusion in that regard;

THEREFORE BE IT HEREBY RESOLVED that the Adams County Credit Card Policy is established on a permanent basis and available to all county departments; and,

BE IT FURTHER RESOLVED that a county department may request approval to proceed with procuring a credit card following presentation of their established rules regulating the use of said credit card to the Board of County Commissioners; and,

BE IT FURTHER RESOLVED that no county credit card for departmental usage may be obtained without the specific and express authorization of the Board of County Commissioners.

AND, BE IT FURTHER RESOLVED that the Adams County Personnel Policy, specifically Section 19 and Appendix I, are hereby amended and any Resolutions in conflict herewith are rescinded.

(Dated January 30, 2012)

APPENDIX J

RESOLUTION NO. R-68-03

IN THE MATTER OF EMPLOYEE BENEFIT RETENTION WHEN TRANSFERRING FROM ONE COUNTY DEPARTMENT TO ANOTHER COUNTY DEPARTMENT

WHEREAS, current employee of the county occasionally transfer from one position in a department to another position in a different department; and,

WHEREAS, accrued benefits can have a significant impact on the budget of the respective departments involved with the transfer;

THEREFORE BE IT RESOLVED that an employee transferring from a position in one department to a vacant position in another department shall be subject to the following rules concerning accrued vacation and sick leave:

Vacation – all unused accrued vacation hours shall be paid to the transferring employee by the employee's current department. Hours shall be paid at the employee's current rate of pay. Payment will be issued at the time of the next official payroll date. Should the employee leave the new position/department prior to completion of the one year probation period whether as a result of another transfer, resignation, or termination, any earned vacation hours during this probation time are forfeited and unpaid.

Sick – all accrued sick hours shall be retained by the employee at the time of transfer to another department to be available for use under the guidelines established in the Personnel Policy and/or Union Contract

APPENDIX K

RESOLUTION NO. R-70-05

**ORDER OF BOARD OF COUNTY COMMISSIONERS
ADAMS COUNTY, WASHINGTON**

**IN THE MATTER OF AUTHORIZING THE ESTABLISHMENT OF A HEALTH
REIMBURSEMENT ARRANGEMENT/VOLUNTARY EMPLOYEES' BENEFICIARY
ASSOCIATION ("HRA VEBA") PLAN**

WHEREAS the Internal Revenue Code Section 501(c)(9) allows for the creation of a voluntary employees' beneficiary association which is an employer sponsored, tax exempt health and welfare trust; and,

WHEREAS, IRS guidelines and regulations allow an employer to offer Health Reimbursement Arrangement ("HRS") plans; and,

WHEREAS, such HRS plans are available to governmental employers in the Northwest; and,

WHEREAS the Voluntary Employees' Beneficiary Association for Public Employees in the Northwest Trust ("Trust") offers and will administer an HRA entitled "Voluntary Employees' Beneficiary Association Medical Expense Plan for Public Employees in the Northwest as Amended and Restated January 1, 2005" ("Plan"); and,

WHEREAS the County of Adams ("County") has determined that establishing an HRA plan which provides a tax free defined contribution account for employees to pay for medical, dental, vision, and tax qualified long term care premiums and out-of-pocket expenses is in the best interest of the County and its employees; and,

WHEREAS, the County desires to establish an HRA plan for its employees; and,

WHEREAS, the County desires to use the services of the Trust to administer such Plan; and,

WHEREAS, such HRA established by the County will be administered in accordance with the Plan documents provided by the Trust on file in the County office;

NOW THEREFOR BE IT HEREBY RESOLVED as follows:

Section 1. Effective January 1, 2006, the County hereby elects to participate in the Plan and Trust as presently constituted or hereafter amended using the Trust as its plan administrator for the benefit of eligible County employees as defined by employer policies or collective bargaining agreements.

Section 2. The Plan will be funded by employer contributions in amounts determined from time to time pursuant to employer policies and collective bargaining agreements.

Section 3. The Board of County Commissioners is authorized to execute documents and establish procedures consistent with Plan and Trust provisions and applicable employer policies and collective bargaining agreements necessary to effect the adoption and administration of the Plan.

(Dated September 21, 2005)