

## Complaint Description

[Briandrake170](#) (Fri, 21 Sep at 2:53 PM) via Portal Meta

Not sure what you want here...

I am asserting that Jon Tunheim, the current Thurston County Prosecutor, in violation of numerous state campaign laws as well as his own employers policies, did conduct a political party on May 14, 2018 at St. Martin's University between the hours of 11:30 am and 1:00 pm. The purpose of this party was to solicit campaign donations and to "kick-off" his campaign for Thurston County Prosecutor. In attendance at this meeting were numerous employees of the prosecutors office, ten of whom contributed to his campaign at the political party. The named employees of the office were not on their own time. They were being paid by taxpayers at the time. A violation of RCW. Tunheim solicited them for a donation. A violation of RCW. And of course Tunheim used government time to hold his political party. A violation of the RCW.

I believe that I have attached everything here that I delivered to your office on September 10th (minus the video). If there is anything missing here, please let me know and I will provide it.

Thank you.  
Brian Drake

## What impact does the alleged violation(s) have on the public?

The public pays its taxes, in part, for the purpose of employing people to work on its behalf. By law public employees are prohibited from conducting personal business or working for someone or something that is not connected to their employment. Government employees are specifically prohibited from engaging in political activities during their assigned work hours. The public has an absolute right to know that their tax dollars are being spent only for the public good and not for the benefit of one person, who in this case, was Jon Tunheim, a political candidate.

Jon Tunheim held his Thurston County Prosecutor campaign Kick-Off on Monday, May 14, 2018, during work hours, at St. Martin's University, a 15-minute drive from the Thurston County Prosecutor's office. Several people spoke at the event, including AG Bob Ferguson, Tunheim's Chief Deputy Lippert, and Lacey City Council member Rachel Young. Mr. Tunheim spoke for a half hour alone. The event lasted over an hour and the roundtrip drive between the prosecutor's office and St. Martin's and back is about 30 minutes.

Employees of the Thurston County Prosecutor's Office are free to contribute to Jon Tunheim's campaign. However, they cannot contribute while on duty, at work, and/or attending a political campaign rally for the benefit of and organized by Jon Tunheim, their boss.

In addition, according to RCW 42.17A.565 Jon Tunheim cannot solicit contributions from his employees during work hours. It does not matter that this was done at another location. The issue is that he solicited money from his employees and subordinates who were attending his campaign rally; these employees were on-duty and being paid by the tax payers of Thurston County.

## List of attached evidence or contact information where evidence may be found.

Video of Jon Tunheim at his political campaign "kick-off" party at St. Martin's University on May 14, 2018. In this video, at the 45 second mark, he acknowledges, "I have a number of

deputy prosecutors in the room. Can I have all my deputy prosecutors stand up please?" At that point at least ten (10) people stood up to be acknowledged.

- Copies of emails of Thurston County prosecutor's office employees who had requested time off on May 14, 2018. These documents were obtained via a public disclosure request by Brian Drake to the Thurston County Prosecutor's office. They were delivered to me via email on August 7, 2018.
- o All but one of the leave requests were marked either for "annual leave" or were marked "sick".
- o These are ALL of the employees who had requested time off on May 14, 2018, according to the Thurston County Prosecutor's office in response to a public disclosure request. Only one person had appropriately requested time off before attending the event.
- o When Jon Tunheim asked his deputy prosecutors to stand at the opening of his speech, ten (10) people stood to be acknowledged. NONE of the leave requests for May 14 was for a "deputy prosecutor" leaving the fact that not one of the ten deputy prosecutors that stood to be acknowledged had appropriately taken any type of leave in order to attend Tunheim's campaign party.
- Copies of PDC C3 filed by Tunheim campaign
- o These C3's list the contributors for May 14, 2018 which was the day of the Tunheim Kick-off party
- Thurston County Prosecutor's Office Personnel Policies
- RCW statutes covering violations
- Thurston County Human Resource Personnel Rules and Policies – EXCERPTS covering political activities.

**List of potential witnesses with contact information to reach them.**

Bob Ferguson - Washington State Attorney General

- Sam Hunt – State Representative from Olympia
- John Snaza – Thurston County Sheriff
- Janine Gates
- o [https://janineslittlehollywood.blogspot.com/2018\\_06\\_02\\_archive.html](https://janineslittlehollywood.blogspot.com/2018_06_02_archive.html)
- o This blogger attended the May 14th event to report on it. She also took photos and possibly some video.
- Anyone else on the list of contributors from Tunheim's C3 that covers contributions for 05/14/2018
- Deputy prosecutors who attended the kick-off, with or without taking leave, and their location history from their personal electronic devices for May 14, 2018.

**Complaint Certification:**

I certify (or declare) under penalty of perjury under the laws of the State of Washington that information provided with this complaint is true and correct to the best of my knowledge and belief.

Q:\COMPLIANCE\Cases\2018 (Post 2938)\41292 Tunheim Jon (FBD)\primary complaint docsTUNHEIM VIDEO TRANSCRIPTION – MAY 14, 2018 KICK-OFF PARTY AT ST. MARTIN'S UNIVERSITY

Transcription by Brian Drake on 08/23/18

The numbers seen in some of the text are the time stamps from the video. They were not used for the first half of the video due to technical problems.

Um, I also want to say a special thank you to all the table hosts. Can I have all the table hosts stand up? (applause) Obviously it goes without saying that they all did an amazing job. (unintelligible) Again, I can't say how much I appreciate that. And also, I've got a number of deputy prosecutors in the room. Can I have all my deputy prosecutors stand up please? (applause) There is a number of other ones that are you know in court doing the work probably took a minute for lunch. We've got trials going and the routine work of the day goes on. But I appreciate everybody that is here and I'll tell you why. These are some of the finest men and women in public service today. I am so, so proud of the team that we have at the prosecutor's office. Really, really great people working hard to keep our community safe every day. And finally, I just need to make a quick thank you to my family. My mother is here today Tricia. My wife Marsha, my son Justin. Wave. Wave. (applause) The other three boys are gone at school or are in their own lives but I know they are here in spirit. And they are really, uh, they are my soft space to land when I go home. And that is incredibly important in my life and I just can't say enough how much I appreciate that.

Alright, today I title my speech the changing notion of justice. I really want to talk a little about this idea of justice. I've heard it said many times that the mission of a criminal prosecutor is to seek justice. What does that mean exactly? How do we define justice? Is justice something that is static and innate? Or is justice something that is relational? Is justice something that reflects the notion of the community, the will of the community? Its an interesting question and frankly its one question that I and my deputy prosecutors think about every day at work. What is justice in this particular case? What does justice mean to our community? What is this thing we call justice? Historically prosecutors were very much thought of as a background person in the criminal justice system. If you go back in the history of prosecution, prosecutors were really looked at as just a part of the system. Just a part of the machine if you will. Our job was to make the charging decisions and to do the legal work necessary to move people through the system. But then in response to significant rises in crime in the 70s and 80s prosecutors really started to come out more in front. Really because the community started to look more at prosecutors for a sense of what justice is. To seek justice. But justice at that time was really defined much differently. That was the era of tough on crime. In the 80s I know many of you know they declared the war on drugs. Right? And the rhetoric was all of that it was about

fighting the fight and winning the war. Justice for a prosecutor meant getting the conviction. Getting that long sentence. Performance was really measured by conviction length and sentence length. And things like that. The expression was prosecution to the fullest extent of the law. I'm sure many of you have heard that phrase and perhaps even said that phrase. I was an example. When I started in 1990 as a deputy prosecutor in the drug unit you were in the midst in the war on drugs. And I was a soldier. I used to say that the word dismissal was not in my vocabulary. Once I filed the charge you were going all the way. We were gonna go to the mat. And if you wanted to go to trial we were gonna go to trial and I was gonna get that conviction and I was gonna make that sentence. I tried a lot of cases. And frankly I won most of them. And back then I will admit that I really didn't understand things like addiction and mental illness and what that how that played into it. I pretty much thought addiction was a self-inflicted harm. And it was people that made some bad decisions and off they went but that was their fault, right? So, I've been in that mindset. I've been that war and that soldier in the war. Legislators responded to the community demands by imposing tougher laws, longer sentences, mandatory minimums, less probation and parole, more emphasis on prison time and jail time. And all those kinds of things. Elected prosecutors they started campaigning as tough on crime. They were gonna be tough on crime and that notion of justice. They instituted rigid charging policies, plea bargain policies that restricted the discretion of deputy prosecutors to be creative at all. Once they filed that charge, the outcome was dictated by the charging policy and off they went into the court room to seek that result. The focus at that time was only on what people did. Not why they did it. We only care what they did. And the justice was a formula of that. question? What was the result? Crimes started going down. It worked! It worked! The strategy worked. We've had an ongoing downward crime trend for many, many years. When you look at the trend it still continues to trend that way. But at what cost? Mass incarceration. Disproportionate incarceration for people who are poor or people of color. We now have one of the highest incarceration rates if not the highest incarceration rates in the world. We also have probably when you look at the entire system when you add it all up we likely have the most expensive criminal justice system in the world. And frankly it was at that time when it was all about what the person did and not who they were it was very much a system without compassion or without hope. When I was first elected in 2010 criminal justice reform that conversation was just starting then. I remember it popping up at the national discussions and the political arena. But the interesting thing is that it never made it to the forefront of any debates because as you looked across the aisle criminal justice reform became a bipartisan issue. Both parties realized that we were putting a lot of people in prison at very high costs. Not only a cost financially but really a cost to our humanity. But in Thurston county I am glad to say that we were already into the criminal justice reform conversation. In fact, it is one of the things that inspired me to run for prosecutor in 2010. Because I knew that there was opportunity in this community to change the conversation and talk about a different kind of criminal justice system. A different kind of justice if you will. we had already started the Monarch children's justice and advocacy center of which I was on the founding committee. I am very proud of that organization today which provides support to kids that have suffered from abuse and neglect but in a wrap around co-located way. We have a number of successful therapeutic courts drug court, dui court, mental health court, veterans court. Some of which were a model really for the rest of the state. Our veterans court was one of the first in the state

and actually one of the first in the country and was a model. We have a number of innovative jail programs going on while people were incarcerated to get them ready once they came out of jail to try to prepare them for reentry into the community. It was really then that we began to understand and to realize just how many people that were in our jail that were addicted or mentally ill or both. And really that the answer to that wasn't warehousing them for a long period of time. One of the examples that we could have looked at for this idea of what a new justice might look like was the juvenile justice system. I don't know if you know this but the Washington state juvenile system is really looked at across the country as a model system. But it also was a tough on crime model. When I started as a, when I well when I guess when I was a prosecutor in the late 90s our detention facility was busting at the seam and we had to build a new one which still is in existence. But there was a prediction that even that would be full and overflowing by now. But the juvenile system really did a good job of redefining what it means what justice means in that context. While juvenile crime also was decreasing during the shift of philosophy the juvenile crime rate still continued to drop. And it actually continues to drop even now. Detentions population has decreased. I don't know what our total capacity of our juvenile detention center is in this county the one that I said was predicted to be full. I've read reports where some days we have had ten or twelve kids in detention in this county. It has dropped very adequately. Today only a small percentage of kids that go through the juvenile justice system actually spend time in detention. And what we learned was this. That seeking justice means looking beyond 11:38 just what the person did but also 11:41 looking at why they did it and who they 11:43 are and trying to address those issues. Instead of asking what's wrong with you we started asking what happened to you? Our 11:54 juvenile justice system is a huge 11:56 success and frankly as a model that we 11:59 should be looking at in my view as we 12:02 look at reforming the adult criminal criminal justice system.

So, when I got elected we 12:06 went to work starting to look at how we 12:11 could now take those lessons and improve 12:13 the adult criminal justice system in Thurston County. We call this innovative 12:18 justice. Some of you may have actually 12:21 attended the chamber forum several years 12:23 ago where I rolled out a package of 12:26 reform initiatives that we have created 12:29 under this idea of innovative justice. 12:32 The result in terms of what we've 12:35 accomplished so far, the creation of a 12:38 family justice center which offers 12:40 co-located wraparound support and 12:43 services to families impacted by 12:46 domestic violence. Particularly women and children impacted by domestic 12:49 violence. The construction of a mental 12:53 health triage center in order to offer 12:55 law enforcement an alternative to jail. When somebody's arrested who actually 13:00 might be suffering from mental illness 13:03 and needs that sort of system in that 13:06 care instead.

A new early diversion 13:09 protocol to those who are mentally ill 13:10 or abducted yeah addicted. A new county 13:13 department of pretrial services to 13:16 really start looking at and reforming 13:18 our pretrial justice system in Thurston county. A new soon to be implemented case 13:23 management protocol for all felony cases 13:25 in superior court aimed at reducing the 13:28 waiting time for both victims and 13:30 dependents as their cases proceed 13:32 through through court. But in this new 13:37 definition of justice seeking justice is 13:42 actually more complex now than it ever 13:44 has been before for a prosecutor

we now 13:48 start to look at things like is this 13:50 crime really a crime of survival? Is this 13:53 person believe that they need to do this 13:55 to survive? Are they actually in the 13:58 throes of addiction and really unable to get any control over their own addiction 14:02 do they have perhaps an undiagnosed 14:05 mental illness do they suffer severe 14:08 childhood trauma and perhaps have a 14:09 hyperactive fight-or-flight response as 14:13 a result of that and many many more 14:18 factors that our prosecutor now needs to 14:20 look at. And the complexity is we not 14:24 only need to be able to recognize these 14:26 but understand how they impact this 14:30 person's behavior. what is it about these 14:32 things that is driving this crime so 14:34 that we can actually look for solutions 14:36 instead of just diagnosing the problem? 14:39 In short, this new model of justice is 14:42 what I call quote/unquote smart on crime 14:46 not tough on. But let me be very 14:50 very clear smart on crime does not mean 14:53 soft on crime. 14:56 Ladies and gentlemen there is evil in 14:59 this world and in this community and I have seen it. 15:02 I have seen a very 15:05 close-up. I've looked at in the eye as I 15:07 cross-examine. And prosecutors still need 15:10 to stand ready to be at the front line 15:12 to protect the community from that evil 15:15 and to keep it off our streets when when 15:18 that's appropriate. And we also need to 15:21 hear and support victims that are that 15:25 becomes subject to that evil to 15:27 empathize with them and to represent 15:29 their interests to make sure the court 15:32 hears them when they speak. But that 15:36 sometimes can be harder than it sounds 15:38 to really identify and discriminate the 15:41 issues that I've talked about and when 15:45 we're really dealing with this evil. But 15:48 that is the new job of the prosecutor. In 15:53 my office we now have embraced this 15:55 notion of being smart on crime. We've 15:58 called it my definitely prosecutors are already we call this changing our 16:04 definition of a win-win isn't always 16:07 about getting the conviction anymore. 16:09 Sometimes it is sometimes it is about 16:12 getting that conviction but not always. 16:15 Sometimes a win is actually dismissing a 16:17 case when someone graduates from a drug 16:21 court or another therapeutic court. 16:23 Sometimes a win means getting the 16:26 conviction but instead of recommending a 16:27 prison term recommending a treatment 16:29 alternative. And giving a chance someone 16:33 the chance the opportunity if you will 16:35 to correct the issues that they are 16:38 dealing with sometimes. Sometimes a win 16:43 means not charging somebody that we 16:45 could charge when in fact they do get 16:47 connected into a treatment system or a 16:50 system that offers them more support and 16:52 better services than criminal justice does. Gone are the days of rigid 16:58 charging policies and plea bargain 17:00 practices. In my view this is a change 17:05 for prosecutors that is cultural and the culture of my office 17:10 has changed and that's why I'm so very 17:12 very proud of the team that I lead. 17:14 Because they've embraced this idea and 17:17 in fact we encourage creativity. 17:20 We encourage looking focusing on 17:22 community safety but also asking the 17:25 question why did this person commit this 17:27 crime and is there something that we can 17:29 do to reduce the possibility or 17:33 probability that they may commit it 17:35 again. Because really at the end that's 17:38 long-term Public Safety. An example of 17:42 this is a unit in our office that we now 17:44 call first look. First look this might at 17:48 first blush look like a screen. 17:50 Prosecutors have had screening units for 17:52 many many years. 17:53 But the role of the traditional 17:55 screening unit was really just to look 17:58 at cases as they came in. Is there enough evidence to prove the charge. If there is 18:02 what's the appropriate charge charge it.

18:04 And the case off to another deputy and 18:06 the case goes on through the assembly  
18:09 line as as it follows. But first look is 18:15 a different kind of screening in it 18:16 first  
look their charge now is to 18:18 actually proactively look for seek out 18:21 and identify cases  
that call out for a 18:24 different kind of resolution a diversion 18:27 a treatment option a  
therapeutic court 18:29 whatever that might look like or maybe 18:32 just a quick resolution by  
a plea 18:34 agreement that has them going to a 18:35 treatment program instead of going to  
18:38 jail or prison. So many different options 18:42 are out there so many tools in our 18:44  
toolbox now and first look is empowered 18:47 to really look at and identify cases and 18:50  
use those tools. In this campaign and 18:55 this election cycle I feel like you 18:57 might start  
hearing the word progressive.19:01 And I think it's really interesting that 19:04 that is a word  
that I have used with my 19:06 deputy prosecutors many times. Again I 19:09 see smiles on  
their faces. 19:11 But I'm always very clear when I use 19:13 that word progressive. I am using  
it not 19:16 in political context but in the practical 19:19 context. What does it mean a small  
"p" if 19:22 you will, instead of a capital "P" What 19:26 does it mean to be a progressive 19:27  
prosecutor's office? To me what that 19:32 means is that one, we are constantly 19:34 looking  
for ways to make the system 19:36 better. 19:37 We're unafraid to be innovative, creative.  
19:41 We look for and find ways to collaborate 19:44 and build partnerships and create teams  
19:47 within the system. We hear some and 19:51 support victims and survivors of crime.  
19:59 We strive for creating a system that is 03 a model for other counties for the state 20:06  
for the country. Perhaps even the world. 20:10 This is our new paradigm for justice 20:13 this is  
the smart on crime version of 20:16 justice. Now I need to close not 20:22 surprisingly for  
many of you I'm talking 20:25 a little bit about hope I know a lot of 20:29 you know that I have  
talked a lot about 20:31 quilt in this community. and I've thought 20:33 a lot about holding this  
idea of justice 20:36 how did justice and hope relate together? 20:38 Is there a place for this  
idea of 20:41 justice for to use that word hope. As a 20:45 self-proclaimed hopeologist who  
believes that 20:49 hope applies in all aspects of life I 20:53 think that there is. I think there  
can be 20:55 hope and justice. And to illustrate that 20:58 I want to tell you a story. For  
purposes 21:02 of this story I'm going to refer to this 21:04 person as Tom when I was a young  
DPA in 21:09 the drug unit they'll be prosecuting 21:10 attorney in the drug unit I told you  
21:12 that I was a soldier and the war on 21:14 drugs. And Tom he was a defendant and he  
1:19 was a frequent defendant. He liked to he 21:26 liked to do drugs, sell drugs. He's run  
21:32 from the police when they tried to stop 21:34 him or detain him. By the time that he by  
21:43 the time that I was watching his files 21:46 he had accumulated over time something  
21:48 like 30 files maybe 35 files and our 21:53 office all different from all episodes. 21:56  
He'd been arrested well over 50 times. Tom was one of those people that we 22:00 would refer  
to unfortunately 22:03 as a frequent flyer. He went through our 22:07 system a lot but when I  
started to when 22:12 I started to run for prosecutor in 2010 I decided I wanted to cover the  
mental 22:18 health court docket once so I could 22:19 learn a little bit more about exactly  
22:20 how that works and what the environment 22:23 was and so forth. And so, I asked if I  
22:26 could cover that court and of course 22:29 they gave me permission to do that. And I  
22:32 remember going into the staffing that 22:34 occurs before the court actually 22:35  
convenes where everybody comes together 22:37 to talk about the cases and staff the 22:40  
the cases and Tom's name was at the top 22:44 of the list and I thought this has got 22:46 to be  
on the state. What deputy 22:49 prosecutor let this happen. 22:52 In fact I thought maybe I

was gonna have 22:55 to take a little corrective action in this 22:57 particular case. But then I heard Tom's 23:01 story. Tom had been physically abused by 23:05 his father. Started drinking at the age 23:08 of 12, drugging at the age of 14 or 15. 23:12 Had lived most of his life with 23:15 undiagnosed PTSD and depression. But 23:19 fortunately the deputy prosecutor in 23:21 that case actually made the right 23:23 decision. They exercised their discretion 23:26 well and appropriate and allowed him to 23:30 get into mental health court. The result 23:32 Tom was able to get on medication, become 23:37 stable. He was sober he was crime free. 23:41 He had committed himself to diet and 23:44 exercise, started his own business and 23:46 was making money and in fact that paid 23:48 off thousands of dollars in back child 23:50 support by the time he graduated. Perhaps 23:53 most importantly though Fountainhead 23:56 United with a daughter who was almost an 23:58 adult but who he had never had a relationship with. And she was now one of his biggest fans, one of his biggest supporters. A few 24:08 weeks later I went to his graduation for 24:10 mental health court and I'm so moved by 24:11 his story of recovery and redemption 24:13 that I nominated him for a Phoenix award with the Behavioral Health Resources 24:17 which he was selected for. And a few 24:23 months later I had the pleasure of presenting him with his Phoenix award in 24:27 recognition of him overcoming his 24:30 addiction and his mental illness, of 24:32 rising from the ashes if you will. Ladies 24:40 and gentlemen that is my vision of 24:42 justice. Was justice done in Tom's case? 24:46 The result there was in fact a dismissal 24:49 but not just a dismissal. Tom got his 24:53 life back and not only his life but the 24:56 life but he was able to engage in and 24:59 improve the life of his daughter. We are 25:03 here and we will be here to protect this 25:05 community from evil and that I guarantee 25:07 you. But I also will tell you this the 25:12 office that I lead will be committed to 25:14 this new form of justice. This idea of 25:17 being smart on crime instead of tough on 25:19 crime. We will hear and support victims 25:23 and survivors of crime and above all 25:27 perhaps give some hope to those who have 25:30 lost it. 25:32 Thank you so much for being here. I 25:34 really appreciate it and thank you for 25:37 hearing my remarks. 25:38

[Applause]

English (auto-generated)



*Photo by Janine Gates/Little Hollywood Media*



*Photo by Janine Gates/Little Hollywood Media*

Mr. Fulmer,

I have received your final accounting of prosecutor's office employees who were on some type of leave on May 14, 2018. I appreciate your response.

On May 14, 2018 Mr. Tunheim held a political kick-off party for his Thurston County prosecutor's election campaign. This party was held at St. Martin's University in Lacey. There were approximately 150 people in attendance. During Mr. Tunheim's opening remarks of his speech, he said:

"I have a number of deputy prosecutors in the room. Can I have all my deputy prosecutors stand up please?"

Subsequent to Mr. Tunheim's request a very quick count was done and at least ten (10) people in the room stood up and were acknowledged as deputy prosecutors.

**As a reminder, here is the Thurston county policy on employee leave:**

- B. Salary for Exempt Employees. The County shall pay exempt employees on a salary basis. Until July 1, 2018, the appointing authority shall not deduct leave or reduce pay for an exempt employee who is absent from work for less than one regular working day, except leave shall be taken in 15-minute increments for absences for the following:
  - 1. FMLA leave;
  - 2. **Participation in political activity;**
  - 3. Outside employment, subject to approval; or
  - 4. Other activities that would be in violation of the Ethics and Conflict of Interest Policy if conducted during regular work hours

Pursuant to RCW Chapter 42.56, I am requesting your agency and any other office, department, division, bureau, board, commission or sub agency thereof, including any records that may be in their possession make available for inspection and copying any item that they/it has possession or dominion over or control of and that is a public record. "Record" as defined in RCW 42.56 refers to **all records typed, printed, written or electronically held, retained, copied, possessed or within the control of the Thurston County Sheriff's Office, its agencies, sub-agencies, agents, employees or assigns**. These requests relate to following information:

It is apparent that many employees attended Mr. Tunheim's political activity in violation of Thurston County Human Resources rules, on taxpayer time and without authorized leave.

Please provide to me an accurate accounting of **all** Thurston County Prosecutor's office employees who attended Mr. Tunheim's political event at St. Martin's University on May 14, 2018. This would include deputy prosecutors, senior deputies, supervisors, administrative and office staff. Essentially anyone who works in the prosecutor's office.



**Jon Tunheim**  
PROSECUTING ATTORNEY

August 7, 2018

Brian Drake  
5248 Deerfield Park Ct. NE  
Olympia, WA 98516  
[briandrake170@gmail.com](mailto:briandrake170@gmail.com)

Dear Mr. Drake:

This communication is in regard to your Public Records Request, #4154.

Attached you will find the third installment of records responsive to your request. Per your most recent correspondence dated July 19, 2018, we currently understand your request to only be seeking leave requests which were approved or denied, as well as modified schedules, for May 14, 2018. You will find these records attached.

Per our conversation on June 25, 2018, and your follow up email sent to memorialize that conversation, we have redacted one personal cellphone number for a Thurston County Prosecuting Attorney's Office employee. If you feel this is in error, please contact us at your earliest convenience and we will review this redaction again at that time. We have made no additional redactions to this installment of responsive records.

This is the final/definitive response to your records request. Please let us know if you believe we have misunderstood your records request, or have omitted records that you believe your request covered.

If you have any questions you may contact me at (360)754-4998.

Very truly yours,

JON TUNHEIM  
PROSECUTING ATTORNEY

Michael Fulmer  
Paralegal I

## GUIDELINES FOR SCHEDULE ADJUSTMENTS AND ADJUSTED WORKWEEKS

**Schedule Adjustment** *This means changes to the Monday through Friday, 8 to 5, 12 to 1 Schedule.*

*Schedule adjustments will be considered for 8 to 5 schedule changes needed for school schedules, sports schedules, exercise or other activities that need a temporary adjustment approved by the Division Chief.*

Schedule adjustments may be proposed by an employee for special needs for temporary periods of time. The employee shall submit a request describing the special need and the proposed schedule adjustment to the Team Leader and Division Chief. The Division Chief has the discretion to approve or deny the request.

**Adjusted Workweek** *This means changes to the workweek hours of 8 to 5 and 12 to 1 lunch.*

*Adjusted work week will be considered under the following circumstances:*

- 1. unavoidable workload needs, i.e. court in session beyond 5:00, interviews finishing after 5:00, lengthy telephone calls beyond 5:00;*
- 2. medical appointment adjustments approved in advance;*
- 3. scheduled school related events (i.e. parent teacher conferences, awards assembly); and*
- 4. LWOP and other situations as approved by the Division Chief.*

The normal workweek for non-exempt employees shall consist of five (5) consecutive eight (8) hour days commencing Monday and concluding Friday unless an adjustment is authorized in accordance with these policies and any collective bargaining agreement. Either the employee or a supervisor may propose an “adjusted workweek” (i.e. flexing hours within that same workweek).

A non-exempt employee who desires to adjust their workweek must submit a request for such adjustment in advance whenever possible in the same manner as a leave request. Workweek adjustments may be made only if the total working hours during the workweek (Monday through Sunday) do not exceed forty (40) hours. Work requests that will exceed forty (40) hours in a workweek are considered a request for overtime. Workweek adjustments within the Monday through Friday work schedule are preferred.

When proposing the adjusted workweek, lunch breaks cannot be eliminated. Lunch breaks may be shortened to thirty (30) minutes at the discretion of the team leader and/or Division Chief, however, the adjustment must be pre-approved whenever possible.

**IN ALL SITUATIONS AN ELECTRONIC EMAIL  
REQUEST MUST BE SUBMITTED IN THE SAME  
MANNER AS LEAVE REQUESTS.**



# **Thurston County**

## **Personnel Rules and Policies**

For questions call:  
Human Resources  
(360) 786-5498

# **Thurston County Personnel Rules and Policies**

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# THURSTON COUNTY PERSONNEL RULES AND POLICIES

## CHAPTER ONE Introduction

### **1. INTRODUCTION**

These rules provide for the administration of personnel practices within Thurston County government. The rules may not cover every situation or provide an answer to every possible personnel question, but appointing authorities should endeavor to apply the spirit of the rules.

### **2. ASSISTANCE WITH THE RULES**

Human Resources employees are available to advise concerning the rules and their application. Individuals seeking statutes, regulations and other background material should contact Human Resources. Appointing authorities contemplating an action that may involve interpretation of the law or a rule are encouraged to consult with Human Resources prior to taking the action.

### **3. APPLICABILITY**

**A. General Application.** These rules shall apply to Thurston County employees in the following offices and departments:

- Assessor's Office
- Auditor's Office
- Central Services
- Clerk's Office
- Commissioner's Office
- Coroner's Office
- Financial Services
- Human Resources
- Office of Assigned Counsel
- Prosecuting Attorney's Office
- Public Health and Social Services
- Treasurer's Office

All other offices and departments created after October 1, 1995 unless otherwise specified at the time of creation.

The Communications Department and positions were eliminated as of December 31, 2010 per Resolution #14465. Work performed by Thurston County employees in the Communications Department was transferred to Thurston 9-1-1 Communications.

The Pacific Mountain Workforce Consortium division and positions were eliminated as of December 31, 2010 as per Resolution #14465. Functions that were performed by Thurston County Pacific Mountain Workforce Consortium division were transferred to the Pacific Mountain Workforce Development council, a Washington non-profit corporation.

**B. Applicability to Sheriff's Office and to Civil Service.** The following Chapters of the Rules apply to the Sheriff's Office and to Civil Service:

- 1, 3, 4, 8, 9 and 14.
- 2 (Rules 3, 4, 5, 6, 7, 8 for MTP or non-Civil Service positions only)
- 5 (except Rules 3 and 4)
- 12 (Rules 3 and 4 only)
- 15, 16

**C. Applicability to the Courts.** The following Chapters of the Rules cover District Court, Superior Court and Juvenile Court employees:

- 1, 2, 3, 4, 5, 6, 8, 9 and 14
- 12 (Rules 3 and 4 only)
- 15, 16

#### **4. CONFLICTS**

If these rules conflict with any collective bargaining agreement, Thurston County Civil Service Rule, state or federal law, the agreement, rule or law shall govern.

#### **5. DEFINITIONS**

As used in these rules, the terms defined in this section shall have the following meanings unless the context clearly requires otherwise:

**A. Appointing Authority.** The elected official or department head of an office or department or any subordinate employee delegated the authority to act for the elected official or department head.

**B. At Will Classifications.** Employees in the following at will classifications serve at the pleasure of the appointing authority and may be terminated without cause:

1. Chief Administrative Officer
2. Assistant Chief Administrative Officer
3. Any Department Director appointed by the Chief Administrative Officer
4. Budget Director
5. Director of Communications
6. Deputy Director of Communications
7. Medic I Administrator
8. Weed Coordinator
9. Fair Manager
10. Chief Deputy Auditor
11. Financial Services Manager
12. Auditor's Administrative Aide
13. Executive Assistant for Prosecuting Attorney
15. Chief Deputy Assessor
16. Chief Deputy Treasurer
17. All Attorneys in the Prosecuting Attorney's Office
18. Office Administrator – Prosecuting Attorney's Office
19. All Defense Attorneys (Office of Assigned Counsel)
20. Clerk of the Board of County Commissioners
21. All Administrative Aides
22. Nursing Section Director
23. Environmental Health Section Director
24. Epidemiology, Assessment & Planning Section Director
25. RSN/Chemical Dependency Services Manager
26. All Deputy Coroners
27. Undersheriff
28. Chief Deputy Corrections

29. Chief Deputy Services Bureau
30. Chief Deputy Operations
31. Chief Deputy Administrative Services
32. Executive Aide in the Sheriff's Office
33. District Court Judicial Assistant
34. District Court Commissioner
35. Superior Court Commissioner

Any Probationary Employee

Any Temporary Employee

**C. Bargaining Unit Employee.** An employee in a position covered by an agreement with one of the following bargaining units:

1. Thurston County Deputy Sheriff's Association (Deputy Sheriffs)
2. Thurston County Deputy Sheriff's Association (Administrative Support Staff)
3. AFSCME Local #618 - CD (Corrections Officers)
4. AFSCME Local #618 - CO (General Courthouse)
5. AFSCME Local #618 - DC (District Court)
6. AFSCME Local #618 - T (Tilley)
7. OPEIU Local #23
8. Association of Thurston County Deputy Prosecuting Attorneys
9. Thurston County Captains' Association
10. Any other bargaining unit certified by the Public Employee Relations Commission.

**D. Exempt Employee.** An employee who is exempt as defined by the Fair Labor Standards Act.

**E. Full Time Employee.** An employee who is normally scheduled to work an average of 40 hours per week.

**F. Intern.** A student who is performing work for the County on a temporary basis that is connected with the student's major field of study. The appointing authority may hire an intern for any length of time that is appropriate for the intern's course of study. The length of time that an intern may serve is within the discretion of the appointing authority.

**G. Immediate Family.** A relative including spouse, son, daughter, brother, sister, parent, grandparent, grandchild, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, domestic partner (with affidavit) any relative living in the employee's household and any other person determined by the appointing authority to be a member of the immediate family based on the facts in a particular case. An affidavit of domestic partnership requires the employee and domestic partner to certify they are: 18 years of age or older; have an intimate, committed relationship of mutual caring which has existed for at least 6 months; are financially interdependent; share the same residence; are not married or involved in another domestic partnership; and are not related to the other as parent, child, brother, sister, niece, nephew, aunt, uncle, grandparent or grandchild.

**H. FLSA.** The abbreviation for the Fair Labor Standards Act.

**I. FLSA Employee.** An employee in a position covered by the Fair Labor Standards Act.

**J. Non-Union Employee.** An employee in a position that is not covered by a collective bargaining agreement.

**K. Part-time employee.** An employee who is normally scheduled to work less than 40 hours per week.

**L. Regular with an End Date Employee.** An individual employed for an identifiable assignment that has a specified beginning and end date, and is anticipated to require more than one thousand and thirty-nine hours (1,039) in a twelve (12) month period. The Board of County Commissioners shall establish all regular with an end date positions by resolution. A regular employee with an end date is eligible for the standard benefits and leave package in accordance with these Rules and Policies which may be prorated to match the FTE percentage.

**M. Reclassification.** A reclassification is (1) any rewriting of an existing classification specification to create a new classification specification or (2) the reassignment of a position from its current classification to another existing classification specification.

**N. Regular Employee.** An employee in a regularly budgeted position requiring a minimum of 20 hours a week. Regular employee includes probationary employee unless the context indicates otherwise.

**O. Temporary Employee.** A temporary employee works for a specific length of time, typically in a replacement position, and may not exceed one thousand and thirty-nine (1,039) hours in a twelve (12) month period. Temporary employees are at will employees who serve at the discretion of the appointing authority.

**P. Transfer.** A regular employee moving into a new position that is in the same range as the employee's former position. A transfer may occur within the current office or department or into a new office or department.

**Q. Work Week.** The work week is used to determine overtime and other FLSA issues. Unless otherwise designated by the appointing authority, the work week for Thurston County employees is Monday at 12:01 a.m. until midnight the following Sunday.

**R. Extra Help Employee.** An extra help employee works in a limited, but on-going capacity. An extra help employee typically works an intermittent, seasonal or varying schedule per week on an as needed basis, and must work fewer than one thousand and thirty-nine (1,039) hours within a twelve (12) month period. Extra help employees are at will employees who serve at the discretion of the appointing authority.

## **6. SEVERABILITY**

If any provision of these rules or their application to any person or circumstance, is held to be invalid, the remainder of the rules or the application of the rules to other persons or circumstances shall not be affected.

## **7. MODIFICATION OF RULES.**

The County specifically reserves the right to modify or amend these policies at any time, with or without notice. None of these provisions shall be deemed to create a vested contractual right for any employee nor to limit the power of the Board of County Commissioners to repeal or modify these rules. The policies are not to be interpreted as promises of specific treatment.

## CHAPTER TWO Salary Plans and Classification Procedures

### **1. PAY AND CLASSIFICATION PLAN**

**A. Excluded Positions.** The Thurston County Pay and Classification Plan shall include all regular county employees except the following:

1. Civil Service employees in the Sheriff's Office;
2. Employees in the Management Technical Pay Plan;
3. Chief Administrative Officer;
4. Executive Aide in the Sheriff's Office;
5. Court Reporters in Superior Court;
6. Court Commissioners in Superior Court;
7. Any other employee specifically excluded by the Board of County

Commissioners from the Pay and Classification Plan.

**B. Contents of the Plan.** The Plan shall include a list of positions, classifications and a range/step plan. The Board of County Commissioners shall authorize all regular, regular positions with end dates and classifications by resolution.

**C. Location of the Plan.** The Human Resources Department shall keep a copy of the Plan on file.

### **2. ADMINISTRATION OF THE PAY AND CLASSIFICATION PLAN**

The Pay and Classification Plan is administered as follows:

**A. Each salary range shall include 10 steps.**

**B. Step Placement for New Hires.** The County shall pay regular employees in the Pay and Classification Plan as authorized by the Plan. New regular employees shall normally start at step 1 of the appropriate range. When an applicant has superior qualifications, the CAO may authorize the employee to start at step 2 or above. The appointing authority must receive approval for any initial placement above step 1 before hiring the applicant.

**C. Movement Through Steps.** Regular employees shall move to the next step in the range upon completion of the time in the step (6 months in step 1 and 1 year in all other steps) until the employee reaches step 10.

**D. Increment Date for Step Movement Purposes.** The increment date is the date used for step movement purposes. Increment dates are determined as follows:

1. A new regular employee beginning work no later than the 15th of the month shall have an increment date of the 1st of that month;
2. A new regular employee beginning work after the 15th of the month shall have an increment date of the 1st of the following month;
3. A regular employee promoted to a new position effective on or before the 15th of the month shall have an increment date of the 1st of that month;
4. A regular employee promoted to a new position effective after the 15th of the month shall have an increment date of the 1st of the following month;
5. Regular employees promoted or reclassified and moving to a new range shall start the time in step requirement over. If, however, the employee would have received a higher salary in his or her previous position within one year of the date of the promotion or reclassification, the employee shall keep the previous increment date for step movement purposes;
6. A regular employee who transfers or who is demoted for other than disciplinary reasons shall retain their increment date for step movement.

**E. Salary Placement for Promotions and Reclassifications.** When a regular employee is promoted or reclassified to a higher range, the following rules shall apply:

1. When a regular employee is promoted or reclassified to a position in a higher salary range, step placement in the new range shall be within the following minimum and maximum placement:

**minimum**--the first step in the new range that is at least 105% of the previous step.

**maximum**--the same step number in the new range that the employee was paid in the old range. (For example: if an employee promotes from Range 6 Step 7 to Range 9, the maximum step in Range 9 would be Step 7.)

The appointing authority shall determine actual step placement. The appointing authority's decision shall be final.

2. When a promotion or reclassification to higher range is effective on the same day that a step increase is due, the step increase shall occur first.

**F. Salary Placement for Demotions and Reclassifications to a Lower Range.** When an employee is demoted to a salary range where Step 10 is higher than the employee's current salary, the employee's salary shall be frozen until the date of his/her next scheduled increment date. On the employee's next increment date, the employee shall move to the step in the new range that provides for some increase.

When an employee is demoted to a salary range where Step 10 is lower than the employee's current salary, the employee shall be placed in Step 10 unless an alternative salary placement is recommended by the appointing authority and approved by the Chief Administrative Officer (CAO). The decision shall be final and binding.

If an alternative salary placement is requested and approved, the employee shall receive fifty percent (50%) of any general wage increase (COLA) until such time as step 10 of the new range equals or exceeds the employee's current salary.

An employee being demoted as a result of discipline shall be placed in the highest step in the new range which provides for a decrease in salary.

**G. Salary Placement for Transfers.** A regular employee transferring shall remain in the same step and keep the same increment date for step movement purposes.

### **3. MANAGEMENT AND TECHNICAL PAY PLAN**

**A. Classifications within Plan.** The Management and Technical Pay Plan (MTP Plan) shall govern all classifications within that Plan. The classifications within the Plan shall either be classifications with general management responsibilities or be professional classifications in a technical discipline.

**B. Contents of Plan.** The MTP Plan shall include, but not be limited to classifications, salaries and administrative rules for the Plan.

**C. Human Resources Maintains Plan.** The Human Resources Department shall keep the MTP Plan on file.

**D. Salary Placement for New Hires.** The County shall pay regular employees in the Management and Technical Pay Plan as authorized by the Plan. New regular employees shall normally start at the minimum of the appropriate range. When an applicant has superior qualifications, the CAO may authorize the employee to start at a salary above the minimum. The appointing authority must receive approval for any initial placement above the minimum before hiring the applicant.

#### **4. SPECIAL RULES FOR RECLASSIFICATIONS AND REORGANIZATIONS**

**A. Decision by Appointing Authority.** A regular employee who believes he or she is improperly classified shall submit a written request for reclassification to the appointing authority. The appointing authority shall determine the appropriate action, if any, and shall notify the employee of the decision within 30 days of receiving the request. If the appointing authority denies the request, the appointing authority shall include the reasons for the denial in the response to the employee.

**B. Review by Human Resources** After receiving the notice from the appointing authority, if the employee continues to believe that he or she is improperly classified and believes the reasons stated in the appointing authority's notice do not address the actual work being performed, the employee may submit a written request to the Director of Human Resources to review and validate the classification of the employee's position. Within sixty (60) calendar days, or as otherwise mutually agreed with the Union, if applicable, or the employee, if a non-union position, Human Resources shall report its findings to the appointing authority and the employee. Should Human Resources determine that the employee is improperly classified, the appointing authority shall either adjust the employee's work assignment to fall within the classification or request further consideration in the reclassification process.

**C. Effective Date.** The effective date of a reclassification or a reorganization is the effective date of action by the Board of County Commissioners. It is the policy of the Board that salary adjustments be prospective only.

#### **5. ADMINISTRATIVE CHANGE**

Human Resources may make administrative changes to job specifications. Administrative changes result in no change to the overall knowledge, skills, or major emphasis of the classification and no change in pay range. An administrative change requires no Board action.

#### **6. SALARY PLACEMENT FOR MTP POSITION RECLASSIFIED TO PAY & CLASS**

When an existing MTP position is reclassified into the Pay and Classification Plan, the following rules shall govern salary placement of the incumbent(s):

**A. New Maximum Higher.** If the maximum salary of the new Pay and Classification range is higher than the previous maximum salary in MTP, the incumbent(s) in the position shall be placed based on the Pay and Classification promotion rule. **Chapter Two, Rule 2. E. Salary Placement for Promotions and Reclassifications).**

**B. New Maximum Lower.**

1. **Demotion Rule.** If the maximum salary of the new Pay and Class range is lower than the previous maximum salary in MTP, the incumbent(s) in the position shall be placed based on the Pay and Classification demotion rule (**Chapter Two, Rule 2. F. Salary Placement for Demotions and Reclassifications to a Lower Range**)

2. **Undue Hardship.** If the appointing authority demonstrates that the application of the demotion rule will cause an undue hardship for the incumbent(s), the Chief Administrative Officer may approve a higher salary not to exceed the incumbent's current salary. In determining whether an undue hardship exists, the CAO shall consider the reasons for the reclassification and any other pertinent information presented by the appointing authority. An undue hardship shall not be found when discipline of the employee was factor in the reclassification.

a. **CAO-approved Salary Below Maximum.** If the CAO approved salary is less than the maximum of the new Pay and Classification salary range, the incumbent(s) shall move, on the anniversary date, to the next step in the range.

b. **CAO-approved Salary Above Maximum.** If the CAO approved salary is more than the maximum of the new Pay and Classification salary range, the incumbent(s) shall be frozen at that salary until a future adjustment causes the incumbent(s) salary to come within the Pay and Classification salary range.

C. **New Maximum Equal.** If the maximum salary of the new Pay and Classification range equals the previous maximum salary in MTP, the incumbent(s) in the position shall move to the step in Pay and Classification that is closest to his or her current salary that does not result in a decrease.

## **7. REGULAR WITH END DATE EMPLOYMENT**

The Board of County Commissioners must authorize a regular with end date position by resolution before employment of an individual in the position. In requesting the regular with end date position, the appointing authority must specify:

1. The nature and scope of the assignment;
2. The source and amount of funding and conditions of the assignment;
3. The relationship of the assignment to regular departmental operations;
4. The number of positions involved;
5. The anticipated length of the assignment.

## **8. TEMPORARY PAY INCREASE**

In situations where an appointing authority determines there is a need to assign a regular employee job duties outside of their normal classification for more than two consecutive work weeks (10 working days) and additional compensation is warranted, the appointing authority must receive CAO approval of any salary adjustment prior to implementing the assignment. This policy does not affect the appointing authority's ability to temporarily promote a regular employee to a vacant position. The appointing authority may still fill on an "acting" basis without CAO approval. These appointments are to be made prior to making the assignment.

### **A. Criteria.**

1. The minimum percentage increase is 5%; there is no established maximum. Temporary increases are only proposed in cases where an employee is being asked to take on duties in a job with a higher salary range. Duties temporarily assigned in jobs with an equal or lower range can be performed without additional compensation.

2. The following general criteria will be considered as factors in the Board's decision:  
**The percentage difference between the salary ranges of the regular position and the temporary position.** This is the single most significant criterion. The greater the percentage difference, the higher the increase that may be justified. The temporary increase should never be greater than the maximum salary that could be awarded if the employee were being promoted to the position on a regular basis. (Typically, the maximum salary placement upon promotion is the percentage difference between the salary ranges of the former and new position.)

**The length of the temporary assignment.** The longer the assignment, the more likely the employee may be required to perform the full range of duties that generated the salary level for the position. The shorter the time frame, the less likely that the employee may be performing the most difficult aspects of the job. A request for a temporary increase should not be made if the additional duties will be performed for less than two consecutive work weeks (under 10 working days).

**Whether any duties in the temporary assignment are also included in the employee's regular job.** For example, an employee who normally may perform several duties

in the absence of the other employee may not warrant as much additional compensation as an employee who is being asked to take on entirely new duties;

**Whether a temporary increase between these two classifications has previously been approved.** If so, the amount previously awarded will be used as a guideline.

**B. Effective Date.** The effective date of a temporary adjustment will be on or after the date the CAO approves the adjustment. No action may be taken before receiving the CAO's approval and no retroactivity will be considered.

## **9. COMPENSATION DETERMINATION**

Salary ranges for job classifications will be determined using a market-based methodology as classifications are reviewed after July 31, 2001. Compensation determinations shall be determined and reviewed in accordance with procedures and methodology approved by the Board of County Commissioners.

Human Resources shall process requests to establish and review classifications and may conduct periodic reviews of classifications in accordance with procedures and methodology approved by the Board of County Commissioners.

## CHAPTER THREE Compensation

### **1. COMPENSATION FOR TEMPORARY EMPLOYEES**

**A. Hourly Rate.** Temporary and extra help employees are hourly employees that may not work more than 1,039 hours in a 12-month period. The appointing authority shall determine the hourly rate. In determining the hourly rate, the appointing authority should use the County pay structure for similar work as a guide.

**B. Benefits.** If the temporary assignment is less than six (6) months, the employee is not entitled to the standard benefits and leave package, or any other benefit that Thurston County provides to regular employees, except for Washington Paid Sick Leave (WPSL).

### **2. PAY**

**A. Pay Day.** The County shall pay employees twice a month. The first pay period is from the first to the fifteenth day of the month and the second pay period is from the sixteenth through the last day of the month. Compensation for services rendered shall be no later than ten days following the end of each pay period. Standard paydays are the 10<sup>th</sup> and the 25<sup>th</sup> of each month. However, if the standard payday falls on a Saturday, Sunday or legal holiday, payday shall be the last business day preceding that standard payday.

**B. Salary for Exempt Employees.** The County shall pay exempt employees on a salary basis.

**Until July 1, 2018**, the appointing authority shall not deduct leave or reduce pay for an exempt employee who is absent from work for less than one regular working day, except leave shall be taken in 15 minute increments for absences for the following :

1. FMLA leave;
2. Participation in political activity;
3. Outside employment, subject to approval; **or**
4. Other activities that would be in violation of the Ethics and Conflict of Interest Policy if conducted during regular work hours.

**Beginning July 1, 2018**, exempt employees who are absent from work shall use paid leave time or have their salaries reduced for the following types of absences:

A partial-day absence of four hours or more (half the employee's regular work day for an employee working less than a full FTE).

Any absence, taken in increments of 15 minutes, for the following reasons

1. FMLA leave;
2. Participation in political activity;
3. Outside employment, subject to approval; **or**
4. Other activities that would be in violation of the Ethics and Conflict of Interest Policy if conducted during regular work hours

**C. Regular Employee Working Less than a Full Month.** A new regular employee working less than a calendar month, a regular employee taking leave without pay and a regular employee who is terminating on a day other than the last working day of the month shall be paid a

percentage of the employee's monthly salary. The percentage shall be the percentage of the month that the employee is on paid status based on total days in the month.

**D. Holiday Pay When Working a Partial Month.** The County shall pay a regular employee working only a partial month for a holiday during that month if the employee is on paid status both the working day before and the working day after the holiday. However, a new regular employee starting work the 1st working day of January shall be paid for the New Year's Day holiday.

**E. Determination of First Working Day.** A new regular employee working the entire first working month shall be hired effective the 1st of the month, whether the 1st is actually a work day or not. Where the first day of the month is not a working day and the use of the 1st as the hire date creates a financial hardship to the employee, the appointing authority may use the first working day as the hire date.

### **3. OVERTIME**

**A. This section shall not apply to exempt employees.**

**B. Work Beyond 40 Hours In A Week.** The County shall pay FLSA employees 1 1/2 times their regular rate of pay (as defined by the FLSA) for all hours in paid status beyond 40 hours per week. **C. Authorization for Overtime Work.** All employees must receive express authorization from the appointing authority before working overtime. Employees who work unauthorized overtime may be subject to disciplinary action.

**D. Funding for Overtime.** The appointing authority shall not authorize any employee to work any overtime unless there are enough funds in the office or department budget to pay the cost of the overtime.

**E. Increment to Calculate Overtime.** Time should be tracked in increments of minutes; however, a time period totaling ten minutes or less will be considered to be de minimis and will not be compensated.

**F. Cash-out When Transfer.** Employees transferring to a new office or department or terminating County employment shall be paid in cash for any overtime by the office or department where the overtime was earned.

### **4. COMPENSATORY TIME**

**A. This section shall not apply to exempt employees.**

**B. Authority for Compensatory Time.** By mutual agreement between the appointing authority and an FLSA employee, the employee may earn compensatory time instead of overtime pay.

**C. Maximum Compensatory Time Balance.** An employee may accrue a maximum balance of 80 hours of compensatory time. The County shall pay FLSA employees for any overtime worked beyond the maximum compensatory time balance, unless otherwise authorized by the Chief Administrative Officer.

**D. When Transfer.** Regular employees transferring from one department or office to another shall transfer any accumulated compensatory time to the new office or department. In addition, the department or office where the compensatory time was accrued shall transfer funds equal to the value of the compensatory time at the time of transfer.

**E. Termination.** The appointing authority shall pay any remaining compensatory time balances to all employees terminating. Employees, especially retiring employees, are encouraged to use their compensatory time before termination.

### **5. NO OVERTIME OR COMPENSATORY TIME FOR EXEMPT EMPLOYEES**

Exempt regular employees shall not be entitled to any additional compensation for hours worked more than 40 hours per week.

**6. HEALTH PLANS**

**A. Eligibility.** Medical, dental, and life insurance are available to all regular employees in budgeted positions of .50 FTE or greater.

**B. "Full Time" for Health Plans.** All regular employees working in budgeted positions of .75 FTE or greater are full time employees for the purposes of medical, dental, and life coverage.

**C. Part Time Employees.** For part-time regular employees, the County pays a prorated portion of their premium based on the budgeted FTE of the position.

**D. Types of Plans; Cost.** Due to the wide annual variations in the costs of insurance the Board of County Commissioners shall determine the plans to offer each year and the portion of the insurance premiums that the County will pay. The employee shall pay the difference, if any, between the portion of the premium the County pays and the total premium.

**E. Reservation of Right to Change.** The Board of County Commissioners reserves the right to make changes in eligibility requirements, in the carriers and in coverage that it considers necessary and advisable.

**CHAPTER FOUR**  
**Leave Rules**

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**1. Legal Holidays**

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**A. The following are legal holidays for Thurston County:**

New Year's Day	January 1
Martin Luther King, Jr. Day	3rd Monday of January
Presidents' Day	3rd Monday of February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	1st Monday of September
Veterans' Day	November 11
Thanksgiving Day	4th Thursday of November
The day after Thanksgiving	
Christmas Day	December 25

**B. Regular employees shall normally be entitled to the holiday off with pay.**

**C. When a legal holiday falls on a Saturday, the preceding Friday shall be the legal holiday.**

**D. When a legal holiday falls on a Sunday, the following Monday shall be the legal holiday.**

**E. When a legal holiday falls on any other scheduled day off, the following work day shall be the legal holiday.**

**F. New Employees; Employees on Leave Without Pay.** Employees must be in paid status both the day before and the day after a holiday to be entitled to pay for the holiday. As an exception to this general rule, regular employees working every working day of a month that begins with a holiday are entitled to receive pay for the holiday.

**G. Irregular Schedule.** When a regular employee works an irregular schedule (defined as all working hours concentrated in two or three days or as having one working day of much shorter duration than the other working days) the holiday hours the employee receives shall be determined by multiplying the employee's FTE by 8 hours.

1. **If the holiday falls on a day that the employee is normally scheduled to work,** the appointing authority may adjust the employee's work schedule for the week of the holiday to be sure that the employee receives the appropriate number of hours off for the holiday. If the appointing authority does not adjust the employee's schedule to adapt to the holiday, the employee must either take leave or have his or her pay reduced (if the employee works fewer hours than normally required during the pay period) or be paid for the additional hours worked (if the employee works more hours than would normally be required during the pay period).

2. **If the holiday falls on a day that the employee is not normally scheduled to work,** the appointing authority may allow the employee to accrue the appropriate amount of holiday hours, to be used within 90 days of the holiday. The accrued holiday hours may never exceed 30 hours at any time.

**H. Judicial Day.** Whenever any legal holiday falls on a judicial day, the provisions of this rule shall not apply to any offices required to work because of the judicial day.

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## 2. Floating Holiday and Community Service Day

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### A. When Entitled.

1. Each regular employee receives one floating holiday and one Community Service Day each calendar year. During the first calendar year of service, the use of the floating holiday and the Community Service Day will be at the sole discretion of the appointing authority.

2. Utilization of the Community Service Day shall be for purposes of participation and volunteering for legitimate non-profit organizations or public agencies, union activities including shop steward training, executive council or conferences, or employee selected training which enhances job or professional skills. Authorization and scheduling of the Community Service Day shall be in accordance with the procedures as the Floating Holiday.

3. Long term service recognition. On January 1<sup>st</sup> of each year following completion of twenty (20) years of service based on leave accrual date, regular employees will receive one additional Floating Holiday. On January 1<sup>st</sup> of each year following completion of twenty-five (25) years of service based on leave accrual date, regular employees will receive a second additional Floating Holiday.

**B. Approval by Appointing Authority.** The date of the floating holiday must be approved by the appointing authority.

**C. Cannot Carry To Next Year; Exception.** Each employee must take the floating holiday during the calendar year or lose the holiday, unless the employee timely requests a floating holiday and the appointing authority denies the request. In that case, the employee must use the floating holiday before taking a full day of annual leave or compensatory time.

**D. Must Take as Full Day.** The floating holiday is one normal working day for the employee. Employees must take the floating holiday as one full day--employees may not take it as separate hours over a period of days.

**E. Exception: Irregular Schedule.** As an exception to the rule that the floating holiday must be taken as one full day, where a regular employee works an irregular schedule (defined as all working hours concentrated in 2 or 3 days or as having 1 working day of much shorter duration than the other working days) the floating holiday hours the employee receives shall be determined by multiplying the employee's FTE by 8 hours. In the case of an irregular schedule, the employee shall take the hours constituting the floating holiday as a block of time.

**F. No Cash Out.** The County shall not pay employees for a floating holiday. If an employee terminates employment with the County without taking his or her floating holiday, the employee loses the holiday.

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## 3. General Rules on Leave

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### Plan Selection

At the time of initial employment with the County, eligible employees have an option to choose between a traditional leave plan and an alternative leave plan.

A selection must be made within seven (7) calendar days from the date of the employee's benefits orientation. Employees who fail to make a selection within the seven (7) day enrollment period will lose their opportunity to select a leave plan and will be placed in the alternative leave plan. All overtime-eligible employees will accrue Washington Paid Sick Leave (WPSL).

## Eligibility

Employees are eligible for paid leave based on their position in accordance with the following chart:

	<b>Overtime-Eligible Temporary, Extra Help, On-Call, and Seasonal Positions</b>	<b>Overtime-Eligible Regular Positions</b>		<b>Overtime-Exempt Regular Positions</b>	
		Choice of:		Choice of:	
Type of Leave	WPSL	Traditional + Sick Leave with WPSL	Alternative Leave with WPSL	Traditional + Sick Leave	Alternative Leave
Location of Rules	Rule 10	Rules 4 and 9	Rule 5	Rules 4 and 11	Rule 5

### Determining Accrual Rate for Alternative or Traditional Annual Leave

- A. **New Hire Employee:** The initial accrual rate for traditional annual leave or alternative leave is set at the time of hiring as shown in the applicable accrual rates table based on years of service, unless one of the following exceptions applies.
- B. **Higher Level Accrual Exceptions:** Prior to hiring an employee, an appointing authority may obtain written approval from the County Manager for additional leave as follows:
  1. **Credit for Continuous Public Service:** If the county hires a regular employee who is currently employed by another government agency (federal, state, county, city, town, other municipal corporation) the appointing authority may request to include that period of continuous employment to determine the annual or alternative leave accrual rate. The employee may not transfer any accrued leave balances.
  2. **Different Accrual Rate:** As part of a negotiated compensation package and employment offer, the appointing authority may request an increased leave accrual rate. No leave balance will be given.
- C. **At-Will Employee:** As part of a negotiated compensation package, the appointing authority may provide an at-will employee a higher leave starting accrual rate, an initial leave balance, or both.
- D. **Returning to County Employment:** When a regular employee voluntarily terminates county employment in good standing and is then rehired into a regular position within one (1) year, the annual or alternative leave accrual rate will be determined as follows:

1. If the returning employee worked for another government agency (federal, state, county, city, town, other municipal corporation) prior to returning to the county, the employee's leave accrual rate will be adjusted to reflect that period of employment as well as his or her previous period of employment with the county.
2. If the returning employee did not work for another government agency (federal, state, county, city, town, other municipal corporation) prior to returning to the county, the employee's leave accrual rate will be adjusted to reflect his or her previous period of employment with the county.

Within one (1) month of rehire, the employee may buy back annual leave or alternative leave up to the amount cashed out at the time of termination from county employment, calculated at the salary rate at the time of termination.

**General Rules**

All leave accrues per pay period and will be available for use the day after the pay period. Leave accrued for the pay period from the first to the 15th of a month may be used on 16th. Leave accrued for the pay period from the 16th to the last day of the month may be used on the first day of the following month. Leave may not be used before it is earned.

All leave is used in increments of 15 minutes.

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**4. Traditional Annual Leave Plan**

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The traditional leave plan consists of annual leave and sick leave, with Washington Paid Sick Leave (WPSL) for overtime-eligible employees.

**A. Accrual Rates**

Full-time regular employees in the traditional leave plan will accrue annual leave for each completed pay period at the following rates:

<u>During This Year Of Service</u>	<u>Per Pay Period Accrual Rate</u>	<u>Number Of Hours Accrued Annually</u>
1 <sup>st</sup>	4.00	96
2 <sup>nd</sup>	4.13	99
3 <sup>rd</sup> & 4 <sup>th</sup>	4.38	105
5 <sup>th</sup> & 6 <sup>th</sup>	5.25	126
7 <sup>th</sup> & 8 <sup>th</sup>	5.63	135
9 <sup>th</sup> & 10 <sup>th</sup>	6.00	144
11 <sup>th</sup> & 12 <sup>th</sup>	6.75	162
13 <sup>th</sup> & 14 <sup>th</sup>	7.00	168
15 <sup>th</sup> & 16 <sup>th</sup>	7.75	186
17 <sup>th</sup> & 18 <sup>th</sup>	8.00	192
19 <sup>th</sup> & After	8.25	198

## **B. Leave Accrual Rules**

1. The accrual rate for regular employees scheduled to work less than forty (40) hours per week will be pro-rated by FTE.
2. Employees who are on leave without pay for seven or more calendar days in a pay period will not accrue leave.
3. New employees will begin accruing annual leave hours the first full payroll cycle worked.

## **C. Maximum Accrual Balance**

Regular, non-represented employees may accrue a maximum of three hundred sixty (360) hours of annual leave. Once the maximum accrual is reached, an employee will stop accruing leave until his or her leave accrual balance falls below the maximum accrual limit.

## **D. Leave Use**

### **1. Annual Leave Use**

Annual leave may be used for any absence approved by the appointing authority.

An employee requesting use of leave is required to make a written request in advance whenever possible, or in accordance with the procedure of his or her office or department.

An employee should provide reasonable notice of an absence as follows:

- a. If leave is foreseeable, an employee needs to seek supervisor approval at least 10 days in advance or as early as practicable.
- b. If unforeseeable, notice is to be given as soon as possible before the required start of shift, unless it is not practicable to do so.
- c. If the leave is a result of domestic violence and an emergency precludes advance notice, the employee must provide notice by end of the first day of leave.
- d. Another person can provide notice on an employee's behalf if it is impractical for the employee to do so.

Employees who are absent without authorization or use leave for an unauthorized purpose may be subject to disciplinary action and/or their leave will be designated as unauthorized leave-without-pay (LWOP).

### **2. Overtime-Exempt Employees**

Overtime-exempt employees are accountable for completing their work and for meeting the objectives and requirements of the office or department for which they work. Full-time overtime-exempt employees are expected to work a minimum of forty (40) hours on average per week (prorated for part-time employment).

For full-day absences, overtime-exempt employees will be charged leave for the total number of hours the employee was scheduled to work on the day of the absence.

For partial-day absences, overtime-exempt employees must use leave in increments of fifteen (15) minutes, if the partial-day absence is for:

5. FMLA leave;
6. Participation in political activity;
7. Outside employment, subject to approval; **or**
8. Other activities that would be in violation of the Ethics and Conflict of Interest Policy if conducted during regular work hours.

**Beginning July 1, 2018**, for all other partial day absences, use of accrued leave is required for daily cumulative absences of four (4) hours or more (or, in excess of one-half of an employee's regular work day, in the case of part-time exempt employees).

If an exempt employee is required to work significantly in excess of his or her regularly scheduled hours, an appointing authority may allow the employee a period of time off, including a partial day absence, to recover from the impact of the extra workload without using accrued leave.

#### **E. Cash Out Upon Separation**

1. Upon termination or retirement from county employment, the County will pay a regular employee for accrued annual leave up to a maximum of two hundred eighty (280) hours.
2. In the event of the death of a regular, non-probationary employee, the County will pay the legal beneficiary the balance of the employee's accrued annual leave, up to a maximum payment of three hundred sixty (360) hours.
3. The County will not pay any accrued annual leave to an employee who fails to complete his or her initial probationary period.

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### **5. Alternative Leave Plan**

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This rule applies to all employees covered under the alternative leave plan, both overtime eligible and overtime exempt.

#### **A. Accrual Rates**

Full-time regular employees in the alternative leave plan will accrue alternative leave hours for each completed pay period at the following rates. For overtime-eligible employees, a portion of these hours will be designated as Washington Paid Sick Leave (WPSL) as stated in section B.

<u>During This Year Of Service</u>	<u>Per Pay Period Accrual Rate</u>	<u>Number Of Hours Accrued Annually</u>
1 <sup>st</sup>	6.00	144
2 <sup>nd</sup>	6.25	150
3 <sup>rd</sup> & 4 <sup>th</sup>	6.38	153
5 <sup>th</sup> & 6 <sup>th</sup>	7.25	174
7 <sup>th</sup> & 8 <sup>th</sup>	7.63	183

9 <sup>th</sup> & 10 <sup>th</sup>	8.00	192
11 <sup>th</sup> & 12 <sup>th</sup>	8.75	210
13 <sup>th</sup> & 14 <sup>th</sup>	9.00	216
15 <sup>th</sup> & 16 <sup>th</sup>	9.75	234
17 <sup>th</sup> & 18 <sup>th</sup>	10.00	240
19 <sup>th</sup> & After	10.25	246

**B. Washington Paid Sick Leave for Overtime-eligible Employees**

Effective January 1, 2018, in accordance with the Washington Paid Sick Leave (WPSL) law (Initiative 1433; RCW 49.46.210; and WAC 296-128-600 through 296-128-770), all **overtime-eligible** (FLSA non-exempt) employees will accrue WPSL hours. This law does not apply to FLSA exempt employees. WPSL hours are tracked separately from alternative leave.

Overtime-eligible employees will have two leave banks, alternative and WPSL, calculated as follows:

1. For every 40 hours of time worked, including overtime, an overtime-eligible employee will accrue one (1) hour of WPSL. These hours will be identified and placed into the WPSL leave bank. Hours taken as paid or unpaid leave do not count toward accrual of WPSL.
2. WPSL hours cannot be donated for shared leave.

**C. Alternative Leave Accrual Rules**

1. For overtime-eligible employees, the alternative leave accrual amount will be the difference between the WPSL hours earned during the pay period and the employee's alternative accrual rate. These hours will identified and placed into the alternative leave bank.
2. New employees will begin accruing alternative leave hours the first full payroll cycle worked.
3. The alternative leave accrual rates for regular employees scheduled to work less than forty (40) hours per week will be pro-rated by FTE.
4. Employees who are on leave without pay for seven (7) or more calendar days in a pay period will not accrue alternative leave for that pay period.

**D. Annual Cap & Maximum Leave Balance**

1. There is no accrual limit on WPSL during a calendar year. On January 1 of each year, a maximum of 40 hours of WPSL can be carried forward. Any accrued WPSL above the 40-hour cap will be lost. WPSL hours will not be converted to alternative leave hours and cannot be donated for shared leave.
2. Employees may accrue a maximum of one thousand four hundred eighty (1,480) hours of alternative leave. Once the maximum accrual is reached, an employee will stop accruing alternative leave until his or her leave accrual balance falls below the maximum accrual limit.

## **E. Use of Alternative Leave and WPSL**

1. Alternative leave and WPSL may be used for any absence approved by the appointing authority. Employees may use WPSL hours for any type of absence that use of alternative leave is authorized. Employees are encouraged to use WPSL hours first since there is an annual cap on the number of hours that will carry forward to the next year. There is no waiting period to use accrued leave.
2. Employees are expected to manage their leave for the purpose of covering their time off for vacation, sick leave and personal reasons. An employee requesting use of leave is required to make a written request in advance whenever possible, or in accordance with the procedure of his or her office or department.
3. An employee should provide reasonable notice of an absence as follows:
  - a. If leave is foreseeable, an employee needs to seek supervisor approval at least 10 days in advance or as early as practicable.
  - b. If unforeseeable, notice is to be given as soon as possible before the required start of shift, unless it is not practicable to do so.
  - c. If the leave is a result of domestic violence and an emergency precludes advance notice, the employee must provide notice by end of the first day of leave.
  - d. Another person can provide notice on an employee's behalf if it is impractical for the employee to do so.
4. Unscheduled use of leave must be reported in accordance with the procedure of the employee's office or department. For absences exceeding three days for medical reasons, upon consultation with Human Resources, the appointing authority may require medical verification.
5. Employees who are absent without authorization or use leave for an unauthorized purpose may be subject to disciplinary action and/or their leave will be designated as unauthorized leave-without-pay (LWOP).

## **F. Alternative Leave Use by Overtime-Exempt Employees**

Overtime-exempt employees are accountable for completing their work and for meeting the objectives and requirements of the office or department for which they work. Full-time overtime-exempt employees are expected to work a minimum of forty (40) hours on average per week (prorated for part-time employment).

For full-day absences, overtime-exempt employees will be charged leave for the total number of hours the employee was scheduled to work on the day of the absence.

For partial-day absences, overtime-exempt employees must use leave in increments of fifteen (15) minutes, if the partial-day absence is for:

1. FMLA leave;
2. Participation in political activity;
3. Outside employment, subject to approval; **or**
4. Other activities that would be in violation of the Ethics and Conflict of Interest Policy if conducted during regular work hours.

**Beginning July 1, 2018**, for all other partial day absences, use of accrued leave is required for daily cumulative absences of four (4) hours or more (or, in excess of one-half of an employee's regular work day, in the case of part-time exempt employees).

If an exempt employee is required to work significantly in excess of his or her regularly scheduled hours, an appointing authority may allow the employee a period of time off, including a partial day absence, to recover from the impact of the extra workload without using accrued leave.

#### **G. Use of Sick Leave Bank**

Employees who have a sick leave bank from 1993 may use leave from the sick leave bank for any reason that use of sick leave or WPSL is allowed.

#### **H. Cash Out Upon Separation**

1. Upon separation from county employment, the county will pay a regular employee a combined total for accrued WPSL (if applicable) and alternative leave up to a maximum of three hundred (300) hours.
2. In the event of the death of a regular, non-probationary employee, the county will pay the legal beneficiary the employee's accrued WPSL (if applicable) and alternative leave, up to a combined maximum payment of three hundred sixty hours (360) hours.
3. The County will not pay any accrued WPSL or alternative leave to an employee who fails to complete his or her initial probationary period. Employees who fail to complete probation cannot donate any time to shared leave.

#### **I. Extra Alternative Leave Cash-out**

1. A terminating employee may be entitled to an extra cash out paid at one-half of the number of remaining alternative leave hours, up to a maximum of 340 additional hours, if the employee completed at least five (5) years of service with the county and:
  - a. is retiring under the PERS, PSERS or LEOFF system; or
  - b. qualifies for and is taking a disability retirement that prevents the employee from working; or
  - c. in the event of the employee's death.

#### **2. Sick Leave Bank from 1993:**

If the employee has an existing sick leave bank from 1993 the following will apply:

- a. Upon the death or retirement of the employee, sick leave bank hours will be cashed out up to a maximum of 360 hours. The sick leave bank hours will be paid at 100%.
- b. If the employee's 1993 sick leave bank cash out is less than 340 hours, the sick leave hours will be cashed out first at 100%, followed by extra alternative leave hours paid at one-half, up to a combined maximum of 340 sick leave and extra alternative leave hours.

## J. Returning to County Employment

If an employee returns to county employment in an overtime-eligible position within 12 months of separation, any WPSL balance that was not cashed out will be reinstated. No 90-day waiting period will apply to use of the accrued WPSL.

## K. Protection from Retaliation

Retaliation for an employee's use of WPSL for authorized purposes is prohibited.

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## 6. Shared Leave

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**A. Criteria.** The appointing authority may allow a regular employee to receive annual leave and alternative leave or compensatory time donated by another regular County employee if the appointing authority finds that the employee meets all of the following criteria:

1. The employee needs leave that would qualify for sick leave usage, which is of an extraordinary or severe nature that has caused, or is likely to cause, the employee to either go on leave without pay or to terminate employment; or qualifies as a serious health condition under FMLA; **and**

2. The employee's absence and the use of shared leave are justified; **and**

3. The employee has depleted all of his or her available paid leave time, including floating holidays, compensatory time, sick leave, annual leave, alternative leave and any "sick leave bank"; **and**

4. The employee has abided by all applicable rules regarding sick leave use or family leave.

**B. Amount of Leave to be Received.** The appointing authority shall determine the amount of shared leave, if any, which the employee may receive and the time period in which the employee may receive the leave. The leave must be donated before it is used by the employee. If there is lapse of time between the request for leave and the approval of the leave, the appointing authority may allow donated leave to be used retroactively to cover the days between the request and the approval.

**C. Minimum Annual Leave Balance Required for Donation.** Any employee who has an accrued annual leave balance (of either type of annual leave) of more than 80 hours may transfer a specified amount of annual leave to the employee authorized to receive the shared leave. The employee may not transfer an amount of leave that would result in an annual leave balance of fewer than 80 hours.

**D. Treatment of Shared Leave.** For employees in the traditional annual leave system, the period while on shared leave shall be treated for all employment purposes as if on sick leave. For employees in the alternative annual leave program, the time shall be treated as annual leave.

**E. Treatment of Leave Remaining At End of Shared Leave.** The hours of leave transferred as shared leave that remain unused shall be returned to the employee or employees who transferred the leave when the authorized period expires or when the appointing authority finds that the leave is no longer needed or will not be needed at a future time in connection with the illness or injury for which the leave was transferred. To the extent administratively feasible, the hours that were transferred shall be returned on a pro rata basis.

**F. Value of Leave.** This shared leave program provides for a transfer of annual leave on an hour for hour basis with no consideration given to the dollar value of the leave donated.

**G. Decisions by Appointing Authority Final.** In all determinations made under this Rule, the decision of the appointing authority shall be final.

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## 7. Leave for Jury Duty

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**A. Conditions of Leave.** The appointing authority shall allow regular employees necessary time off (without charging leave) for jury duty. The employee shall inform the appointing authority of the jury duty as soon as the employee is notified of the duty. The employee shall keep the appointing authority informed of the time requirements of the duty.

**B. Treatment of Pay by the Court.** Regular employees shall pay to the County any pay received for jury duty. Employees may keep the mileage reimbursement for jury duty.

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## 8. Military Leave

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Based on RCW 38.40.060, any regular employee who is a member of the National Guard or Reserve Corps of the United States may take up to fifteen (15) working days per year (October 1 through September 30) of paid military leave.

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## 9. Sick Leave for Overtime Eligible Employees

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This rule applies to overtime-eligible employees covered by the traditional leave plan. Employees in the Traditional Leave Plan accrue sick leave along with annual leave.

Effective January 1, 2018, in accordance with the Washington Paid Sick Leave (WPSL) law (Initiative 1433: RCW 49.46.210 and WAC 296-128-600 through 296-128-770), all overtime-eligible (FLSA non-exempt) employees will accrue WPSL hours based on hours worked. Overtime-eligible positions are: regular full-time, regular part-time, temporary, extra-help, on-call, or seasonal. Sick leave and WPSL will be tracked in two separate leave banks.

### A. WPSL Accrual

For every 40 hours of time worked, including overtime, an overtime-eligible employee will accrue one (1) hour of WPSL. Hours taken as paid or unpaid leave do not count toward accrual of WPSL.

### B. Sick Leave Accrual

1. New employees will begin accruing sick leave hours the first full payroll cycle worked.
2. Employees in regular full-time (budgeted) positions covered by the traditional leave plan will accrue sick leave for each completed pay period. The county-provided sick leave accrual will be the difference between the WPSL hours earned during the pay period and four (4) hours.
3. The sick leave accrual rate for regular employees scheduled to work less than forty (40) hours per week will be pro-rated by FTE.
4. Employees who are on leave without pay for seven or more calendar days in a pay period will not accrue county-provided sick leave for that pay period.

### C. Use of WPSL and Sick Leave

There is no waiting period to use sick leave or WPSL hours.

1. An employee should provide reasonable notice of an absence as follows:
  - a) If leave is foreseeable, an employee needs to seek supervisor approval at least 10 days in advance or as early as practicable.
  - b) If leave is unforeseeable, notice is to be given as soon as possible before the required start of the work shift, unless it is not practicable to do so.
  - c) If the leave is a result of domestic violence, and an emergency precludes advance notice, the employee must provide notice by the end of the first day of leave.
  - d) Another person can provide notice on an employee's behalf if it is impractical for the employee to do so.
  
2. **WPSL Use.** When scheduled to work, an employee will use WPSL leave prior to using sick leave hours for the following reasons:
  - a) When a health condition of the employee, or of the employee's immediate family member, prevents the employee from working his/her scheduled shift.
  - b) When the employee's child's school or place of care has been closed by order of a public official for any health-related reason.
  - c) Any absence that qualifies for leave under the state's Domestic Violence Leave Act.
  - d) To attend preventative health care appointments of the employee or the employee's immediate family member. The use of sick leave for pre-scheduled, preventative health care appointments must be pre-approved.
  
3. **Sick Leave Use.** Sick leave may be used for any reason authorized for use of WPSL and the following:
  - a) Illness, injury or disability of the employee that makes the employee unable to work. This reason includes the use of sick leave during the period of disability associated with any illness, disease, disorder, accident, surgery, pregnancy or childbirth.
  - b) Preventive health care for the employee, including appointments with the Employee Assistance Program provider;
  - c) Absence from work authorized by the County Health Officer due to exposure to contagious disease;
  - d) Illness or injury in the immediate family requiring the employee's attendance;
  - e) Preventive health care for a member of the employee's immediate family requiring the employee's attendance;
  - f) When on worker's compensation, to make up the difference between the worker's compensation payments and the employee's regular rate of pay;
  - g) Death in the immediate family requiring the employee's attendance as authorized by the appointing authority. The appointing authority may approve up to a maximum of 5 days of sick leave.
  
4. Unscheduled use of leave must be reported in accordance with the procedure of the employee's office or department. For absences exceeding three days, upon consultation with Human Resources, the appointing authority may require medical verification.

5. Employees who are absent without authorization or use leave for an unauthorized purpose may be subject to disciplinary action and/or their leave will be designated as unauthorized leave-without-pay (LWOP).

#### **D. WPSL Annual Cap & Maximum Sick Leave Accrual**

1. On January 1 of each year, a maximum of 40 hours of WPSL can be carried forward.
2. Any WPSL hours in excess of the 40-hour annual cap will be transferred into the employee's sick leave bank, up to the maximum allowed hours.
3. Regular employees may accrue a maximum of one thousand one hundred twenty (1,120) hours of sick leave. Once the maximum accrual is reached, an employee will stop accruing sick leave until his or her leave accrual balance falls below the maximum accrual limit.

#### **E. Cash Out Upon Separation**

A terminating employee will be entitled to a cash-out of one-half of the accrued WPSL and sick leave up to a combined maximum of three hundred sixty (360) hours when the employee has completed at least five (5) years of service with the county and:

- a) is retiring under the PERS, PSERS or LEOFF system; or
- b) qualifies for and is taking a disability retirement that prevents the employee from working; or
- c) in the event of the employee's death.

#### **F. Returning to County Employment**

If an employee returns to county employment in an overtime-eligible position within 12 months of separation, any WPSL balance, up to a maximum of 40 hours, that was not cashed out will be reinstated.

#### **G. Protection from Retaliation**

Retaliation for an employee's use of WPSL for authorized purposes is prohibited.

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### **10. WPSL Sick Leave for Overtime-Eligible Employees Not Covered by a Leave Plan**

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This rule applies to overtime-eligible temporary, extra help, on-call, and seasonal employees and any others not covered by an annual or alternative leave plan.

Effective January 1, 2018, in accordance with Washington Paid Sick Leave (WPSL) law (Initiative 1433: RCW 49.46.210 and WAC 296-128-600 through 296-128-770), all overtime-eligible (FLSA non-exempt) employees will accrue WPSL hours based on hours worked.

#### **A. WPSL Accrual**

For every 40 hours of time worked, including overtime, an overtime-eligible employee will accrue one (1) hour of WPSL. Hours taken as paid or unpaid leave do not count toward accrual of WPSL.

## **B. Use of WPSL**

For employees hired January 1, 2018 or thereafter, there is an initial 90-day waiting period from the date of hire to use WPSL hours.

Employees are eligible to use WPSL hours only on days scheduled to work. WPSL will be used in increments of fifteen (15) minutes.

1. When scheduled to work, an employee may use WPSL for the following reasons:
  - d) When a health condition of the employee, or of the employee's immediate family member, prevents the employee from working his/her scheduled shift.
  - e) When the employee's child's school or place of care has been closed by order of a public official for any health-related reason.
  - f) Any absence that qualifies for leave under the state's Domestic Violence Leave Act.
  - g) To attend preventative health care appointments of the employee or the employee's immediate family member. The use of sick leave for pre-scheduled, preventative health care appointments must be pre-approved.
2. An employee should provide reasonable notice of an absence as follows:
  - a) If leave is foreseeable, an employee needs to seek supervisor approval at least 10 days in advance or as early as practicable.
  - b) If leave is unforeseeable, notice is to be given as soon as possible before the required start of the work shift, unless it is not practicable to do so.
  - c) If the leave is a result of domestic violence and an emergency precludes advance notice, the employee must provide notice by the end of the first day of leave.
  - d) Another person can provide notice on an employee's behalf if it is impractical for the employee to do so.
3. Unscheduled use of leave must be reported in accordance with the procedure of the employee's office or department. For absences exceeding three days, upon consultation with Human Resources, the appointing authority may require medical verification.
4. Employees who are absent without authorization or use leave for an unauthorized purpose may be subject to disciplinary action and/or their leave will be designated as unauthorized leave-without-pay (LWOP).

## **C. WPSL Annual Cap**

1. On January 1 of each year, a maximum of 40 hours of WPSL can be carried forward. Any WPSL hours in excess of the 40-hour annual cap will be lost.
2. Accrued WPSL is lost at termination. No compensation is paid for any accrued WPSL at time of termination.

## **D. Returning to County Employment**

If an employee returns to county employment in an overtime-eligible position within 12 months of separation, any WPSL balance, up to a maximum of 40 hours, that was not cashed out will be reinstated.

If the employee had completed 90-days of work, no 90-day waiting period will apply to use of the accrued WPSL. If the employee had not completed 90 days of work, the waiting period to use WPSL will be the remainder of the 90 days.

## **E. Protection from Retaliation**

Retaliation for an employee's use of WPSL for authorized purposes is prohibited.

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## **11. Sick Leave Plan for Exempt Employees**

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This rule applies to overtime-exempt employees covered under the traditional leave plan.

### **A. Accrual**

1. Full-time, regular employees will accrue four (4) hours of sick leave per pay period.
2. New employees will begin accruing sick leave hours the first full payroll cycle worked. There is no waiting period to use accrued sick leave hours.
3. The sick leave accrual rate for regular employees scheduled to work less than forty (40) hours per week will be pro-rated by FTE.
4. Employees who are on leave without pay for seven or more calendar days in a pay period will not accrue sick leave for that pay period.

### **B. Maximum Accrued Hours**

Employees may accrue a maximum of one thousand one hundred twenty (1,120) hours of sick leave. Once the maximum accrual is reached, an employee will stop accruing leave until his or her leave accrual balance falls below the maximum accrual limit.

### **C. Sick Leave Use**

1. Employees may use sick leave only for the reasons identified below.
  - a) Illness, injury or disability of the employee that makes the employee unable to work. This reason includes the use of sick leave during the period of disability associated with any illness, disease, disorder, accident, surgery, pregnancy or childbirth.
  - b) Preventive health care for the employee, including appointments with the Employee Assistance Program provider;
  - c) Absence from work authorized by the County Health Officer due to exposure to contagious disease;
  - d) Illness or injury in the immediate family requiring the employee's attendance;

- e) Preventive health care for a member of the employee's immediate family requiring the employee's attendance;
  - f) When on worker's compensation, to make up the difference between the worker's compensation payments and the employee's regular rate of pay;
  - g) Death in the immediate family requiring the employee's attendance as authorized by the appointing authority. The appointing authority may approve up to a maximum of 5 days of sick leave.
2. For partial-day absences, employees must request leave in increments of fifteen (15) minutes, if the absence is an FMLA leave. Use of sick leave for partial day FMLA absences will not alter the employee's overtime-exempt status under the Fair Labor Standards Act.

**Beginning July 1, 2018**, for all other partial day absences, leave is required for daily cumulative absences of four (4) hours or more (or, in excess of one-half of an employee's regular work day, in the case of part-time exempt employees).

3. An employee should provide reasonable notice as follows:
- a) If leave is foreseeable, an employee needs to seek supervisor approval at least 10 days in advance or as early as practicable.
  - b) If leave is unforeseeable, notice is to be given as soon as possible before the required start of shift, unless it is not practicable to do so.
  - c) If the leave is a result of domestic violence, and an emergency precludes advance notice, the employee must provide notice by the end of the first day of leave.
  - d) Another person can provide notice on an employee's behalf if it is impractical for the employee to do so.
4. Unscheduled use of sick leave must be reported in accordance with the procedure of the employee's office or department. For absences exceeding three days, upon consultation with Human Resources, the appointing authority may require medical verification.
5. Employees who are absent without authorization or use leave for an unauthorized purpose may be subject to disciplinary action and/or their leave will be designated as unauthorized leave-without-pay (LWOP).

#### **D. Cash Out Upon Separation**

A terminating employee will be entitled to a cash-out paid at one-half of the accrued sick leave up to a maximum of three hundred sixty (360) hours when the employee has completed at least five (5) years of service with the county and:

- a) is retiring under the PERS, PSERS or LEOFF system; or
- b) qualifies for and is taking a disability retirement that prevents the employee from working; or
- c) in the event of the employee's death.

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## **12. Sick Leave Buy Back Policy**

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**A. Prohibition on Receipt of Both Time Loss and Sick Loss.** A regular employee who has an on-the-job injury that causes the employee to receive time loss payments pursuant to Chapter 51.32 RCW (Worker's Compensation) may not use sick leave (either regular sick leave or leave from the "sick leave

bank") for the same hours for which the employee receives the time loss payment.

An employee may use sick leave to supplement the time loss payment for the purpose of continuing to receive his or her normal County salary.

**B. Retroactive Adjustment.** If a regular employee is awarded time loss payments for a period that the employee used sick leave, the employee shall submit the time loss payment to the County. The employee's salary will be adjusted to appropriately compensate the employee and to "buy back" sick leave used during the time loss period.

**C. Cannot Exceed Normal Salary.** In cases where an employee is supplementing time loss payments with use of sick leave, the employee's resulting salary may not exceed the employee's normal monthly salary.

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### 13. Use of Leave for Inclement Weather and Related Conditions

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**A. When the Work Site Remains Open.** When a regular employee's normal work site remains open during inclement weather, the following rules apply:

1. The day will be a normal work day.
2. The appointing authority will require employees who do not report to work, who report late to work or who leave early on their own initiative to use accrued leave or comp. time or take leave without pay for the time that they are absent. Employees may not use sick leave.
3. The amount of leave taken shall be based on the amount of time that the employee is absent from his or her normal work day.
4. The employee must give notice of intended absence and type of leave requested according to normal procedures.

**B. When the Work Site is Closed, Preventing the Employee from Working.** When the closure of his or her normal work site prevents a regular employee from working, the following rules apply for up to the first five days of the closure:

1. Employees planning to work that day and prevented from doing so by the closure are not required to take leave.
2. Employees who report to work late or leave early due to the closure or due to direction from their appointing authority are not required to take leave.
3. An employee who has pre-scheduled leave whose absence is unconnected with the closure of the work site shall take the time off as planned. The County shall not adjust the leave due to the work site closure.

4. The appointing authority may require an employee to work even though his or her work site is closed. If the appointing authority finds that the required work creates an undue hardship for the employee, the appointing authority may allow an employee required to work to take the time worked off at a later mutually convenient time.

5. In cases where the closure lasts beyond five working days, the Board of County Commissioners will determine what rules will govern. In extended closure situations, employees may be required to report to alternate work sites and may be assigned temporary duties in response to the extended closure.

**C. Application to Other Closures of the Work Site.** This Rule shall also apply in other unusual situations requiring the closure of a work site.

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## 14. Use of Leave by Exempt Employees

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**A. Exempt Employees Not Eligible for Comp. Time.** Exempt employees are not eligible to accrue compensatory time. As salaried employees, they are not compensated based on the number of hours that they work.

**B. [Removed]**

**C. Appointing Authority Discretion.** When warranted by the performance of an exempt employee, the appointing authority may allow an exempt employee to be absent one or more days without requiring leave. These absences must be limited to a maximum of 5 days in any calendar year.

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## 15. Bereavement Leave

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When a death occurs in a regular employee's immediate family, the employee, including probationary employees, may take up to three (3) days bereavement leave with pay. Two (2) additional days of paid bereavement leave shall be granted where travel is required in excess of two hundred fifty (250) miles each way. The use of bereavement leave must be pre-approved and approval must be obtained within three (3) months after the original bereavement event. Any additional leave requested by the employee shall be as approved by the appointing authority. If the appointing authority finds that the employee's circumstances warrant the use of bereavement leave for a person not a member of the employee's immediate family, the appointing authority may approve use of bereavement leave.

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## 16. Leave of Absence without Pay

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**A. Approval by Appointing Authority.** The appointing authority may allow a regular employee to take a leave of absence without pay for any reason.

**B. Length of Leave.** A leave of absence without pay shall normally not exceed 6 months. The appointing authority may authorize extensions longer than 6 months only for the benefit of the County.

**C. Requirements of Request.** The leave of absence request shall be in writing and include the following information:

1. The requested start date of the leave;
2. The purpose of the leave;
3. Proposed medical insurance arrangements;
4. The use of any leave requested;
5. The proposed return date.

If the appointing authority approves the plan and leave, the plan must be signed by the employee and appointing authority and sent to Human Resources. HR shall review the plan for compliance with applicable rules and coordination of benefits. Any changes to the plan must be in writing and signed by all parties before becoming effective.

**D. Treatment of Benefits, Seniority; Return.** Except as provided in **Rule 17. FAMILY LEAVE**, no leave benefits or any other fringe benefits shall accrue during a leave without pay. The appointing authority shall adjust the employee's anniversary date for seniority purposes to reflect any period of unpaid leave of thirty (30) continuous days or more. No adjustment shall be made to the employee's anniversary date for periods of unpaid leave that are legally protected. Legally protected leaves include but are not limited to: FMLA, Maternity Leave, L&I, Military Leave. Upon expiration of an approved leave without pay, the appointing authority shall reinstate the employee based on **17. K. (FAMILY LEAVE, Return Rights)**.

**E. Use of Paid Leave with Leave Without Pay.** As appropriate for the type of leave requested, paid leave accruals will be utilized prior to unpaid leave.

**F. Failure to Receive Approval.** Failure to receive written approval of the request and plan before a leave without pay shall cause the leave to be absence without duly authorized leave.

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## 17. Family Leave

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**A. Purpose.** Family leave is provided for the following purposes:

1. To care for a newborn;
2. To care for a child placed with the employee for adoption or foster care;
3. To care for the employee's immediate family member with a serious health condition;
4. if a serious health condition makes the employee unable to perform the functions of his or her position.

To receive family leave, an employee shall comply with current County procedures for family leave. Copies of current procedures are available from Human Resources.

**B. Definition of Child.** Child as used in this Rule means:

1. A biological, adopted or foster child, a stepchild, a legal ward or a child of a person standing in loco parentis (in place of the parent) if the child is younger than 18; or
2. A biological, adopted or foster child, a stepchild, a legal ward or a child of a person standing in loco parentis if the child is 18 or older and incapable of self-care because of a mental or physical disability.

**C. Definition of Parent.** Parent as used in this Rule means a biological parent of an employee or an individual who stood in loco parentis to that employee when the employee was a child.

**D. Definition of Serious Health Condition.** Serious health condition as used in this Rule means an injury, illness, impairment, or physical or mental condition that involves:

1. **Hospital Care:** any period of incapacity or subsequent treatment connected with or consequent to inpatient care (an overnight stay) in a hospital, hospice or residential medical care facility; or
2. **Absence Plus Treatment:** any period of incapacity of more than three consecutive calendar days including any subsequent treatment or period of incapacity relating to the same condition that also involves:
  - a. treatment 2 or more times by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider; or
  - b. treatment by a health care provider on at least 1 occasion which results in a regimen of continuing treatment under the supervision of a health care provider; or
3. **Pregnancy:** any period of incapacity due to pregnancy or for prenatal care;
4. **Chronic Conditions Requiring Treatments:** a chronic condition which:
  - a. requires periodic visits for treatment by a health care provider or by a nurse or physician's assistant under the direct supervision of a health care provider;
  - b. continues over an extended period of time; and
  - c. may cause episodic rather than a continuing period of incapacity.
5. **Permanent/Long-term Conditions Requiring Supervision:** a period of incapacity which is permanent or long term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider;
6. **Multiple Treatment (Non-chronic Conditions):** any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, whether for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment.

**E. Definition of Incapacity.** Incapacity as used in this Rule means inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefore or recovery there from.

**F. Gender of Employees.** Family leave applies to all eligible employees regardless of gender.

**G. Length of Leave:**

1. **Upon Birth or Placement of a Child.** An eligible regular employee may take 12 work weeks of leave to care for a newborn or newly placed child. The employee must complete the leave within 12 months of the birth or placement for adoption or foster care. For an eligible female employee who is disabled due to pregnancy or childbirth, the employee may be entitled to additional leave beyond the first 12 weeks based on state law. Human Resources can provide information concerning the law and its applicability.

2. **Due to a Serious Health Condition.** An eligible regular employee may take 12 weeks of leave if a serious health condition makes the employee unable to perform the functions of his or her position or to care for a member of the employee's immediate family with a serious health condition.

3. An employee's right to family leave, regardless of the purpose, is limited to 12 work weeks during any calendar year. If both the employee and appointing authority agree, the employee may take the equivalent of 12 work weeks over a longer time (than the 12 weeks) by working less than his or her normal work schedule.

4. Nothing in the family leave Rule shall prevent an appointing authority from granting leave in addition to the minimum established by this Rule.

**H. Type of Leave.** Family leave shall be unpaid leave, unless the employee uses other accrued paid leave as described below.

1. **Calculation of 12 Week Period Including Paid Leave.** Any paid leave used with family leave will be included within the calculation of the 12 week period.

2. **Election by Employee to Use Available Paid Leave.** If approved by the appointing authority, the employee may elect to use sick leave or annual leave as part of the 12 week period.

3. **Paid Leave Used First.** While paid accruals are to be utilized first and concurrently, the employee may retain a balance of up to eighty (80) hours of annual or alternative leave time prior to the utilization of unpaid leave.

**I. Length of Time for Eligibility.** To be eligible for family leave, the regular employee must have been employed by the County for at least 12 months and have worked at least 1250 hours during the 12 months preceding commencement of the leave.

**J. Notice Required:**

1. **Upon Birth or Placement of a Child.** The employee must provide the appointing authority at least 30 days' written advance notice by completing a current form and complying with applicable procedures. Current forms are available from Human Resources. The employee shall adhere to the dates stated in the form unless:

a. The birth is premature;

b. The mother is incapacitated by the birth and is unable to care for the child;

c. The employee takes physical custody of the child at an unanticipated time and is unable to give 30 days' notice; or

d. The employee and the appointing authority agree to alter the leave dates.

If there is a premature birth, incapacity or unanticipated placement, the employee must give notice of the revised dates of family leave as soon as possible and no later than 5 working days following the birth, incapacity or placement.

2. **Due to Serious Health Condition.** If the leave is foreseeable, the employee must give the appointing authority at least 14 days' written advance notice of the expected leave by completing a current form and complying with applicable procedures. The employee shall make a reasonable effort to schedule

the leave to not unduly disrupt the County's operations. If the leave is not foreseeable, the employee or the employee's representative (for example, a spouse, family member or other reasonable party) shall provide notice, in person or by phone or other reasonable means, within one or two working days, except in extraordinary circumstances.

**K. Return Rights After Family Leave:**

1. The appointing authority may place an eligible regular employee returning to work after family leave or returning part time while on family leave (if on an agreed upon return to less than the employee's normal work schedule) as follows:
  - a. In the same position the employee held when the leave began; or
  - b. In a County position with equivalent benefits and pay.
2. The return is subject to bona fide changes in compensation or work duties.
3. The employee does not have return rights if:
  - a. The County eliminates the employee's position by a bona fide restructuring or reduction-in-force; or
  - b. The employee takes another job; or
  - c. The employee fails to provide the required timely notice of family leave or fails to return on the established ending date of the leave.

**L. When Both Parents are County Employees.**

1. **Upon Birth or Placement of a Child.** If both parents are eligible regular County employees working in the same office or department, upon the birth or placement of a child the employees may take up to 12 work weeks total between the two of them. The County has the right to grant leave to only one parent at a time.
2. **Due to Serious Health Condition.** If both parents are eligible regular County employees, each employee is independently eligible for family leave for his or her own serious health condition or that of a member of the immediate family.

**M. Adjustments During Unpaid Leave.** During family leave, an eligible regular employee shall maintain accrued leave, but shall not accrue any additional leave. No adjustments shall be made to the employee's anniversary date for period of unpaid family leave.

**N. Maintenance of Insurance Coverage.** When the leave is unpaid, the County shall continue to pay premiums for insurance coverage during the 12 weeks of federal family medical leave in any calendar year to the same extent it would if the employee were on paid leave.

**O. Recovery of Premiums if Employee Fails to Return.** The County recognizes that the employee may be required to terminate employment upon the expiration of the period of family leave due to the continuation, recurrence or onset of the serious health condition or other circumstances beyond the employee's control. However, if the employee fails to return from leave for any other reason, the County may recover from the employee the insurance premiums paid during the period of unpaid leave.

**P. Bargaining Unit Employees.** Bargaining unit employees shall be governed by the terms of the applicable collective bargaining agreement.

**Q. No Exemption of Highest Paid Employees.** All regular employees otherwise meeting the provisions of this Rule are fully covered by this Rule; the County does not choose to name exempt employees or to have the highest paid 10% exempt for family leave purposes.

**R. Protection From Retaliation.** Thurston County shall not take any adverse action or retaliate against any employee for exercising his or her rights to family leave, for helping another exercise his or her rights to family leave or for participating in any investigation or proceeding concerning family leave.

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## **18. Absence Without Duly Authorized Leave**

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- A. When.** Unauthorized absence from work and absence from work for reasons other than those approved shall be considered as absence without duly authorized leave.
- B. No Pay.** Employees absent without duly authorized leave shall not be paid during such absence.
- C. Grounds for Discipline.** Absence without duly authorized leave may be grounds for disciplinary action, including termination.

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## **19. Coordination – Worker’s Compensation**

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Employees may use their accrued sick, annual or alternative leave to make up the difference between the Worker’s Compensation payments and their regular rate of pay. The employer will continue to pay the employee’s insurance premium while the employee is off work receiving Worker’s Compensation benefits, up to a maximum of six (6) months for any one injury. The six (6) month period shall begin the first day the employee is off work for the compensable injury.

**CHAPTER FIVE  
Miscellaneous Provision  
and Working Conditions**

**1. POLITICAL ACTIVITY**

Political activities of employees shall comply with all applicable federal or state laws or regulations, including RCW 41.06.250.

**2. HOURS OF WORK**

**A. Appointing Authority to Determine.** The appointing authority shall determine the hours of work.

**B. Minimum Full Time Work Week.** The minimum hours of work for a full time regular employee shall be 40 hours per week. The normal 40 hour work week shall be 8 am to 5 pm, Monday through Friday, including 1 unpaid hour off for lunch.

**C. Change in Work Week.** The appointing authority may alter the normal work week for any employee or group of employees.

**D. Breaks.** Employees may take a 15 minute break for each 4 hours worked. Employees must take breaks at times that do not interfere with county business. The appointing authority may designate an area for breaks. Misuse of breaks may subject an employee to discipline.

**E. Courthouse Hours.** The Board of County Commissioners establishes minimum courthouse hours for offices and departments to be open to the public; provided, however, offices shall be open to the public during hours prescribed by law.

**3. OUTSIDE EMPLOYMENT**

**A. General Prohibition.** Thurston County employees shall not engage in employment that in any way interferes with or compromises their ability to perform their work for the County. An employee shall not contract for or accept anything of value in return for services nor shall they otherwise be self-employed for remuneration, without written approval of the appointing authority.

**B. Written Approval by Appointing Authority.** An employee shall receive written approval of the appointing authority prior to engaging in employment other than with Thurston County.

**C. Prohibited Outside Employment.** Such approval shall not be given if the circumstances of outside employment, including self-employment, may result in any of the following:

1. A conflict of interest;
2. The appearance of a conflict of interest;
3. Work in an area of expertise that conflicts with his or her employment with the County;
4. Goods or services purchased by the County;
5. Work which competes with services provided by the County;
6. Work or activity related to outside employment during an employee's hours of work at the County;
7. The use of County equipment or supplies;
8. Potentially impact the employee's ability to perform the duties of the County job;
9. A compromise of the employee's credibility and objectivity in performing the duties of the County job.

**D. Potential Conflicts of Interest.** The following are areas of potential conflicts of interest definitions that may apply to outside employment. Other policies may address additional areas of potential conflicts of interest. An employee is deemed to have a conflict of interest if the employee:

1. Receives or has any financial interest in any sale to the County of any service or property when such financial interest was received with prior knowledge that the County intended to purchase such property or obtain such service;

2. Participates as a County employee in the making of a contract in which he or she has a private pecuniary interest, direct or indirect, personally or through a member of his or her immediate family and fails to disclose such interest to the Chief Administrative Officer prior to the formation of the contract;

3. Engages in, accepts private employment from or renders services for private interest when such employment or service is incompatible with the proper discharge of the employee's duties for the County or would tend to impair independence of judgment or action in the performance of the employee's duties for the County.

**E. Office or Department May Have More Restrictive Guidelines.** If necessary, offices or departments shall adopt more specific or restrictive guidelines with the approval of the Chief Administrative Officer. Outside employment for employees of the Thurston County Sheriff's Office shall be governed by Thurston County Sheriff's Office Policy CS6.10.

**F. Revocation of Prior Approval.** If the outside employment, including self-employment, results in activity prohibited under this rule, prior approval may be revoked. The employee shall receive reasonable advance notice in writing of such revocation.

**G. Violation Cause for Discipline.** Engaging in outside employment which is prohibited by this rule is cause for discipline, up to and including termination.

#### **4. EMPLOYMENT OF RELATIVES**

**A. Prohibition.** No member of a County employee's, board or commission members, or officer's immediate family shall be employed in any manner including any temporary, extra help or regular with end date employment, in the same office or department as the County employee, board or commission member, or officer.

**B. Business Necessity.** The prohibition in Subsection A shall not apply to the spouse of a County employee, board or commission member, or officer unless required by business necessity as determined by the appointing authority.

**C. Not Applicable to Pre-Existing Relationships.** This section shall not apply to employment relationships which existed on March 17, 1981.

**D. Not Applicable to Transfers Due to Reorganization.** Unless required by business necessity, the prohibition in Subsection A shall not apply to any regular employee transferred into an office or department containing a member of the employee's immediate family when that transfer is due to reorganization or reclassification of the employee's position.

#### **5. EMPLOYMENT OF MINORS**

**A. Subject to State and Federal Law.** Individuals between 16 and 18 years of age may be employed subject to state or federal law and regulations on the employment and working conditions of minors.

**B. Hire of Minors Less than 16** Any appointing authority considering hiring a minor under the age of 16 should contact Human Resources prior to hiring the minor.

#### **6. COUNTY EQUIPMENT AND SYSTEMS**

- A. No Expectation of Privacy in Using County Equipment.** The County furnishes equipment and systems to employees for use in the course of their employment. These items and systems are County property and employees should have no expectation of privacy in their use.
- B. Voice Mail.** The County furnishes voice mail systems for use in conducting County business. The appointing authority reserves the right to review the contents of any voice mail mailbox.
- C. Computers and Electronic Mail.** The County furnishes computers for use in conducting County business. The appointing authority reserves the right to review the contents of any files or documents on the computer, including contents of any electronic mail.
- D. Vehicles, Including Boats.** The County furnishes vehicles, including boats for use in conducting County business. The appointing authority reserves the right to search these vehicles at any time.
- E. Other County Equipment.** The County furnishes desks, other furniture and other County space for employee use during the course of employment. The appointing authority may look through or otherwise search County premises and equipment at any time.

## **7. NO SMOKING**

- A. Policy.** Smoking is prohibited within all County owned and leased buildings, leased building space and County owned or leased vehicles. Smoking is prohibited at all public entrances to County owned and leased buildings and buildings in which the County leases space.
- B. Violation Grounds for Discipline.** An employee who fails to comply with this policy may be subject to discipline, up to and including termination.

## **8. DRUG-FREE WORKPLACE**

- A. Purpose.** Maintaining a drug-free workplace is essential to the safety and welfare of County employees. All employees shall assist in maintaining a work environment free from the effects of drugs. Compliance with this policy is a condition of employment.
- B. Controlled Substances, Alcohol and Other Intoxicants.**
  - 1. Prohibition.** The County prohibits employees from the manufacture, possession, use distribution or purchase of illegal controlled substances, alcohol and other intoxicants on County premises or in a County vehicle. Employees are also prohibited from being under the influence of an illegal controlled substance, alcohol or other intoxicants while on duty as a County employee.
  - 2. Notice of Conviction.** An employee who is convicted of a violation of a criminal drug or alcohol statute (including misdemeanors) for a violation occurring on Thurston County property, in a County vehicle or while on duty as a County employee shall notify his or her appointing authority within five (5) days of the date of conviction. A conviction includes any finding or plea of guilt (including a deferral) and/or any imposition of a fine, jail sentence or other penalty.
- C. Prescription and Over-the-Counter Drugs.** An employee taking any prescription drug (whether or not the employee has a current valid prescription) or over-the-counter drug which may impair job performance or safety shall inform his or her supervisor of the fact that he or she is taking the medication and provide information concerning the potential work related side effects. For prescription drugs, a doctor's release may be required. Forms are available from Human Resources to assist the employee in fulfilling this reporting requirement. The supervisor and the employee should work together to determine the employee's fitness for duty, or light

duty if available. If no agreement is reached, the fitness for duty determination shall be made by the supervisor.

**D. Employee Assistance Program.** Employees who have an alcohol or drug abuse problem are strongly encouraged to seek assistance through the Employee Assistance Program or through any programs offered through the County's health carriers. When work performance is impaired, however, use of any assistance program does not preclude appropriate action by the County.

**E. County Authority.** The County retains full and final discretion on whether, when, and under what conditions an employee may be reemployed after an instance of substance abuse.

**F. Violations Subject to Discipline.** Any violation of this policy shall subject an employee to discipline, up to and including termination.

**CHAPTER SIX  
Recruitment and  
Equal Employment Opportunity**

**1. MINIMUM POSTING REQUIREMENTS FOR REGULAR POSITIONS**

**A. Minimum Time Period.** Individuals may only apply for regular County positions during the time that a vacant regular position is posted. The County posts vacant regular positions for a minimum of 5 working days. The appointing authority may post an opening for any reasonable period longer than 5 working days.

**B. Posting at Information Desk.** To post a vacant position, the appointing authority follows the current guidelines for posting and recruitment. This information is available from Human Resources. After review and approval of the information by Human Resources, the job is officially posted at the Information Desk in Building 1 of the Courthouse complex.

**C. Closing date.** Posting for regular positions must include a definite closing date.

**D. Applications.** All applicants must complete the standard Thurston County Employment Application. The appointing authority may, in his or her discretion, require the completion of a supplemental questionnaire, submittal of a current resume' or completion/ submittal of any other relevant material. All completed application packets must be turned in at the County Information Desk.

**E. Types of Posting.** The appointing authority may, in his or her discretion, post an opening for a regular position "In Department Only", "In County Only" or "Open to the Public". When a position is "Open to the Public", Human Resources oversees mailing the opening to a standard county minimum recruitment list.

**F. Normal Posting Period.** The normal posting period begins Monday (or the first working day of the week if Monday is a holiday) and continues for five consecutive working days.

**2. SCOPE OF RECRUITMENT**

When opening a position to the public, in order to provide equal opportunity and to promote a diverse work force, all appointing authorities must follow the Board of County Commissioners' recruitment policy. After meeting minimum recruitment requirements, the appointing authority shall determine the scope of additional recruitment activities. To determine what is reasonable recruiting for a specific position, the appointing authority should consider factors such as the level of the position in the organization, salary, the current labor market, composition of the work force and location of experienced/trained potential applicant pool. Examples of recruitment efforts that the appointing authority may use include: newspaper, radio or TV advertisements, educational institutions, professional and vocational organizations and professional newsletters.

## CHAPTER SEVEN Selection Process

### **3. SELECTION CRITERIA**

The appointing authority shall determine selection criteria based on the classification specification and the work required. Minimum qualifications stated in the classifications shall be used as selection criteria.

### **4. SELECTION PROCESS**

The appointing authority shall determine the selection process based on the classification. The process shall be designed to select the best candidate available.

### **5. PROBATIONARY PERIOD.**

**A. Continuation of the Selection Process.** The probationary period is an essential part of the selection process and is a continuing evaluation period before the employee achieves regular status in the position.

**B. Length.** The probationary period for all new hires shall be six months.

**C. Length When Move To New Position.** When a regular employee promotes, voluntarily demotes or transfers to another County position, the probationary period in the new position shall be two months.

**D. At Will Employees.** Because at will employees serve at the pleasure of the appointing authority and may be dismissed at any time and without notice, at will employees do not serve a probationary period.

### **6. TERMINATION DURING PROBATIONARY PERIOD**

A probationary employee may be discharged at any time during the probationary period at the complete discretion of the appointing authority. The appointing authority need not give a reason for the termination. The employee shall have no right to appeal the termination decision.

### **7. COMPLETION OF PROBATIONARY PERIOD**

**A. Regular Status.** Upon successful completion of the probation period, the employee shall gain regular status in the position. The employee shall automatically gain regular status by the expiration of the applicable probation period without termination. It is not necessary to give express written notification of the successful completion to the employee.

**B. Probation Not a Disciplinary Tool.** The probation period is not a disciplinary tool. Once the probationary period is successfully completed, an employee may not be placed again on probation.

### **8. RETURN RIGHTS FOR REGULAR EMPLOYEES FAILING PROBATION**

**A. Promoted or Transferring Regular Employee.** A promoted or transferring regular employee who fails to successfully complete the probation period in the new position may return to his or her former position. In order to exercise this right, the employee must submit written notice of his or her intent to return within three working days of receipt of the notice of failure to successfully complete probation. The written notice shall be submitted to the appointing authority of the former position.

**B. Voluntarily Demoted Employee.** A voluntarily demoted employee who fails to successfully complete the probation period in the new position shall have the same return right state in Section 8. A. above only if the voluntary demotion was to a position in a different office

or department than the office or department of the former position.

**C. Filling the Vacancy Created.** In order to fill the vacancy created by a promoted or transferred regular employee (or created by a regular employee voluntarily demoting outside the office or department), the appointing authority shall ensure that the hiring process provides notice to the new hire of the existence of the previous incumbent's return rights. This notice must be provided to the new hire prior to the individual accepting the job.

**D. New Incumbent.** If the former position has been filled by a new incumbent at the time that the promoted, transferring or voluntarily demoted employee exercises his or her return rights, the new incumbent shall be terminated from the position. If the new incumbent is in the position due to a promotion or transfer or a voluntary demotion from an outside the office or department, the new incumbent may exercise return rights in the manner provided in Section 8.

A. or B. above. This process shall continue until the employee terminated is not an employee who promoted, transferred or voluntarily demoted from another office or department.

**E. Section Does Not Apply to At Will Employees.** The provisions of this Section shall not apply to an employee who promotes, voluntarily demotes or transfers to an "at will" position. An employee moving to an at will classification shall have no return rights to any former position upon termination from that at will classification.

## CHAPTER EIGHT Orientation/Training/Development

### **1. ORIENTATION.**

**A. Office or Department Orientation.** Each new employee should receive basic information about office or department policy and job expectations. The orientation should cover items such as hours of work, the probationary period, working conditions and other conditions of employment.

**B. Human Resources New Hire Orientation.** As soon as possible after making a selection decision for a regular position, an office or department should schedule a New Hire Orientation with Human Resources. The New Hire Orientation covers an orientation to County government, benefit information and general employment practices.

### **2. INTRODUCTION TO COMMISSIONERS**

An appointing authority shall introduce all new regular employees to the Board of County Commissioners as soon as possible after the hire date.

### **3. TRAINING/DEVELOPMENT**

**A. Goal.** The Board of County Commissioners encourages appointing authorities to provide appropriate training opportunities for employees. The goal of training is to improve County service.

**B. Human Resources Responsibility.** Human Resources shall administer an annual county-wide training program to make in-house training opportunities available to regular employees.

**C. Report by Employees.** Employees attending training shall report on their training, including information learned, as directed by their appointing authority.

### **4. PERFORMANCE EVALUATIONS**

**A. Goal.** Performance evaluation is an on-going process which includes formal and informal evaluations. The County's goal for formal performance evaluations is at least 1 formal evaluation for each regular employee a year.

**B. MTP Employees.** MTP employees shall have an annual formal performance evaluation using the MTP performance evaluation forms as provided in the MTP Plan.

**C. Non-MTP Employees.** The appointing authority shall determine the performance evaluation format for non-MTP employees.

**D. Part of Personnel Record.** Performance evaluations shall become part of the employee's official personnel record.

**E. Written Statement by Employee.** When a regular employee disagrees with an evaluation, the employee may provide a written statement to be filed and retained.

## CHAPTER NINE Personnel Files and References

### **1. LOCATION OF PERSONNEL FILES**

- A. Where Maintained.** Each employee's personnel file shall be maintained in the office or department that currently employs the employee.
- B. Human Resources File.** Human Resources shall maintain a benefit and salary file on each employee for payroll and auditing purposes.

### **2. ACCESS TO PERSONNEL FILES**

- A. Employee's Right of Access.** Each employee shall have the right to look at his or her personnel file. The appointing authority should communicate the office or department process for examining the employee's own file.
- B. Public Access.** Public access to personnel files shall be governed by state law.

### **3. REGULAR EMPLOYEE MOVING TO A NEW DEPARTMENT OR OFFICE**

- A. File to Transfer With Employee.** When a regular employee promotes, transfers or voluntarily demotes to a new job in a different office or department, the employee's personnel file should be transferred with the employee.
- B. Coordination by Human Resources.** Once the employee has accepted the position in another office or department, the appointing authority shall ensure that all final paperwork is completed and placed in the employee's file. The appointing authority will then forward the personnel file to Human Resources. HR will review and inventory the file and transfer the file to the new department or office.

### **4. REFERENCES**

- A. Standard Release Form.** Human Resources shall request a standard signed release form from each terminating regular employee during the exit interview. Human Resources shall forward a copy of the signed release to the appointing authority. Current employees requesting references should also complete the standard release form and submit it to the appointing authority.
- B. Who Responds to Reference.** Only the appointing authority should respond to any request for a reference concerning any current or former employee.
- C. Guidelines for Responses to Reference Requests.** Responses to requests for a reference should generally observe the following guidelines:
  - 1. All information should be within the scope of the permission granted by the release;
  - 2. The appointing authority should consult the employee's personnel file in responding to reference requests.

## CHAPTER TEN Layoffs

### **1. DETERMINATION OF SENIORITY**

- A. Seniority.** Seniority is the period of continuous service as a regular employee with the County.
- B. Time in Paid Leave Status.** Time in paid leave status shall accrue seniority.
- C. Time in Leave Without Pay.** Time in leave without pay shall not accrue seniority with the following exceptions:
  - 1. The first six months of leave resulting from an on the job injury that is awarded time loss as part of worker's compensation; and
  - 2. The first six months of leave taken during the period of disability due to pregnancy will accrue seniority.

### **2. LAYOFFS**

- A. Basis.** The appointing authority may lay off regular employees for lack of work, budgetary restrictions or other changes that have taken place.
- B. Temporary and Probationary Employees First.** No regular employee shall be laid off while another person in the same classification within the office or department is employed on an initial probationary or temporary basis.
- C. Determination of Which Employee Within Classification.** Layoff shall be by classification and within an office or department. In determining who in any classification is to be laid off, the appointing authority shall make the decision on the basis of ability. If ability is equal, then seniority shall prevail.
- D. Reassignment Instead of Layoff.** The appointing authority should consider reassignment instead of layoff and shall hold all suitable vacancies pending a decision about whether reassignment is appropriate.
- E. Reassignment Where Employee Does Not Meet Minimums.** If the appointing authority determines reassignment appropriate, the reassignment may include assignment of the regular employee to a classification where the employee does not currently meet the minimum qualifications. If such a reassignment occurs, the appointing authority shall specify a period of training and development to enable the employee to demonstrate the ability to perform the job.

### **3. NOTICE OF LAYOFF**

The appointing authority shall give regular employees at least thirty (30) days written notice of layoff.

### **4. REHIRE LIST**

- A. Placement on List.** All regular employees receiving written notice of layoff pursuant to this Chapter will be placed on a county-wide non-union rehire list, effective the date of the written notice. The individuals shall remain on the list for up to fourteen (14) months from the date of layoff. Human Resources shall maintain and administer the rehire list.
- B. Basis for Rehire.** Rehires shall be on the basis of ability, and when ability is equal, seniority shall prevail.
- C. Determination of Qualifications for Vacancy.** Appointing authorities governed by this section shall hire qualified individuals from the rehire list for any vacancy before seeking other sources for candidates. Individuals on the list are qualified for a vacancy if:

1. The individual previously held a position in the vacant classification; or
2. The individual previously held a position in a higher classification within the same job series. (**Example:** an OA IV is qualified as an OA I -- OA IV)
3. The individual previously held the vacant position.

In other circumstances, the appointing authority shall have discretion to determine whether other individuals on the list are qualified for a vacancy.

**D. Treatment of Leave and Seniority.** If the County rehires an individual from the rehire list during the fourteen (14) month period, the County shall restore the employee's sick leave balance and amount of seniority that existed on the date of layoff. The individual shall not earn leave or seniority and shall not accrue other benefits while on the list awaiting rehire. If the individual's time on the list expires and the individual is not at that time rehired as a County employee, the individual shall lose all rights to restoration of seniority or sick leave and shall not be compensated in any way for either.

**E. Probation Upon Rehire.** If the County rehires an individual from the rehire list into a position that the individual previously held within the same office or department, the individual will be on probation only if the previous probationary period had not expired. All other individuals hired from the rehire list will be on a 6 month probation to allow the appointing authority to make the final hire decision. Such employees may use leave during this probationary period. If an employee fails probation, the employee shall be terminated and shall have no further rights to Thurston County employment.

**F. Rights to Rehire List Upon Rehire.** When the County rehires an individual from the rehire list, Human Resources shall remove the individual's name from the list and the individual shall have no continuing rights to rehire except an individual rehired into any position other than the position from which the individual was laid off. Such individual may choose to remain on the rehire list for the limited purpose of rehire into the previous position should it become available. To exercise this limited right, the individual must submit written notice to the Director of Human Resources within 5 working days of the rehire. If the individual exercises this limited right, the individual may remain on the rehire list until hired into the previous position or until the fourteen (14) month eligibility for rehire expires, whichever comes first.

**G. Expiration of Time On List.** Any individual remaining on the rehire list on the date that individual's fourteen (14) month rehire eligibility expires shall be removed from the rehire list and shall have no further right to Thurston County employment.

## CHAPTER ELEVEN Discipline

### **1. EMPLOYEE CONDUCT**

The success of Thurston County is dependent upon providing the public with the highest possible level of service. The continued success of the County to maintain this effort is dependent upon all employees working effectively and productively together. The County expects employees to perform their duties in a professional, effective and efficient manner. In particular, managers are expected to set a strong, professional example in the manner in which they conduct County business.

### **2. DISCIPLINE**

**A. County Authority to Take Discipline.** Employees are subject to disciplinary action when they engage in conduct which violates a Thurston County policy, rule or regulation or otherwise interferes with the safe and efficient operation of County business. While the County will strive to take necessary corrective action in a fair and consistent manner, the County must reserve full discretion to make any and all disciplinary decisions which it determines are necessary to ensure the highest level of service is provided.

**B. Examples of Behavior Causing Discipline.** Examples of behavior that may subject an employee to discipline include, but are not limited to, the following:

1. Violation of County policies, regulations or rules. County policies, regulations and rules include, but are not limited to, those promulgated in the Personnel Rules, the Administrative Manual, the Financial Policies Manual and the Safety Manual;
2. Repeated absence or tardiness;
3. Unauthorized acquisition, use, possession, removal, neglect or willful damage to any County property, equipment or materials;
4. Preventable accidents;
5. Incompetence or inefficiency in the performance of assigned duties;
6. Unauthorized distribution of literature or solicitation of employees on County premises during working time;
7. Unauthorized parking of personal vehicle in an area reserved for the public or other reserved areas;
8. Any violation of the No Smoking policy;
9. Failure to comply with the provisions of any applicable collective bargaining agreement;
10. Aiding in assessment or collection from any employee in the County for the purpose of securing the nomination or election of any person to office or for the purpose of making a gift to any elective officer;
11. Taking or receiving any fee, gift or other valuable item in connection with County employment for personal gain from any person when such fee, gift or item is given by such person in the hope or expectation of receiving a favor or better treatment than afforded to other persons;
12. Operation of a County vehicle or any vehicle operated in the course of County employment in a reckless or dangerous manner;
13. Offensive conduct or language toward a County employee or a citizen;
14. Deliberate falsification of any official County document, including time records;
15. Violation of safety rules or procedures (whether or not personal injury or damage to property occurs);

16. Conviction of a felony, a misdemeanor involving theft or a misdemeanor involving moral turpitude;
17. Failure to report an accident involving a County vehicle or any vehicle operated in the course of County employment;
18. Vandalism or attempted vandalism committed against, or while on, County property;
19. Attempting to induce any officer or employee of the County to commit an illegal act or an act in violation of any County rule or regulation;
20. Conduct unbecoming a County employee while on duty;
21. Off-duty conduct which adversely affects the employee's ability to perform the County job;
22. Outside employment in violation of the rule concerning outside employment;
23. Unexcused absence;
24. Making any false statement or failing to submit documentation when required, in connection with the use of sick leave;
25. Sleeping while on duty;
26. Any violation of the Drug-Free Workplace policy;
27. Abuse of prescribed drugs on the job or abuse which has an adverse affect on the employee's ability to perform the job;
28. Refusing to undergo any tests to determine the presence of alcohol or drugs in the body when directed to do so by the County;
29. Dishonesty;
30. Mishandling of employer revenues;
31. Insubordination; and
32. Striking or abusing an employee or a citizen.

### **3. TYPES OF DISCIPLINE AVAILABLE**

**A. Variety of Methods.** Managers and supervisors authorized to take disciplinary actions may use a variety of measures. Managers will follow a program of progressive discipline where appropriate. Individual circumstances may cause progressive discipline to be inappropriate. Such circumstances include cases where the infraction is of such a nature that significant discipline, including termination, is justifiable, even on the first offense.

**B. Examples of Discipline.** Types of discipline include, but are not limited to, the following:

1. Oral warning;
2. Written warning;
3. Withholding a scheduled pay increase or step increment;
4. Pay reduction;
5. Demotion;
6. Suspension, with or without pay;
7. Termination.

## CHAPTER TWELVE Termination of Employment

### **1. VOLUNTARY RESIGNATION**

- A. Method.** A voluntary resignation may be given verbally or in writing. Employees who voluntarily leave County employment should provide a letter of resignation at least 10 working days before the effective date of resignation.
- B. Ability of Employee to Withdraw Resignation.** An employee may not withdraw a resignation, whether verbal or written, without the appointing authority's approval.
- C. Filing.** The original of the resignation letter shall be put in the employee's personnel file and a copy forwarded to Human Resources.

### **2. INVOLUNTARY TERMINATION**

- A. Written Notice.** The appointing authority shall give written notice to any regular employee involuntarily terminated.
- B. Advised of Rights When Laid Off.** A regular employee whose involuntary termination is due to a layoff shall be advised of his or her rights.
- C. Amount of Notice.** The appointing authority may terminate an employee immediately or with such notice as the appointing authority determines appropriate under the circumstances.

### **3. EXIT INTERVIEW**

- A. Human Resources.** The appointing authority shall schedule an exit interview with Human Resources for each terminating regular employee. Human Resources shall conduct the exit interview and shall forward a copy of the exit interview to the appointing authority.
- B. Appointing Authority.** The appointing authority may also conduct an office or department exit interview.

### **4. RETURN OF COUNTY PROPERTY**

Any terminating employee shall turn his or her County identification card, gas card, credit card, keys, and all county property to the appointing authority before leaving County employment.

### **5. COMPUTER ACCESS**

The appointing authority is responsible to assure that all terminating employees who have access to critical data systems have their computer access and/or authorization discontinued upon leaving County employment.

**CHAPTER THIRTEEN**  
**Complaint Procedure for Non-Union Regular Employees**  
**(Who are not at will employees)**

**1. APPLICATION**

This Chapter applies to all non-union regular employees who are not at will employees and who have completed their probationary period.

**2. CONTENTS OF COMPLAINT**

A complaint is a written statement alleging a violation of the Thurston County Personnel Rules. A complaint must include the following written information:

- A. The section(s) of the rules allegedly violated;
- B. The date(s) of the alleged violation;
- C. The people involved;
- D. The facts of the alleged violation;
- E. The date the complaint is written;
- F. The signature of the complainant.

**3. PROCEDURE**

**A. First Step:** The employee must present the complaint to his or her supervisor within 5 working days after the date of the alleged violation. The supervisor shall give the employee a written answer within 5 working days after the receipt of the complaint.

**B. Second Step:** The employee may appeal by presenting the complaint to the appointing authority within 5 working days after the receipt of the supervisor's answer. The appointing authority shall consider the complaint and provide the employee a written decision within 10 working days after the receipt of the appeal.

**C. Third Step:** The employee may appeal the decision of the appointing authority by submitting the complaint to the Board of County Commissioners within 10 working days after the receipt of the appointing authority's decision. The Board or its designee shall hold a hearing on the matter within 10 working days after receiving the appeal. The Board or its designee shall issue a written decision within 10 working days after the hearing. The decision of the Board or its designee shall be final.

**CHAPTER FOURTEEN**  
**Procedure for Reporting Improper Governmental Action and**  
**Protecting Employees Against Retaliation**

**1. POLICY STATEMENT**

It is the policy of Thurston County to:

- A. Reporting.** Encourage reporting by County employees of improper governmental action taken by Thurston County officers and employees; and
- B. Protection.** Protect County employees who have reported improper governmental actions in accordance with Thurston County policies and procedures.

**2. DEFINITIONS**

As used in this Chapter, the terms defined in this Rule shall have the following meanings unless the context clearly requires otherwise:

**A. Improper Governmental Action.** Any action by Thurston County officer or employee that:

- 1. 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
- 2. (i) is in violation of any federal, state or local law or rule; or  
(ii) is an abuse of authority; or  
(iii) is of substantial and specific danger to the public health or safety; or  
(iv) is a gross waste of public funds;
- 3. Improper governmental action does not include personnel actions, including employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of collective bargaining or civil service laws, alleged violations of labor agreements or reprimands.

**B. Emergency.** A circumstance that if not immediately changed may cause damage to persons or property.

**C. Retaliatory Action.** Any adverse change in the terms and conditions of a Thurston County employee's employment.

**3. PROCEDURES FOR REPORTING**

**A. Report to Whom.** An employee who becomes aware of improper governmental action should report the action to either Human Resources or the Prosecuting Attorney's Office. If the employee reasonably believes the improper governmental action involves both Human Resources and the Prosecuting Attorney's Office or that reporting to those entities would be inappropriate, the employee may report the action to the Chief Administrative Officer.

**B. May be Required to be Written.** The entity receiving the report may require the employee to submit a written report stating in detail the basis for the employee's belief that an improper governmental action has occurred.

**C. Emergency.** In 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.

**D. Information to the Appointing Authority.** Unless the report alleges improper governmental action by the appointing authority, the entity receiving the initial report shall inform the appointing authority of the allegation.

**E. Investigation.** The entity receiving the report and the appointing authority shall confer and shall agree upon an appropriate method of investigation. The entity receiving the report shall ensure that prompt action is taken to properly investigate the report.

**F. Confidentiality.** The investigation should be conducted as confidentially as possible. Until the investigation is final, the identity of all employees involved shall be kept confidential to the extent permitted by law. At all times, the identity of reporting employees shall be kept confidential to the extent possible under law, unless the employee authorizes the disclosure of his or her identity in writing.

**G. Completion of Investigation.** When the investigation is completed, the entity receiving the report shall advise all employees involved in the investigation of a summary of the results of the investigation, except that personnel actions taken as a result of the investigation may be kept confidential.

**H. Failure of Employee to Act in Good Faith.** If an employee fails to make a good faith attempt to follow the Thurston County procedures in reporting improper governmental action shall not receive the protection provided by Thurston County in this Chapter.

#### **4. PROTECTION AGAINST RETALIATORY ACTIONS**

**A. Prohibition of Retaliation.** Thurston County officials and employees are prohibited from taking retaliatory action against a Thurston County employee because he or she has in good faith reported an improper governmental action in accordance with this Chapter.

**B. Protection from Retaliation.** An employee who believes that they have been retaliated against for reporting an improper governmental action may obtain protection under this Chapter by providing a written notice to the Board of County Commissioners.

**C. Contents of Notice to Board.** The notice to the Board shall specify the alleged retaliatory action and the relief requested. The notice shall be provided directly to the Board or through the Director of Human Resources.

**D. Time Frame for Notice.** The written notice shall be delivered no later than 30 days after the occurrence of the alleged retaliatory action.

**E. Time Frame for Board Response.** The Board shall respond to the notice within 30 days of receipt of the notice.

**F. Appeal to State.** After receiving the response of the Board or 30 days after the delivery of the notice to the Board, an employee may request a hearing before a state administrative law judge for the purpose of establishing that a retaliatory action occurred and to obtain appropriate relief provided by law.

**G. Time Frame for Appeal.** An employee seeking a hearing with the state shall deliver the request for a hearing to the Chief Administrative Officer no later than the earlier of either 15 days from the delivery of the Board's response to the notice of retaliatory action or 45 days from the delivery of the notice of retaliatory action to the Board.

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

**I. State Recommendation to County.** The County will consider any recommendation provided by the administrative law judge that the retaliator be suspended with or without pay or dismissed.

#### **5. RESPONSIBILITY FOR CHAPTER**

**A. CAO Responsibility.** The Chief Administrative Officer, with assistance from the Director of Human Resources, is responsible for implementing this Chapter. This responsibility includes ensuring that the provisions of this Chapter are:

1. Posted where all employees will have reasonable access to them;
2. Made available to any employee upon request; and
3. Provided to all new hires.

**B. Appointing Authority Responsibility.** Appointing authorities, managers and supervisors are responsible for ensuring the procedures are fully implemented within their areas of responsibility.

**C. Violation Grounds for Discipline.** Violations of this Chapter may result in appropriate disciplinary action, up to and including dismissal.

**CHAPTER**

**FIFTEEN**

# Teleworking

## Policy Number: 15.1

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Effective Date: 5/8/00 Revision Dates:
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### 1. PURPOSE

This policy addresses the requirements for teleworking in Thurston County. It allows individuals and their managers to design their own teleworking arrangements within the guidelines and requirements of this policy.

### 2. DEFINITIONS

- a. **Teleworking.** Teleworking is also known as telecommuting and it is the practice of working from home, instead of commuting to a designated office. Emphasis is placed on information or communication exchange through telephones and remote devices, such as computers, modems, and fax machines, so an employee may work off-site. In some cases, the telephone may be the only necessary communication equipment.

Teleworking is an option that management may use when appropriate. It is a privilege extended to employees as a voluntary option with a clear understanding that not every job or employee may be adaptable or compatible for remote work.

- b. **Designated office.** The employee's usual and customary department/office work address.
- c. **Alternate work-site.** The employee's home.
- d. **Teleworking schedule.** Teleworking is a flexible deployment of staff to meet department/office needs. Telework may occur on a regularly scheduled basis or be intermittent or episodic as defined in the teleworking agreement.

### 3. TELEWORK AGREEMENTS

- a. **Employees desiring to telework must complete teleworking arrangement checklists and sign a Telework Agreement.** The employee's supervisor and appointing authority must also sign the checklist and agreement.
- b. **Teleworking arrangements.** Requires mutual agreement by the teleworker and manager and is subject to the approval of the appointing authority. Management or the teleworker may terminate the voluntary telework arrangement at any time, for any reason.

### 4. CRITERIA FOR EMPLOYEE PARTICIPATION

- a. **Participation as a teleworker is voluntary.** Criteria for participation include adaptability of the job for teleworking, aptitude of the employee for teleworking, and approval of the supervisor and appointing authority. Other factors that will be considered in selecting teleworkers are attendance, skill, ability and performance.
- b. **Performance Characteristics.** These performance characteristics should be considered prior to entering into a teleworking agreement:

1. Works alone effectively;
2. Completes assignments independently, on time, meeting quality standards;
3. Asks for assistance when needed;
4. Communicates information fully and timely to leadership, coworkers, support staff and customers;
5. Sets appropriate priorities;
6. Maintains a suitable workspace;
7. Demonstrates dependability and responsibility by meeting attendance standards completing work assignments as scheduled and maintaining confidentiality;
8. Operates and maintains computer or other equipment independently.

**c. Job Characteristics.** Jobs suitable for teleworking generally have the following characteristics:

1. Face-to-face interaction can be scheduled;
2. The needs of both internal and external customers can be satisfied from the remote workplace;
3. Ability to schedule workflow so that work that can only be done at the designated office can be completed on non-teleworking days;
4. Clear objectives can be set and tasks can be clearly defined;
5. Job contains tasks that can be completed at a remote site.

**d. Other Prerequisites Needed to Qualify:**

1. Evidence of a suitable work site;
2. Employee must agree to sign and abide by the Teleworking agreement;
3. Approval of supervisor and appointing authority;
4. Participation of both employee and supervisors in training about teleworking;
5. The employee must make and maintain dependent care arrangements to permit concentration on work assignments.

## **5. WORK PERFORMANCE**

The performance standards for teleworking employees should be equivalent to standards used when the employees are working at their designated office. This policy does not change or waive standards of performance or behavior.

## **6. COMMUNICATION**

Teleworkers must maintain effective communication with their supervisors and co-workers. Teleworkers, their supervisors and coworkers will devise procedures for effective communication. Communications should allow the teleworker's location to be undistinguished from the designated office.

## **7. TRAINING**

Teleworkers and their supervisors should participate in training before beginning to telework. The training includes such topics as the Teleworking Policy, performance standards, customer service, and impact on workflow and communication among the work group.

## **8. COMPENSATION AND BENEFITS**

Compensation and benefit plans are not affected by teleworking.

**9. WORKER'S COMPENSATION**

Teleworkers will be covered by worker's compensation for work related injuries that occur during work hours while teleworking at the alternate work site.

**10. LIABILITY**

The County is not liable for any injuries to family members, visitors and others in the employee's alternative work site.

**11. WORKPLACE SAFETY AND ERGONOMICS**

- a. Teleworkers will set up and maintain the alternative work site in a safe, unobstructed and clean fashion so that it complies with all laws regulating work areas. This includes following basic safety precautions such as eliminating trip and fall hazards, avoiding heavy lifting and ensuring proper lighting and furniture, and electrical connections. The employee must take precautions to avoid accidents.
- b. The teleworker is responsible for any home maintenance or construction costs associated with the use of the employee's home for teleworking. No reimbursement will be provided for maintenance, insurance or utilities.
- c. The teleworker must allow their supervisor or another representative of the county to inspect the alternate work site to ensure adequate health and safety and to inspect any county owned equipment. Twenty-four (24) hours' notice will be given to the employee prior to inspection.

**12. HOURS OF WORK**

- a. Work schedules must comply with the Fair Labor Standards Act, county policies, and collective bargaining agreements governing overtime and compensatory time. Teleworkers must get pre-authorization to work overtime.
- b. The policy requires teleworkers to work an agreed upon schedule. Management may call teleworkers into work in the designated office during any scheduled work hours. Teleworkers must attend staff meetings and training as required and approved by their supervisor.
- c. Requests to use leave, whether paid or unpaid, must be pre-approved by the supervisor.

**13. EXPENSES**

- a. The appointing authority is authorized to approve expenditures for software, communications devices and office supplies needed by teleworkers for their alternate work site.
- b. The County does not cover costs of remodeling or furnishing the alternate work site if it is located in the employee's home or household expenses such as heating and electricity. The County does not provide commuting expenses between the teleworking location and the designated work site.

**14. EQUIPMENT AND INFORMATION SECURITY**

- a. The employee is responsible for maintaining and safeguarding office equipment that is used at an alternate work site.

- b. Any hardware or software provided by the County remains the property of the County and shall be returned at the end of the teleworking agreement. Teleworkers may not copy or distribute County-provided software. No unauthorized hardware or software may be installed on any County owned equipment.
- c. Teleworkers shall comply with computer software licensing agreements, County policies and other applicable laws including copyright and patent laws.
- d. Teleworkers must use approved surge protectors and virus scanning software. They must use equipment compatible with existing county systems. The teleworker is also responsible for proper file maintenance and backup of documents.
- e. Employees must safely store diskettes and papers. Products, documents and other records used and/or developed while teleworking remains the property of the County. The teleworker must follow the County's department's or office's policies on confidentiality, access and retention of public records.
- f. Should the equipment at the site fail, the teleworker will make arrangements for repairs and return to work at the designated work site.

## **15. PROCEDURES AND FORMS**

- a. Human Resources shall adopt procedures and forms to implement this policy. Procedures and forms may include the following:
  - 1. Teleworker Selection Guide;
  - 2. Telework Office Checklist;
  - 3. Telework Application;
  - 4. Teleworking Agreement;

# Workplace Violence Prevention

## Policy Number: 15.2

Effective Date: June 12, 2000

Revision Dates:

### 1. PURPOSE

This policy is designed to reduce the risk from workplace violence and to promote a safe and healthy work environment.

### 2. DEFINITIONS

- a. **Supervisor.** For the purposes of this policy, supervisor shall mean appointing authority, manager or supervisor.
- b. **Workplace Violence.** Incidents of workplace violence include the following acts or behaviors occurring in the work place:
  1. Physical assault and any infliction of harm to persons or property punishable as a criminal act under the Revised Code of Washington. Examples include, but are not limited to, hitting, pushing, kicking, biting, holding, impeding, spitting, or blocking movement of another person, unless in performance of job duties;
  2. Threats, including:
    - a. Any direct or indirect communication to another, conduct, gesture or other behavior, which is reasonably perceived to communicate an intent to intimidate, endanger the safety of, or do or cause harm to persons or property; or
    - b. Any other communication defined to be a threat pursuant to Washington Criminal Code (RCW Title 9A.04.110 (2.5) & RCW Title 9A.46.110) .
  3. Stalking; or
  4. Attempts to threaten or cause harm to persons or property.
- c. **Workplace.** Any building or work area, including any associated parking area, constituting the place where work is performed or assigned, including common areas and private or personal work areas. Also included is any area where the employee is engaged in official business, including field locations, vehicles, either employer-owned or privately owned, when used for business purposes.

### 3. POLICY

- a. Thurston County is committed to employee safety and health. Workplace violence, including threats of violence by or against a County employee, is not tolerated. Committing an act of workplace violence will subject an employee to disciplinary action, up to and including termination. Reasonable efforts will be taken to prevent threats and violent incidents from occurring by implementing training and procedures.
- b. Behavior that is reasonably perceived by others as threatening, frightening or intimidating is unacceptable behavior that will not be tolerated. Prompt and accurate reporting of all threatening or violent incidents is required whether or not any physical injury has occurred.

- c. The County provides training and intervention measures to heighten employees' awareness of situations that might lead to workplace violence, and enhance the safety and protection of employees to the greatest extent practical.
- d. All County employees are responsible for using safe work practices; for following all directives, policies and procedures; and for assisting in maintaining a safe and secure work environment.

#### **4. RESPONSIBILITIES**

##### **a. HUMAN RESOURCES IS RESPONSIBLE FOR:**

- 1. Administration and broad oversight of the County's Workplace Violence Prevention policy;
- 2. Coordinating and conducting training about Workplace Violence Prevention;
- 3. Maintaining appropriate files and records;
- 4. Assisting departments and offices in the development of audits or surveys and specific procedures needed to implement this policy;
- 5. Reviewing reported incidences of violence;
- 6. Assuring confidentiality of complaints and concerns to the extent allowed by law; and
- 7. Assuring employees will not be discriminated or retaliated against for filing appropriate workplace violence complaints.

##### **b. APPOINTING AUTHORITY AND MANAGERS ARE RESPONSIBLE FOR:**

- 1. Knowing and complying with the provisions of this policy;
- 2. Providing for periodic evaluation of potential for incident of workplace violence.
- 3. Providing the opportunity for employees to receive training about workplace violence prevention;
- 4. Addressing employee personal safety concerns;
- 5. Developing and maintaining field procedures to avoid or appropriately deal with situations where violent acts can be anticipated;
- 6. Consulting with Human Resources for HR and others as appropriate; and
- 8. Obtaining appropriate pre-employment references prior to making hiring decisions.

##### **c. EMPLOYEES ARE RESPONSIBLE FOR:**

- 1. Knowing and complying with provisions of this policy;
- 2. Participating in training about workplace violence prevention;
- 3. Contacting the 911 emergency center or following the approved office procedure if they believe a violent incident is imminent;
- 4. Reporting concerns for personal safety while conducting County business to their supervisors;
- 5. Immediately reporting situations where there is a fear that physical retaliation may take place or where someone has made verbal threats of physical violence;
- 6. Documenting reports of workplace violence on the *Incident Report Form*; or approved agency form, and
- 7. Refraining from any behavior that is threatening, frightening or intimidating, and any physical violence.

## **5. WORKING WITH THE PUBLIC**

- a. If the potential for violence is imminent, employees should immediately retreat and then contact 911 (giving your name and location) and alert a supervisor or other available management staff.
- b. If the threat of violence does not appear imminent, employees shall still retreat and then request intervention from a supervisor or other available management staff.

## **6. OFF THE JOB THREATS AND DOMESTIC VIOLENCE**

- a. If the potential for violence is imminent, contact the 911 emergency center, or follow the approved office procedure if at work, providing your name and location.
- b. Employees are encouraged to notify their supervisors of incidents of domestic violence and or other off-the-job threats or violence. Employees shall immediately report any acts of domestic violence that occur in the workplace, or have the potential for occurring in the workplace, or affecting other employees.
- c. If an employee requests a court order restraining any person from harassing or approaching him or her, the employee is encouraged to:
  1. Inform his or her supervisor about the issuance of the order,
  2. Provide a description and photograph (if possible) of the individual cited in the order, and
  3. Provide a copy of the order; Employees are also encouraged to include the work site in the restraining order.

## **7. WORKPLACE HAZARD CONTROL AND PREVENTION**

- a. Measures that may be taken to reduce the risk of workplace violence include but are not limited to:
  1. Limiting visitor access to personal work areas;
  2. Wearing of photo identification by employees;
  3. Prohibiting access to work areas by persons who appear to be under the influence of or affected by intoxicants or drugs;
  4. Identifying unknown individuals attempting to enter employee areas and inquiring as to their business;
  5. Designing work areas to protect employees from possible threats;
  6. When a work assignment is necessary involving a known hostile individual, the employee and supervisor consult to formulate a plan so that the employee will not be contacting the hostile person alone.

## **8. RESPONDING TO INCIDENTS**

- a. Immediately after a serious incident of workplace violence, supervisors must first focus on providing any necessary medical treatment or emotional support of affected persons. Other immediate steps include:
  1. Reporting the incident to law enforcement;
  2. Securing the work area where the disturbance occurred;
  3. Accounting for all employees and others, and ensuring the physical safety of those remaining in the area as soon as possible;

4. Providing for site security;
5. Providing for critical incident debriefing to victims, witnesses and other affected employees;
6. Providing for accurate communication to outside agencies, media and law enforcement;
7. Returning to normal operations as soon as possible.

## **9. INCIDENT REPORTING**

- a. All workplace violence incidents shall be reported to management/supervisory personnel immediately. Written reports are to be submitted to the appointing authority within 24 hours of occurrence using *The Incident Report Form* or approved agency form. This procedure applies to all types of violent incidents, whether or not physical injury was inflicted. (i.e. verbal abuse, threats of violence, menacing, etc.) A copy of the report is also sent to Human Resources for further evaluation.
- b. Human Resources and the appropriate appointing authority will review incidents involving employees and/or the public.
- c. If it appears that a criminal violation has occurred as a result of the incident, the matter will be referred to the local law enforcement agency with jurisdiction in the matter.
- d. Human Resources will evaluate each reported incident. HR will discuss causes of the incident with affected employees, and develop recommendations to prevent similar incidents from occurring in the future.

## **10. PROCEDURES AND FORMS**

- a. Human Resources shall adopt procedures and forms to implement this policy. Procedures and forms are located in the *Thurston County Safety Manual*, and may include the following:
  1. Responding to a Threat of Violence;
  2. Security Audits;
  3. Security Measures for Preventing Workplace Violence;
  4. Security Measures in the Field;
  5. Reporting Violence in the Workplace;
  6. Post Emergency Response Plan.

# Security Identification of Employees

## Policy Number: 15.3

<b>Effective Date:</b>	<b>March 4, 2002</b>
<b>Replaces:</b>	<b>New</b>
<b>Approved by:</b>	<b>BOCC</b>
<b>Authority:</b>	<b>BOCC, Resolution #</b>
<b>See Also:</b>	<b>Workplace Violence Prevention Policy #15.20 (Personnel Rules) Security Measures in the Field Policy # 012.3055</b>

### **Purpose**

Thurston County strives to ensure the safety of employees and the security of our facilities against any unauthorized access. For this safety and security measure to be effective, it requires the cooperation of all County personnel. Identification badges ensure instant recognition of employees.

### **Scope**

Thurston County provides photo identification badges for all employees, and volunteers working on behalf of the County.

### **Policy**

The following personnel shall wear photo identification badges while on duty:

All employees, regardless of employment status, and volunteers with the exception of Elected Officials, uniformed law enforcement, or those exempt under Appointing Authority Responsibility, Page 2, Section B (2).

### **Issuance/Placement/Specifics**

- A.** Issued identification badges remain the property of Thurston County.
- B.** Identification badges are to be worn above the waist on the front of the person.
- C.** In the event of disaster plan activation for County facilities, the identification badge is the primary means of identification.

### **Responsibilities**

- A. Human Resources (HR) or delegate will:**
  - 1.** Provide for the issuance of identification badges at designated times;
  - 2.** Maintain a record of issuance;
  - 3.** Maintain security of signature files, upon request;
  - 4.** Confirm identity and authorization of person receiving identification badge;
  - 5.** Replace identification badge, without charge, whenever the entity, employee's position or name changes, or when it is otherwise obsolete;

6. Replace identification badge onetime without charge in the event the badge is lost or damaged;
7. Replace badges under other circumstances on a fee/cost basis.

**B. Appointing Authority (Elected Official/Director) or designee will:**

1. Ensure employees are informed of and comply with the requirements of this policy;
2. Establish office policies and procedures specifying any conditions where, for employee safety, identification badges are not required to be worn (e.g. the employee is safer if s/he is not identifiable);
3. Send authorization for identification badges with new employee personnel action forms to HR;
4. Ensure that identification badges are available and visible while working outside the reporting office;
5. Issue temporary badges to employees reporting for duty without a proper identification badge;
6. Retrieve identification badges from employees who leave employment and volunteers whose terms have ended, and return them to HR.

**C. Employees will:**

1. Review and comply with the provisions of this policy;
2. Wear County-issued identification badges while on duty representing the County;
3. Carry, make available and present their identification badge to security staff upon entering limited access facilities.

**General Safety Guidelines:**

See other procedures and forms located in the Personnel and Safety Manuals.

1. Security Audits Policy #12.2835.(Safety Manual)
2. Security Measures for Preventing Workplace Violence Policy #12.2875.(Safety Manual)
3. Security Measures in the Field Policy #12.3055. (Safety Manual)
4. Workplace Violence Prevention Policy #15.20 (Personnel Rules).

# **Military Leave Compensation and Dependent Benefit Coverage Policy**

## **Policy Number: 15.4**

<b>Effective Date:</b> 9/12/2005 <b>Revision Dates:</b>
------------------------------------------------------------

### **Purpose:**

The Board of County Commissioners recognizes that some Thurston County employees will be called to active military duty periodically. This active military service will require some employees to take a leave of absence without pay in order to fulfill their military commitment.

### **A. Compensation**

The Board of County Commissioners recognizes that the Thurston County employees who take a leave of absence without pay in order to fulfill their military commitment may receive pay from the military that is less than their Thurston County salary. The Board of County Commissioners is concerned that this may cause financial hardship for the employee's family.

Regular Thurston County employees who are called to active duty under a Presidential selective recall for a period exceeding 15 days with the Washington National Guard or the Army, Navy, Air Force, Coast Guard or Marine Corps Reserves of the United States are eligible to receive Military Leave Compensation.

In order to receive this compensation, the employee must furnish to his or her department a copy of each monthly time and leave statement from the military that lists all pay received within 30 days of receiving the monthly statement. The amount of Military Leave Compensation shall be calculated by comparing the total military pay from the monthly time and leave statement submitted by the employee to the Thurston County base salary that the employee would have received. If the military pay is greater than the normal Thurston County base salary, the employee is not eligible for Military Leave Compensation. If the military pay is less than the normal Thurston County base salary, the employee will receive Military Leave Compensation equal to the difference between the military pay and the Thurston County base salary. The Military Leave Compensation will be subject to any applicable withholding allowances and deductions, and will be paid on the next available Thurston County pay cycle.

### **B. Dependent Benefit Coverage**

During any period of leave without pay because of active military service, and at the request of the employee, Thurston County will continue to pay its contribution towards any medical, dental, basic life, or vision coverage for which the employee's dependents are enrolled on the date that the employee is called to service. The continued coverage will be the amount of coverage that is in place on the date that the employee is called to service, up to the maximum amount the County contributes toward dependent coverage.

### **C. Duration**

The pay and benefits provided by this policy shall continue until the first of the following events occur:

1. The employee fails to return to work upon termination of military service within the time required by law;
2. This policy is either amended or superseded by resolution or law; or
3. Death of the employee.

Dependent benefit coverage will also end when:

4. A dependent loses dependent status (e.g. divorce, child reaches maximum age limit);  
or
5. The dependent requests the coverage be discontinued.

These benefits are being provided in recognition of the employee's required active military service and do not apply to leave without pay in any other circumstances.

# Ethics and Conflict of Interest Policy

## Policy Number: 15.5

Effective Date: June 11, 2007 Revised Date:
------------------------------------------------

### 1. Preamble

The citizens of Thurston County are entitled to a responsible, fair and honest county government. The principles that guide county employees to ensure these standards are met include:

- **Trust and Fairness.** A responsibility of county government is to serve the public interest. County employees and elected officials must carry out their responsibilities in a professional and fair manner, ensuring that official duties are conducted in a way that does not allow personal interests to conflict with the duty to serve the public.
- **Objectivity and Impartiality.** County decisions are to be fair and objective and based on the merits of the issues.
- **Stewardship and Accountability.** Paramount to public service is a strong commitment to stewardship and accountability to ensure prudent and appropriate use of public resources.
- **Leadership and Excellence.** Responsible and ethical leadership sets a good example and builds credibility, trust and an effective work environment.

### 2. Applicability

This policy applies to all county employees, except where in conflict with other law. For purposes of this policy, the term “county employee” is intended to include:

- Any individual employed by the County
- The Board of County Commissioners
- County elected officials
- Appointed directors
- Volunteers
- Interns.

### **3. Policy**

“County employees” will perform their public responsibilities in accordance with the highest ethical standards and conduct business only in a manner that strengthens the public’s confidence in the integrity of Thurston County government. To earn and maintain the public’s full trust and confidence, individuals subject to this policy are required to avoid any action that creates an appearance that they are:

- Using their authority as “county employees” for private or personal gain or benefit.
- Engaging in any action or conduct that conflicts or appears to conflict with the performance of their duties.
- Giving improper advantage or treatment to any person or entity.
- Failing to properly carry out their duties.

### **4. Ethics Concerns, Complaints and Questions**

Every “county employee” has a responsibility to report suspected violations of this policy. “County employees” may obtain advice regarding potential conflicts of interest or ethics issues from or report a suspected violation to their immediate supervisor, manager, appointing authority or the Human Resources Director.

Retaliation against “county employees” who report ethics concerns is not allowed and will not be tolerated. Any “county employee” who believes he or she is the subject of retaliatory actions must report the retaliation in writing to his or her immediate supervisor, manager, appointing authority or the Human Resources Director.

### **5. Noncompliance with Policy**

The purpose of this policy is to provide “county employees” with information and guidance regarding ethical conduct. Reported violations of this policy will be thoroughly and impartially investigated. A “county employee” found to have violated this policy may be subject to disciplinary action. A “county employee” who knowingly makes a misleading or false claim of unethical behavior against another employee may also be subject to disciplinary action.

# Internal Discrimination Complaint Policy

## Policy Number 16.1

**Effective Date: January 1, 2006**

**Revised: May 22, 2006**

### 1. PURPOSE

Thurston County is committed to maintaining a workplace that is free from discrimination, harassment and retaliation.

### 2. SCOPE

This policy applies to all elected officials, employees, and volunteers of Thurston County.

### 3. POLICY

The County takes complaints of discrimination, harassment, and retaliation seriously and will investigate and resolve such complaints in a timely manner.

- A. **Discrimination.** Thurston County is committed to a workplace that is free from unlawful discrimination and that reflects its commitment to a diverse workforce. The County prohibits discrimination against elected officials, employees, and volunteers based on race, color, creed, religion, national origin, ethnicity, age, sex, marital status, veteran status, sexual orientation and disability, known or perceived. Employees who engage in discrimination will be subject to discipline, up to and including termination of employment.
- B. **Harassment.** Thurston County prohibits harassment and is committed to providing a workplace that is free from such harassment. Harassment is a form of discrimination that is unwelcome verbal or physical conduct directed toward or relating to a person on the basis of the person's race, color, creed, religion, national origin, ethnicity, age, sex, marital status, veteran status, sexual orientation or disability, known or perceived, where the conduct is sufficiently pervasive or severe as to alter the terms or conditions of employment. Such conduct can take many forms including unwelcome slurs, comments, jokes, touching, innuendo, gestures, display or transmission of materials, and other similar conduct. Employees who engage in harassment will be subject to discipline, up to and including termination of employment.
- C. **Sexual harassment.** Thurston County specifically prohibits sexual harassment, which is a type of harassment that consists of unwelcome verbal or physical conduct directed toward or relating to a person because of his or her gender that is sufficiently pervasive or severe as to alter the terms or conditions of employment. Such conduct can take many forms including unwelcome slurs, comments, jokes, touching, innuendo, repeated requests for dates, display or transmission of materials, gestures, compliments, and other similar conduct. Sexual harassment also includes unwelcome conduct based on an individual's gender where submission to the conduct or rejection of the conduct is used as a basis for employment decisions regarding the individual. Employees who

engage in sexual harassment will be subject to discipline, up to and including termination of employment.

- D. **Retaliation.** Thurston County prohibits any adverse employment action against employee volunteers for complaining in good faith of discrimination, harassment or retaliation, or for assisting or participating in an investigation of such complaints. Employees who engage in retaliation will be subject to discipline, up to and including termination of employment.
- E. **Disability discrimination.** Thurston County will reasonably accommodate elected officials, employees, and volunteers with disabilities as required by state and federal law. Thurston County will not discriminate against employees who make such requests.
- F **Nondiscrimination in contracting.** All contracts and grant agreements are required to include nondiscrimination requirements consistent with this policy.

#### 4. RESPONSIBILITIES

- A. All Thurston County elected officials, directors, managers, supervisors, employees and volunteers are responsible for complying with this policy to maintain a workplace free from any form of discrimination, harassment or retaliation, including setting an example of proper behavior and reporting discriminatory behavior that they observe.
- B. The Board of County Commissioners delegates authority to the Human Resources Director to develop forms and procedures to implement the provisions of this policy. Human Resources will review this policy annually.

#### 5. Complaint Process

- A. **Written complaints.** Complaints of discrimination must be reported in accordance with this complaint process. Any employee or volunteer who feels discriminated against may file a written complaint with Human Resources. Complaint forms are available from Human Resources and on the Thurston County Intranet.
  - B. **Alternate Filing Location.** If the complaint is about Human Resources or from within Human Resources, the complaint should be filed with the Chief Civil Deputy Prosecuting Attorney.
  - C. **Time Limit for Filing.** All complaints under this policy are required to be filed within 180 days of the alleged policy violation.
- C. **Election of Remedies.** When a grievance and an Internal Discrimination Complaint are filed regarding the same acts or incidences, the investigation and processing of one shall be suspended until the other is completed.

**From:** [PAO Leave Calendar](#)  
**To:** [Michael Fulmer](#)  
**Subject:** FW: TYPE YOUR NAME HERE\* Leave\* DATE  
**Date:** Monday, June 25, 2018 12:22:38 PM

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**From:** PAO Calendar [mailto:PAO\_Calendar@co.thurston.wa.us]  
**Sent:** Thursday, January 16, 2014 1:07 PM  
**To:** Heidi Pihoda <prihodh@co.thurston.wa.us>  
**Subject:** TYPE YOUR NAME HERE\* Leave\* DATE

Good morning,

We are the process of fine-tuning the electronic leave process. Beginning February 1st, we would like all leave documentation to be sent directly to the PAO Calendar. Once a day the team leaders will go into the PAO Calendar and approve leave requests for their team. Wendy and I will then go in and post the leave approvals to the PAO Calendar.

By directly sending leave requests to the PAO Calendar, we eliminate the many cc's to other team members, Chris, Wendy and/or anyone else who needs to know. The communication about someone being out or someone wanting to take vacation should happen outside of the leave request electronic process. There should be a conversation among the team members for coverage and then the leave request can be formalized via the electronic process.

Team Leaders, if you know someone is out and they have not formalized it via the electronic leave request, it would be good to send an email to the PAO Calendar as a place holder to ensure an electronic leave request is completed. When Wendy and I see your email, we will post it to the calendar, non-color coded, to highlight the need for a leave request.

When someone takes **unscheduled** leave, team leaders should update checkout/in and send an email to the PAO Calendar.

When it is time to approve timesheets, team leaders can review the individual folders and calendar for their team. Because we save all emails and record all time on the calendar, it will not be necessary for duplicate records to be saved. Although I can see where a paper calendar for tracking may be helpful. As we become more comfortable with the electronic version, I think duplicate tracking systems will not be needed.

>>> PAO Calendar 1/2/2014 4:32 PM >>>

What kind of leave:

When:

Why: Optional

Total hours of leave:

Coverage:

What Examples:

Annual Leave

Alternative Leave  
Sick Leave  
Adjusted Work Week  
Floating Holiday  
Community Service Day  
Bereavement Leave  
Military Leave  
Jury Duty  
Partial Day-Exempt  
FMLA  
Leave Without Pay

When: date, time of day

Why: Optional

Total Hours of Leave:

**From:** [PAO Leave Calendar](#)  
**To:** [Michael Fulmer](#)  
**Subject:** FW: TYPE YOUR NAME HERE \*Leave\* 00/00/00  
**Date:** Monday, June 25, 2018 12:09:16 PM

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**From:** PAO\_Leave\_Calendar  
**Sent:** Thursday, March 19, 2015 2:52 PM  
**To:** Team Leader/Supervisor  
**Cc:** PAO\_Leave\_Calendar <PAO\_Leave\_Calendar@co.thurston.wa.us>  
**Subject:** TYPE YOUR NAME HERE \*Leave\* 00/00/00

What kind of leave:  
When:  
Why: Optional

Total hours of leave:

Coverage:

What Examples:

AL – Alternative Leave  
VL – Vacation  
SL – Sick Leave  
FH – Floating Holiday  
CSD – Community Service Day  
BL – Bereavement Leave  
Admin – DPA Administrative Leave

**From:** [Wendy Ireland](#)  
**To:** [Alexis Cota](#)  
**Cc:** [PAO Leave Calendar](#)  
**Subject:** RE: ALEXIS COTA - SICK LEAVE REQUEST 05/14/18  
**Date:** Thursday, March 29, 2018 3:53:00 PM

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Approved. --Wendy

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**From:** Alexis Cota  
**Sent:** Thursday, March 29, 2018 12:45 PM  
**To:** Wendy Ireland ; Scott Jackson  
**Cc:** Jena Green ; Cynthia Wright  
**Subject:** ALEXIS COTA - SICK LEAVE REQUEST 05/14/18  
**What kind of leave:** Sick Leave  
**When:** 05/14/18  
**Why:** Dr. Appt. for mom in Seattle  
**Total hours of leave:** 8 hours  
**Coverage:** TBD

*Alexis Cota*

Thurston County Prosecuting Attorney's Office  
General Felony Unit  
2000 Lakeridge Dr. SW  
Olympia, WA 98502  
(360)754-6251

**From:** [Wendy Ireland](#)  
**To:** [Alexis Cota](#)  
**Cc:** [PAO Leave Calendar](#)  
**Subject:** RE: ALEXIS COTA - SICK LEAVE REQUEST 05/14/18  
**Date:** Thursday, March 29, 2018 3:53:00 PM

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Approved. --Wendy

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**From:** Alexis Cota  
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**Coverage:** TBD

*Alexis Cota*

Thurston County Prosecuting Attorney's Office  
General Felony Unit  
2000 Lakeridge Dr. SW  
Olympia, WA 98502  
(360)754-6251

**From:** [Craig Juris](#)  
**To:** [Caroline Jones](#)  
**Cc:** [PAO Leave Calendar](#)  
**Subject:** RE: JONES, CAROLINE SICK LEAVE 05/14/18  
**Date:** Monday, April 30, 2018 12:56:31 PM

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[Approved.](#)

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**From:** Caroline Jones  
**Sent:** Monday, April 30, 2018 10:32 AM  
**To:** Craig Juris  
**Subject:** JONES, CAROLINE SICK LEAVE 05/14/18  
What kind of leave: SICK  
Time: 10:30 TO 4:30  
Why: appt for mother in Federal Way  
Total hours of leave: 5 hours (lunch is in there somewhere)  
Coverage: none  
What Examples:  
**Caroline M. Jones**  
Paralegal, Special Victims Team  
2000 Lakeridge Dr SW, #2  
Olympia, WA 98502  
P: 360-786-5460  
F: 360-754-3358

**From:** [Craig Juris](#)  
**To:** [Caroline Jones](#)  
**Cc:** [PAO Leave Calendar](#)  
**Subject:** RE: JONES, CAROLINE SICK LEAVE 05/14/18  
**Date:** Monday, April 30, 2018 12:56:31 PM

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[Approved.](#)

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**From:** Caroline Jones  
**Sent:** Monday, April 30, 2018 10:32 AM  
**To:** Craig Juris  
**Subject:** JONES, CAROLINE SICK LEAVE 05/14/18  
What kind of leave: SICK  
Time: 10:30 TO 4:30  
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What Examples:  
**Caroline M. Jones**  
Paralegal, Special Victims Team  
2000 Lakeridge Dr SW, #2  
Olympia, WA 98502  
P: 360-786-5460  
F: 360-754-3358

**From:** [Christen Peters](#)  
**To:** [Judith Prochnau](#); [PAO Leave Calendar](#)  
**Subject:** RE: Judy Prochnau AWW 5/14/18  
**Date:** Monday, May 14, 2018 2:42:42 PM

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AWW is approved for week of 5/14/18.

*Christen Anton Peters*

Christen Anton Peters  
Chief of Staff  
Thurston County Prosecuting Attorney's Office  
2000 Lakeridge Drive SW, Olympia, WA 98502  
360-786-5540  
[petersc@co.thurston.wa.us](mailto:petersc@co.thurston.wa.us)

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**From:** Judith Prochnau  
**Sent:** Monday, May 14, 2018 2:07 PM  
**To:** Christen Peters  
**Cc:** Kim Carroll ; Jennifer Lord  
**Subject:** Judy Prochnau AL 5/14/18  
Monday, May 14, 2018, 8 AM – 5:30 PM with .5 hour lunch  
9 hours  
Tuesday, May 15, 2018, 8 AM – 5:30 PM with .5 hour lunch  
9 hours  
Wednesday, May 16, 2018, 8 AM – 5:30 PM with .5 hour lunch  
9 hours  
Thursday, May 17, 2018, 7 AM – 10:30 AM  
3.5 hours  
Friday, May 18, 2018, 7:30 AM – 5:30 PM with .5 hour lunch  
9.5 hours  
Adjustment to accommodate Thursday doctor appointment.

Coverage for any post –prelim calls, and a 1:30 PM Criminal Misc After Sentencing Calendar Hearing. A Petition was filed by victim who is def's wife Candice Mack requesting modification of the order to allow mail, email, phone calls, and video visits while the def is in custody.

thanks

*Judy Prochnau*

[Victim Advocate](#)

Thurston County Prosecutor's Office

(360) 709-5047

[prochnj@co.thurston.wa.us](mailto:prochnj@co.thurston.wa.us)

**From:** [Christen Peters](#)  
**To:** [Judith Prochnau](#); [PAO Leave Calendar](#)  
**Subject:** RE: Judy Prochnau AWW 5/14/18  
**Date:** Monday, May 14, 2018 2:42:42 PM

---

AWW is approved for week of 5/14/18.

*Christen Anton Peters*

Christen Anton Peters  
Chief of Staff  
Thurston County Prosecuting Attorney's Office  
2000 Lakeridge Drive SW, Olympia, WA 98502  
360-786-5540  
[petersc@co.thurston.wa.us](mailto:petersc@co.thurston.wa.us)

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**From:** Judith Prochnau  
**Sent:** Monday, May 14, 2018 2:07 PM  
**To:** Christen Peters  
**Cc:** Kim Carroll ; Jennifer Lord  
**Subject:** Judy Prochnau AL 5/14/18  
Monday, May 14, 2018, 8 AM – 5:30 PM with .5 hour lunch  
9 hours  
Tuesday, May 15, 2018, 8 AM – 5:30 PM with .5 hour lunch  
9 hours  
Wednesday, May 16, 2018, 8 AM – 5:30 PM with .5 hour lunch  
9 hours  
Thursday, May 17, 2018, 7 AM – 10:30 AM  
3.5 hours  
Friday, May 18, 2018, 7:30 AM – 5:30 PM with .5 hour lunch  
9.5 hours  
Adjustment to accommodate Thursday doctor appointment.

Coverage for any post –prelim calls, and a 1:30 PM Criminal Misc After Sentencing Calendar Hearing. A Petition was filed by victim who is def's wife Candice Mack requesting modification of the order to allow mail, email, phone calls, and video visits while the def is in custody.

thanks

*Judy Prochnau*

[Victim Advocate](#)

Thurston County Prosecutor's Office

(360) 709-5047

[prochnj@co.thurston.wa.us](mailto:prochnj@co.thurston.wa.us)

**From:** [Christen Peters](#)  
**To:** [Kendall Spencer](#); [PAO Leave Calendar](#)  
**Subject:** RE: Kendall Spencer WA PSL Leave Request 5/14/18  
**Date:** Monday, May 14, 2018 11:00:29 AM

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Approved.

*Christen Anton Peters*

Christen Anton Peters  
Chief of Staff  
Thurston County Prosecuting Attorney's Office  
2000 Lakeridge Drive SW, Olympia, WA 98502  
360-786-5540  
[petersc@co.thurston.wa.us](mailto:petersc@co.thurston.wa.us)

---

**From:** Kendall Spencer  
**Sent:** Monday, May 14, 2018 10:51 AM  
**To:** Christen Peters  
**Cc:** Kaitlyn Turner ; Stanley Phillips  
**Subject:** Kendall Spencer WA PSL Leave Request 5/14/18  
What kind of leave: WA PSL  
When:  
Monday, May 14, 2018  
Total hours of leave: 4 (worked 8am-12pm)  
Coverage: Kaitlyn Turner & Stanley Phillips

Kendall Spencer  
Victim Advocate  
Crime Victims Advocacy Network  
360.709.3045

**From:** [Christen Peters](#)  
**To:** [Kendall Spencer](#); [PAO Leave Calendar](#)  
**Subject:** RE: Kendall Spencer WA PSL Leave Request 5/14/18  
**Date:** Monday, May 14, 2018 11:00:29 AM

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Approved.

*Christen Anton Peters*

Christen Anton Peters  
Chief of Staff  
Thurston County Prosecuting Attorney's Office  
2000 Lakeridge Drive SW, Olympia, WA 98502  
360-786-5540  
[petersc@co.thurston.wa.us](mailto:petersc@co.thurston.wa.us)

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Total hours of leave: 4 (worked 8am-12pm)  
Coverage: Kaitlyn Turner & Stanley Phillips

Kendall Spencer  
Victim Advocate  
Crime Victims Advocacy Network  
360.709.3045

**From:** [Scott Cushing](#)  
**To:** [Rick Peters](#); [PAO Leave Calendar](#)  
**Cc:** [Elizabeth Petrich](#)  
**Subject:** RE: May 14-18 Alternative leave request for Rick Peters  
**Date:** Tuesday, February 27, 2018 3:45:39 PM

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## Approved

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**From:** Rick Peters  
**Sent:** Tuesday, February 27, 2018 10:13 AM  
**To:** Scott Cushing  
**Subject:** May 14-18 Alternative leave request for Rick Peters

What: Alternative leave (continuing the previously granted days of May 10-11)

When: May 14-18 Monday-Friday

Why: Driving daughter's car home from college

Coverage: general Civil, Family Support

Available by phone if needed Redaction Made with  
Requester's Permission

**RICK PETERS**  
Deputy Prosecuting Attorney  
for Thurston County  
Civil Division – Bldg 5  
2000 Lakeridge Drive SW  
Olympia, WA 98502  
[petersr@co.thurston.wa.us](mailto:petersr@co.thurston.wa.us)  
x7875

**From:** [Jeffrey Fancher](#)  
**To:** [Nikki Torres](#)  
**Cc:** [PAO Leave Calendar](#)  
**Subject:** Re: N. Torres sick leave request 5/14/18  
**Date:** Monday, May 14, 2018 5:01:32 PM

---

Approved

**Please Note:** Your email is important to us. Our email system uses an aggressive SPAM Filter. If you have not received a reply to your email, please call our office and we will add you to our SPAM Filter. Thank you.

>>> Nikki Torres 5/14/2018 4:21 PM >>>  
When: 5/14/2018- 2:00pm-3:15pm  
Why: dr. appt.  
Total hours/type of leave: 1.25 hours sick leave  
Coverage: Family Support  
Thanks!

**From:** [Jeffrey Fancher](#)  
**To:** [Nikki Torres](#)  
**Cc:** [PAO Leave Calendar](#)  
**Subject:** Re: N. Torres sick leave request 5/14/18  
**Date:** Monday, May 14, 2018 5:01:32 PM

---

Approved

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When: 5/14/2018- 2:00pm-3:15pm  
Why: dr. appt.  
Total hours/type of leave: 1.25 hours sick leave  
Coverage: Family Support  
Thanks!

**From:** [Jeffrey Fancher](#)  
**To:** [Nadine Salo](#)  
**Cc:** [PAO Leave Calendar](#)  
**Subject:** Re: Nadine Salo, Traditional Leave Request, 05/14/18  
**Date:** Monday, May 14, 2018 8:35:46 AM

---

Approved

**Please Note:** Your email is important to us. Our email system uses an aggressive SPAM Filter. If you have not received a reply to your email, please call our office and we will add you to our SPAM Filter. Thank you.

>>> Nadine Salo 5/14/2018 8:22 AM >>>

**What kind of leave:** Traditional Leave

**When:** Monday, May 14, 2018, from 1-5

**Why:** Vacation

**Total hours of leave:** 4 hours

**Coverage:** No Appointments - Family Support general coverage

**From:** [Jeffrey Fancher](#)  
**To:** [Nadine Salo](#)  
**Cc:** [PAO Leave Calendar](#)  
**Subject:** Re: Nadine Salo, Traditional Leave Request, 05/14/18  
**Date:** Monday, May 14, 2018 8:35:46 AM

---

Approved

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**What kind of leave:** Traditional Leave

**When:** Monday, May 14, 2018, from 1-5

**Why:** Vacation

**Total hours of leave:** 4 hours

**Coverage:** No Appointments - Family Support general coverage

**From:** [Jeffery Lippert](#)  
**To:** [Wendy Ireland](#)  
**Cc:** [PAO Leave Calendar](#)  
**Subject:** RE: Wendy Ireland - Partial Day Exempt/Adjusted Schedule 5/14/18  
**Date:** Thursday, May 10, 2018 1:31:59 PM

---

Approved, of course! JDL

-----Original Message-----

From: Wendy Ireland  
Sent: Thursday, May 10, 2018 10:32 AM  
To: Jeffery Lippert <[lipperj@co.thurston.wa.us](mailto:lipperj@co.thurston.wa.us)>  
Subject: Wendy Ireland - Partial Day Exempt/Adjusted Schedule 5/14/18

What kind of leave: Partial Day Exempt/Adjusted Schedule  
When: 5/14/18 (out of the office 10 a.m. to 2 p.m.)  
Why: Personal

Monday: (Work 7 hours)  
Work 7 a.m. to 10 a.m. (3 hours)  
Out 10 a.m. to 2 p.m.  
Work 2 p.m. to 6 p.m. (4 hours)

Tuesday: (Work 9 hours)  
7 a.m. to 5:00 p.m.

Coverage: None needed.

**From:** [Jeffery Lippert](#)  
**To:** [Wendy Ireland](#)  
**Cc:** [PAO Leave Calendar](#)  
**Subject:** RE: Wendy Ireland - Partial Day Exempt/Adjusted Schedule 5/14/18  
**Date:** Thursday, May 10, 2018 1:31:59 PM

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To: Jeffery Lippert <[lipperj@co.thurston.wa.us](mailto:lipperj@co.thurston.wa.us)>  
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When: 5/14/18 (out of the office 10 a.m. to 2 p.m.)  
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Work 7 a.m. to 10 a.m. (3 hours)  
Out 10 a.m. to 2 p.m.  
Work 2 p.m. to 6 p.m. (4 hours)

Tuesday: (Work 9 hours)  
7 a.m. to 5:00 p.m.

Coverage: None needed.

August 27, 2018

Status of TCPAO employee on May 14, 2018, whether or not they donated on that date and if they had submitted leave slips for any time off during that day:

- The public disclosure request for a list of all employees who requested leave on May 14, 2018 was submitted to the PAO on June 13, 2018
- An acknowledgement was sent by the PAO and PDR #4154 was assigned to this request
- I received the “first installment” of leave slips on July 23, 2018. This installment included only employees who were NOT deputy prosecutors. They were admin staff only.
- I was advised by the PAO that the remainder of the leave slips would be available on August 10, 2018
- I received the second and final installment of leave slips on August 7, 2018
- I reviewed all documents. A list was established of all current PAO employees. I obtained a list of contributors to the Tunheim campaign from the Washington state Public Disclosure Commission.
- I identified the PAO employees on the list of contributors and separated out any employees who donated to the campaign on May 14, 2018
- I examined the records provided to me from the PAO of employees who had requested leave from their jobs on May 14, 2018
- The below list was established with the cross-referenced information identified
- I viewed a video that was taken at the May 14 event at St. Martin’s University. During the video at approximately the 00:38 (38 second) mark, Tunheim recognizes his “deputy prosecutors” and asks them all to stand up for applause.

(A total of 20 employees of the PAO have donated to the JT campaign as of August 20, 2018)

Brian Drake

<i>Last name</i>	<i>First name</i>	<i>Position</i>	<i>100=full time</i>	<i>Contrib. Amount</i>	<i>Leave taken?</i>
<i>ARCHER</i>	BRANDI	DEP PROSECUTING ATTORNEY II	100	50	NO LEAVE
<i>ALEXANDER-HOROWITZ</i>	KAREN	DEP PROSECUTING ATTORNEY	100	37.50	NO LEAVE
<i>IRELAND</i>	WENDY	LEGAL SUPPORT MANAGER	100	50	adjusted hours off 1000-1400
<i>LIPPERT</i>	JEFFERY	CHIEF CRIMINAL DEP PROSECUTING	100	100	NO LEAVE
<i>MCMULLEN</i>	ELIZABETH	DEP PROSECUTING ATTORNEY II	100	50	NO LEAVE
<i>PETRICH</i>	ELIZABETH	CHIEF CIVIL DEP PROSECUTING AT	100	50	NO LEAVE
<i>WALL</i>	MICHELLE	LEGAL ASSISTANT II	100	50	NO LEAVE
<i>WEVODAU</i>	CAILEN	DEP PROSECUTING ATTORNEY II	100	100	NO LEAVE
<i>WINDER</i>	MEGAN	DEP PROSECUTING ATTORNEY II	100	150	NO LEAVE
<i>ZHOU</i>	OLIVIA	DEP PROSECUTING ATTORNEY II	100	75	NO LEAVE





Office use only  
(Date stamp when received)

## Request for Public Records

Please provide the following information so that your request for public records may be processed. There may be a charge to provide copies of the requested records payable in advance at the rate of 15 cents per copy. You will be notified in advance of any charge for copies.

### **REQUESTED BY:**

Name: Brian K. Drake Phone Number: 360-923-0674

Agency / Business Name: N/A Private Citizen

Mailing Address: 5248 Deerfield Park Ct NE

City: Olympia State: WA Zip: 98516

List of Documents Requested (be specific):

Pursuant to RCW Chapter 42.56, I am requesting your agency and any other office, department, division, bureau, board, commission or sub agency thereof, including any records that may be in their possession make available for inspection and copying any item that they/it has possession or dominion over or control of and that is a public record. "Record" as defined in RCW 42.56 refers to **all records typed, printed, written or electronically held, retained, copied, possessed or within the control of the Thurston County Prosecutor's Office, its agencies, sub-agencies, agents, employees or assigns.** These requests relate to following information:

Records of any and all employees of the Thurston County Prosecutor's office pertaining to **requests for paid time off from their employment**, the process for approving the request, the actual approval for each leave request and/or the denial of the leave. I am willing to come to your office and copy the information myself as this may be the most expeditious. Otherwise digital copies would be preferred. I will pay reasonable costs for copying.

Agencies refusing to disclose records upon a PRA request "shall include a statement of the specific exemption authorizing the withholding of the record (or part) **and a brief explanation of how the exemption applies to the record.**" RCW 42.56.210 (emphasis added). In addition, agencies refusing to disclose records must include a list of records withheld. As stated by the Washington Supreme Court in PAWS v. University of Washington, 125 Wn.2d 243, 884 P.2d 592 (1994):



Silent withholding would allow an agency to retain a record or portion without providing the required link to a specific exemption, and without providing the required explanation of how the exemption applies to the specific record withheld. The Public Records Act does not allow silent withholding of entire documents or records, any more than it allows silent editing of documents or records. Failure to reveal that some records have been withheld in their entirety gives requesters the misleading impression that all documents relevant to the request have been disclosed. Moreover, without a specific identification of each individual record withheld in its entirety, the reviewing court's ability to conduct the statutorily required de novo review is vitiated.

PAWS, 125 Wn.2d, at 270.

If you refuse to produce for inspection and/or copying any record or any part of a public record, then, for each record or portion of a record which you refuse to produce for inspection and/or copying, please provide me with the following information:

- (1) A list of the records in your possession as required by the Washington State Supreme Court in the PAWS decision;
- (2) A statement of the specific exemption you have relied upon in withholding the record or part thereof, and;
- (3) An explanation of how the exemption you have cited applies to the record or part thereof, as required by RCW 42.56.210.

I can accept copies of all the documents on a computer disk. Otherwise I am willing to come to the Prosecutor's Office to copy them myself, pursuant to RCW 42.56. Please advise of when, where and the reasonable costs associated.

***I certify that any list of individuals obtained through this request will not be used for commercial purposes.***

\_\_\_\_ Brian K. Drake  
Signature

\_\_\_\_ June 13, 2018 \_\_\_\_  
Date

(Staff Use Only)

Number of Copies: \_\_\_\_\_

Records Copied: \_\_\_\_\_

Charge per Page (15¢): \_\_\_\_\_

Total Charges = \_\_\_\_\_

## FORMAL COMPLAINT OF CAMPAIGN VIOLATION BY A CANDIDATE

September 11, 2018

Email: [briandrake170@gmail.com](mailto:briandrake170@gmail.com)

Brian K. Drake  
5248 Deerfield Park Ct NE  
Olympia, WA 98516  
Phone: 360-923-0674

**Respondent: Jon Tunheim, 2018 candidate for Thurston County Prosecutor (and incumbent)**

### Sections of Law Violated:

- RCW 42.17A.555 Use of public office or agency facilities in campaigns—Prohibition—Exceptions.
- RCW 42.17A.565 Solicitation of contributions by public officials or employees
- RCW 41.06.250 Political Activities

**What impact does the alleged violation have on the public?** The public pays its taxes, in part, for the purpose of employing people to work on its behalf. By law public employees are prohibited from conducting personal business or working for someone or something that is not connected to their employment. Government employees are specifically prohibited from engaging in political activities during their assigned work hours. The public has an absolute right to know that their tax dollars are being spent only for the public good and not for the benefit of one person, who in this case, was Jon Tunheim, a political candidate.

Jon Tunheim held his Thurston County Prosecutor campaign Kick-Off on Monday, May 14, 2018, during work hours, at St. Martin's University, a 15-minute drive from the Thurston County Prosecutor's office. Several people spoke at the event, including AG Bob Ferguson, Tunheim's Chief Deputy Lippert, and Lacey City Council member Rachel Young. Mr. Tunheim spoke for a half hour alone. The event lasted over an hour and the roundtrip drive between the prosecutor's office and St. Martin's and back is about 30 minutes.

Employees of the Thurston County Prosecutor's Office are free to contribute to Jon Tunheim's campaign. However, they cannot contribute while on duty, at work, and/or attending a political campaign rally for the benefit of and organized by Jon Tunheim, their boss.

In addition, according to RCW 42.17A.565 Jon Tunheim cannot solicit contributions from his employees during work hours. It does not matter that this was done at another location. The issue is that he solicited money from his employees and subordinates who were attending his campaign rally; these employees were on-duty and being paid by the tax payers of Thurston County.

#### **List of attached evidence or contact information where evidence may be found**

- Video of Jon Tunheim at his political campaign “kick-off” party at St. Martin’s University on May 14, 2018. In this video, at the 45 second mark, he acknowledges, “I have a number of deputy prosecutors in the room. Can I have all my deputy prosecutors stand up please?” At that point at least ten (10) people stood up to be acknowledged.
- Copies of emails of Thurston County prosecutor’s office employees who had requested time off on May 14, 2018. These documents were obtained via a public disclosure request by Brian Drake to the Thurston County Prosecutor’s office. They were delivered to me via email on August 7, 2018.
  - All but one of the leave requests were marked either for “annual leave” or were marked “sick”.
  - These are ALL of the employees who had requested time off on May 14, 2018, according to the Thurston County Prosecutor’s office in response to a public disclosure request. Only one person had appropriately requested time off before attending the event.
  - When Jon Tunheim asked his deputy prosecutors to stand at the opening of his speech, ten (10) people stood to be acknowledged. NONE of the leave requests for May 14 was for a “deputy prosecutor” leaving the fact that not one of the ten deputy prosecutors that stood to be acknowledged had appropriately taken any type of leave in order to attend Tunheim’s campaign party.
- Copies of PDC C3 filed by Tunheim campaign
  - These C3’s list the contributors for May 14, 2018 which was the day of the Tunheim Kick-off party
- Thurston County Prosecutor’s Office Personnel Policies
- RCW statutes covering violations
- Thurston County Human Resource Personnel Rules and Policies – EXCERPTS covering political activities.

### List of potential witnesses (attendees) with contact information to reach them

- Bob Ferguson - Washington State Attorney General
- Sam Hunt – State Representative from Olympia
- John Snaza – Thurston County Sheriff
- Janine Gates
  - [https://janineslittlehollywood.blogspot.com/2018\\_06\\_02\\_archive.html](https://janineslittlehollywood.blogspot.com/2018_06_02_archive.html)
  - This blogger attended the May 14<sup>th</sup> event to report on it. She also took photos and possibly some video.
- Anyone else on the list of contributors from Tunheim’s C3 that covers contributions for 05/14/2018
- Deputy prosecutors who attended the kick-off, with or without taking leave, and their location history from their personal electronic devices for May 14, 2018.

I certify (or declare) under penalty of perjury under the laws of the State of Washington that information provided with this complaint is true and correct to the best of my knowledge and belief.

---

Brian K. Drake  
September 11, 2018

Source: <https://www.facebook.com/events/official-campaign-kickoff/1711104358980908/>

There is a list of people on Facebook who said that they were attending Jon Tunheim's political party on May 14, 2018.

These people listed here are employees of the prosecutors office. The employees are highlighted in red.



**Heather Stone**



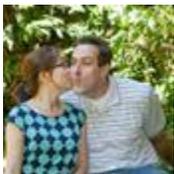
**Wendy Ireland**



**Cailen Cecil Wevodau**



**Brandi Hergert AKA: Brandi Archer**



**Olivia Zhou**



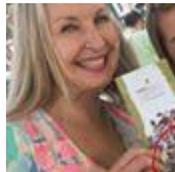
**Megan A. Rinehimer**

**AKA: Megan Winder**

This is a list of employees who said that they were “interested in attending”. Those highlighted in red are Thurston County Prosecutor’s employees and actually did attend.

OTHERS (51)

\



**Christy Anton Peters**

**Elizabeth Petrich**