



EMPLOYEE HANDBOOK



Employee Handbook

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SECTION I. Introduction to the Port of Port Angeles

The Port of Port Angeles is a municipal corporation approved by Clallam County voters in 1922 and established in 1923. The Port is responsible for promoting and enhancing the economic vitality of Clallam County through business development and job creation, and serves the community as both a public steward and an economically self-sustaining enterprise.

The Port is a complex enterprise that operates, manages, and makes capital investments in four lines of business: marine facilities, marinas, airports, and industrial properties. These businesses include four marine terminals, two airports, two marinas, three industrial business parks, and several other industrial and commercial properties. In addition to its business responsibilities, the Port also plays an important role in the redevelopment of industrial properties county-wide.

Historically, the Port provided facilities for handling logs transported from the Olympic Peninsula to the Puget Sound, along the West Coast and for export to Pacific Rim countries. In recent years, the Port has modernized its facilities and expanded its marine terminal services to handle a broad mix of bulk, break-bulk, and containerized cargoes.

Today, the Port is working hard to strengthen Clallam County's economy through strategic investments in its facilities, partnering with public and private entities to reposition and revitalize key properties and identifying emerging markets and new business opportunities that create community value and facilitate new job development.

SECTION II. Personnel Policies Introduction & Purpose

The Employee Handbook for the Port of Port Angeles is established by the Port to:

1. Provide a uniform system of personnel administration
2. Support a fair and equitable process for recruitment, selection, placement, promotion, and separation of Port employees in compliance with applicable State and Federal laws and regulations;
3. Assist supervisors and managers in the development and implementation of proper practices and procedures concerning the administration of human resources within the respective departments;
4. Publish certain responsibilities of Port employees; and
5. Confirm certain rights of Port employees.

A. APPLICATION:

Except where specifically indicated, these policies and procedures apply to all employees of the Port of Port Angeles, as well as to introductory employees. These policies/procedures supersede any previous personnel resolutions, policies, and procedures relating to the same subjects.

B. CONFLICTS WITH LABOR AGREEMENTS:

In specific instances where these policies and procedures may conflict with terms or conditions of the bargaining agreements, the bargaining agreements shall prevail over these policies and procedures.

C. PORT'S RIGHT TO ESTABLISH, AMEND, OR REPEAL:

The Port reserves the exclusive right to repeal, modify, or amend any portion or all of these policies and procedures at any time and with any such changes to take effect immediately, with or without notice, subject to approval of the Executive Director. The Executive Director and Human Resources Manager shall be responsible for the interpretation of these policies and procedures.

D. AT WILL EMPLOYMENT (Resolution 727):

The following are guidelines, which are set up as examples and a general listing of employment requirements of the Port of Port Angeles. They are not all inclusive nor a complete statement of policy. Employees may leave the Port for any reason without legal obligations. Except as otherwise provided, the Port also reserves the right to terminate employees for any reason it deems necessary and each person's employment is for no specific term. Nothing contained in these guidelines shall in any way create a contract or quasi-contract of employment or establish any term of employment, nor in any way be construed as a waiver of the relationship of "employment at will." Except as otherwise provided, the Port retains and shall always have the complete, absolute and unequivocal right to set wages, terms of employment and to hire and discharge all employees at its sole will and discretion with or without cause.¹

¹ Resolution 727

SECTION III. Employment Processes & Practices

A. EQUAL EMPLOYMENT OPPORTUNITY (Resolution 727):

The Port of Port Angeles does not condone and will not tolerate discrimination against any Port employee or individual. The law prohibits unfair employment practices based on a person's:

- Filing a complaint or advocating rights
- Presence of any sensory, mental or physical disability
- Use of a trained dog guide or service animal
- HIV/AIDS and Hepatitis C status
- Race
- Creed
- Color
- National Origin
- Sex
- Marital status
- Age (40+)
- Sexual orientation, including gender identity
- Honorably discharged or military status
- Pregnancy or childbirth

The Port promulgates policies and programs to ensure that all persons have equal access to its employment opportunities. All aspects of the employment relationship, including but not limited to, recruitment, employment, compensation, benefits, promotions, training, discipline, transfer, and layoff practices are administered in accordance with this equal employment opportunity policy.

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

The Port's equal pay policy extends to all forms of compensation, including salaries, benefits, part-time and overtime pay. Equality is determined by an analysis of the following factors: Equal work, equal skill, equal effort, equal responsibility, and equal working conditions.

Any employees with questions or concerns about any type of discrimination in the workplace are encouraged to bring these issues to the attention of their immediate supervisor or the Human Resource Department. Employees can raise concerns or make reports without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

Definition: A disability means the presence of a sensory, mental, or physical impairment that:

- Is medically cognizable or diagnosable; or
- Exists as a record or history; or

- Is perceived to exist whether or not it exists in fact.²

B. HIRING OF RELATIVES-NEPOTISM (Resolution 734):

Definition: For the purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with an employee is similar to that of persons who are related by blood or marriage.

Hiring of relatives of persons currently employed by the Port is strongly discouraged. Relatives may be hired or transferred only if, as a result of such hiring or transfer, they will not be working for or supervising a relative. Any conflict or perceived conflict of interest should be avoided.

If a relative relationship is established after employment which causes a conflict perceived conflict, the individuals concerned will, in conference with supervisors and with the Human Resources Department, decide who is to be transferred. If the individuals involved cannot agree on this issue within 30 days, the supervisors and Human Resources Department will make the decision.

In other cases where a conflict or the potential for conflict arises, even if there is no supervisory relationship involved, the parties may be separated by reassignment or terminated from employment. It is the responsibility of the employee to notify his or her supervisor immediately of any potential or actual conflicts due to relative relationships.

Where business necessity requires the limitation of employment opportunity of spouses, the Port will make every attempt to offer the least adverse options. In the event that the conflict involves spouses and one must leave employment of the Port, the Port will not make the decision for the employees; the employees involved must decide which employee will remain employed with the Port.

Approval of the Board of Port Commissioners must be obtained before hiring any relative of a current employee. The employment or transfer of the spouse of an existing employee of the Port shall be subject to both the rights and restrictions set forth in WAC 162-16-150. The Port shall abide by all applicable state or Federal laws or regulations.

C. CONFLICT OF INTEREST (Resolution 727):

Port employees are prohibited from conducting personal or commercial activities which create actual, potential, or perceivable conflicts with the business, operations or image of the Port of Port Angeles.

Transactions with outside firms must be conducted within a framework established and controlled by the Executive level of the Port. Business dealings with outside firms must not result in unusual gains for those firms. Unusual gain refers to bribes, product bonuses, special fringe benefits, unusual price breaks, and other such windfalls designed to provide gain or profit to an outside firm significantly beyond that expected in the ordinary course of business. Promotional plans that could be interpreted to involve unusual gain require specific approval by the Executive Director.

An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee, a friend, or a relative as a result of the Port's business dealings. For the purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage.

No “presumption of guilt” is created by the mere existence of a relationship with outside firms or individuals. However, if employees have any influence on transactions involving purchases, contracts, or leases, it is imperative that they disclose to the Executive director of the Port in writing as soon as possible the existence of any actual, potential, or perceivable conflict of interest, so that safeguards can be established to protect all parties.

Personal gain may result not only in cases where an employee or relative has a significant ownership in a firm with which the Port does business, but also when an employee, friend or relative receives any kickback, bribe, substantial gift, an enhancement of personal investments, or special consideration as a result of any transaction or business dealings involving the Port.

Employees must disclose, immediately and in writing, conflicts or potential conflicts of interest as described above to the Executive Director of the Port. Questions on these and related matters should be directed to the Executive Director.

The Port employee or his/her friends or relatives may not profit from any Port transaction or business relationship. Participation in any transaction involving unusual gain to a firm doing business with the Port or resulting in a personal gain to the employee or his/her friends or relatives will result in disciplinary action up to and including termination.

D. NON-DISCLOSURE (Resolution 727):

The protection of confidential information is vital to the interests, integrity, and success of the Port; employees who improperly use or disclose such information will be subject to disciplinary action, up to and including termination of employment and legal action. Sensitive confidential information for the purposes of this policy includes pending or ongoing litigation, personnel records, and anything else excluded by the Revised Codes of Washington Public Disclosure Laws.

All public records requests should be made to the Human Resources Manager on a Public Information Request Form.

E. JOB REQUISITIONS & POSITION OPENINGS (Resolution 727):

Position openings will normally be posted or communicated to employees of the Port and will normally be advertised in at least one local publication and on the Port’s website. Employees of the Port will be encouraged to apply for positions they are qualified to fill. Inquiries regarding possible openings and application forms for open positions can be obtained through the Human Resources Department.

Selection will generally be made on the basis of job knowledge, experience, quantity and quality of work, personal characteristics, work habits, attendance and skills. Employees will be given equitable consideration in the review process. Employees’ knowledge of Port practices and procedures will be given consideration when comparing employees with outside applicants.

There are exceptions to the above practice, when posting or advertising may not occur. Such exceptions may include the following:

- When an employee, through his or her own effort obtains training or cross-training and competence in a field or skill and is already performing some of the associated duties of the new position or promotional position.

- In the event an employee is transferred from one area to another where there is no change of job classification.
- When an employee has been specially trained for a position under an on-going training program.
- When through reorganization job duties are reassigned, the scope of position(s) is modified or positions are combined.
- When someone from outside the Port is appointed who possesses a special job skill or required professional designation for a position, when those job skills and/or professional designations are not possessed by a current Port employee.
- Requests for voluntary transfers between work groups or areas will be considered in accordance with Port staffing needs.

F. PRE-EMPLOYMENT TESTING:

1. Pre-Employment Physical (Resolution 727):

After an offer of employment has been made to an applicant entering a designated job category, a medical examination will be performed at the Port's expense by a health professional of the Port's choice. The offer of employment and assignment to duties is contingent upon satisfactory completion of the exam.

Information on an employee's medical condition or history will be kept in a locked file cabinet separate from other employee information and maintained confidentially. Release and disclosure of confidential medical records shall be subject to the provisions set out above, and the provisions of applicable state and federal statutes.

2. Background Checks:

The Port will conduct a full background check of a prospective new Port employee through a professional background check company. The prospective new Port employee must furnish the Port's Human Resource Department with a signed release to complete the background check.

The Port's background check usually consists of education verification, employment verification, a seven year criminal background check and a social security number trace. The report generated from the background check is kept in a locked file cabinet in a separate file in the Human Resources Department.

3. Pre-Employment Drug Testing:

All prospective new Port employees will be required to submit to a drug/alcohol screening as part of the Pre-employment physical examination. A drug test will be administered at a testing facility approved by the Port. All offers of employment are contingent upon a clean drug test.

G. EMPLOYMENT TERMINATION (Resolution 727):

The Port will make every reasonable effort to retain qualified employees. Since employment with the Port is based on mutual consent, both the employee and the Port have the right to terminate employment at will, with or without cause, at any time. Involuntary termination may follow the specifications of the Port's Progressive Discipline Policy if the Port deems use of that policy appropriate. All terminations will be handled without regard for protected class status or any other non-job related factors.

Termination includes any separation from employment, many of which are routine and voluntary. Definitions for common termination circumstances are as follows:

- Resignation: Voluntary employment termination initiated by the employee.
- Discharge: Involuntary employment termination initiated by the Port.
- Layoff: Involuntary employment termination initiated by the Port due to reduction in work force.
- Retirement: Voluntary employment termination initiated by the employee meeting age, length of service, or any other criteria for retirement from the Port.

1. Two Weeks' Notice:

The Port requests that two weeks' notice of resignation be provided, in a written form containing the intended termination date.

2. Exit Interview:

The Port will, whenever possible, schedule an exit interview between the departing employee, supervisor, and Human Resources Manager at which time an evaluation form will be filled out. Suggestions, complaints, and questions can be voiced.

3. Final Paycheck:

Employees will receive their final pay in accordance with applicable state law, less any setoffs or deductions applicable. The Washington law requires that an employee leaving service is to be paid in full immediately, or within 48 hours, or at the next regular payday, depending on the circumstances of the termination. If the employee requests full payment upon termination, the Director of Finance is to be contacted for calculation of the net amount to be paid. All accrued, vested benefits that are due and payable at termination will be paid.

H. EMPLOYMENT ELIGIBILITY VERIFICATION REQUIRED (Resolution 727):

In compliance with the Immigration Reform and Control Act of 1986, as amended or replaced, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility. Former employees who are rehired must also complete the form if they have not completed an I-9 with the Port within the past three years, or if their previous I-9 is no longer retained or valid.

Employees with questions or seeking more information on immigration law issues are encouraged to contact the Human Resources Department. Employees may raise questions or complaints about immigration law compliance without fear of reprisal.

I. AMERICANS WITH DISABILITIES ACT POLICY:

The Port of Port Angeles does not discriminate on the basis of disability status in the admission or access to, or treatment or employment in, its programs and activities.

1. Reasonable Accommodation:

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

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

Definition: The term "reasonable accommodation" means:

- Modifications or adjustments to a job application process that enables a qualified applicant with a disability to be considered for the position such qualified applicant desires; or
- Modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed that enable a qualified individual with a disability to perform the essential functions of that position; or
- Modifications or adjustments that enable a Port employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by its other similarly situated employees without disabilities.

Reasonable accommodation may include but is not limited to

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

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

J. IMPROPER GOVERNMENTAL ACTION-“WHISTLEBLOWER” (Resolution 698):

Policy: Pursuant to Chapter 42.41 of the Revised Code of Washington, it is the policy of the Port of Port Angeles that Port employees should be encouraged to disclose, to the extent not expressly prohibited by law, improper governmental actions of Port officials and employees. The purpose of this policy is to protect Port employees who make good-faith reports to appropriate governmental bodies and to provide remedies for such individuals who are subjected to retaliation for having made such reports.

Definitions: Unless the context clearly requires otherwise, the definitions in this section apply throughout this policy.

- **Improper Government Action:** Any action by a Port officer or employee:
 - That is undertaken in the performance of the Director’s or employee’s official duties, whether or not the action is within the scope of the employee’s employment; and
 - That is in violation of any Federal, State, or local law or rule; or is an abuse of authority; or is of substantial and specific danger to the public health or safety; or is gross mismanagement; or is a gross waste of public funds.

"Improper governmental action" does not include personnel actions including but not limited to employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of the local government collective bargaining and civil service laws, alleged labor agreement violations or reprimand.

- Retaliatory Action:
 - Any adverse change in a Port employee's employment status, or the terms and conditions of employment including denial of adequate staff to perform duties, frequent staff changes, frequent and undesirable office changes, refusal to assign meaningful work, unwarranted and unsubstantiated letters of reprimand or unsatisfactory performance evaluations, demotion, transfer, reassignment, reduction in pay, denial of promotion, suspension, dismissal, or any other disciplinary action; or
 - Hostile actions by another employee towards a Port employee that were encouraged by a supervisor or senior manager or official.
- Emergency: A circumstance that if not immediately changed may cause damage to persons or property.

1. Procedures for Reporting:

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

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

The supervisor, the Executive Director or the Executive Director's designee, as the case may be, shall take prompt action to assist the Port in properly investigating the report of improper governmental action. Port officers and employees involved in the investigation shall keep the identity of reporting employees confidential to the extent possible under the law, unless the employee authorizes the disclosure of his or her identity in writing. After an investigation has been completed, the employee reporting the improper governmental action shall be advised of a summary of the results of the investigation, except that personnel actions taken as a result of the investigation may be kept confidential.

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

- External Report: Port employees may directly report information about improper governmental action to agencies listed below. Before an employee provides information of an improper governmental action to a person or an entity who is not a Port official, the employee shall submit a written report to the Port. If an employee fails to make a good faith attempt to follow the internal reporting procedures listed above, the employee shall not receive the protections listed in this policy.
- Anonymous Report: Port Employees can also make Whistleblower assertions anonymously and confidentially through Red Flag Reporting. Red Flag Reporting can be contacted 24 hours a day, 7

days a week, 365 days a year. Their toll free number is 1-877-647-3335. Employees can also contact Red Flag Reporting via their website, www.redflagreporting.com. Information reported to Red Flag Reporting will be confidentially investigated by the Port.

2. Protection Against Retaliatory Actions:

It is unlawful for any Port official or Port employee to take retaliatory action against a Port employee because the employee provided information in good faith in accordance with the provisions of this chapter that an improper governmental action occurred.

In order to seek relief under this chapter, a Port employee shall provide a written notice of the charge of retaliatory action to the Executive Director or Commission of the Port that:

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

The charge shall be delivered to the Port no later than thirty days after the occurrence of the alleged retaliatory action. The Port has thirty days to respond to the charge of retaliatory action and request for relief.

Upon receipt of either the response of the Port or after the last day upon which the Port could respond, the Port employee may request a hearing to establish that a retaliatory action occurred and to obtain appropriate relief as defined in this section. The request for a hearing shall be delivered to the Port within fifteen days of delivery of the response from the Port, or within fifteen days of the last day on which the Port could respond.

Within five working days of receipt of the request for hearing, the Port shall apply to the state office of administrative hearings for an adjudicative proceeding before an administrative law judge:

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

The employee, as the initiating party, must prove his or her claim by a preponderance of the evidence. The administrative law judge shall issue a final decision consisting of findings of fact, conclusions of law, and judgment no later than forty-five days after the date the request for hearing was delivered to the Port. The administrative law judge may grant specific extensions of time beyond this period of time for rendering a decision at the request of either party upon a showing of good cause, or upon his or her own motion.

Relief that may be granted by the administrative law judge consists of reinstatement, with or without back pay, and such injunctive relief as may be found to be necessary in order to return the employee to the position he or she held before the retaliatory action and to prevent any recurrence of retaliatory action. The administrative law judge may award costs and reasonable attorneys' fees to the prevailing party.

If a determination is made that retaliatory action has been taken against the employee, the administrative law judge may, in addition to any other remedy, impose a civil penalty personally upon the retaliator of up to three thousand dollars payable by each person found to have retaliated against the employee and recommend to the Port of Port Angeles Board of Commissioners that any person found to have retaliated against the employee be suspended with or without pay or dismissed. All penalties recovered shall be paid to the Port's administrative hearings account.

The final decision of the administrative law judge is subject to judicial review under the arbitrary and capricious standard. Relief ordered by the administrative law judge may be enforced by petition to superior court.

3. Prohibition on Intimidation of Whistleblower:

A Port official or employee may not use his or her official authority or influence, directly or indirectly, to threaten, intimidate, or coerce an employee for the purpose of interfering with that employee's right to disclose information concerning an improper governmental action in accordance with the provisions of this policy.

4. Responsibilities:

The Executive Director is responsible for implementing the Port's policies and procedures (1) for reporting improper governmental action and (2) for protecting employees against retaliatory actions. This includes ensuring that this policy and these procedures (1) are permanently posted where all employees will have reasonable access to them, (2) are made available to any employee upon request and (3) are provided to all newly-hired employees. Management and supervisors are responsible for insuring the procedures are fully implemented within their areas of responsibility. Violations of this policy and these procedures may result in appropriate disciplinary action, up to and including termination.

5. List of Enforcement Agencies:

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

- Clallam County:
 - Port of Port Angeles Attn: HR Department PO Box 1350 Port Angeles, WA 98362, Phone (360) 417-3454.
 - Clallam County Prosecutor's Office 223 East 4th Street, Suite 11 Port Angeles, WA 98362, Phone (360) 417-2301
- State of Washington:
 - Department of Agriculture Office of Inspector General 100 2nd Avenue Seattle, WA 98174
 - Attorney General's Office Fair Practices Division 1125 Washington Street SE P.O. Box 40100 Olympia, Washington 98504-0100
 - State Auditor's Office P.O. Box 40021 Olympia, Washington 98504-0021
 - State Department of Ecology 300 Desmond Drive Olympia, Washington 98504-7600
 - Human Rights Commission 711 South Capitol Way Olympia, Washington 98504-2490
 - Department of Labor & Industries 7273 Linderson Way, SW Olympia, Washington 98504-4000
 - State Liquor Control Board 3000 Pacific Avenue Olympia, Washington 98504-3075
 - Department of Natural Resources P.O. Box 47001 Olympia, Washington 98504-7001
 - Puget Sound Water Quality Authority P.O. Box 40900 Olympia, Washington 98503
 - Department of Social and Health Services Special Investigation Office P.O. Box 45100 Olympia, Washington 98504-5100
- United States:
 - Department of Agriculture Office of Inspector General 100 Second Avenue Seattle, Washington 98174
 - Alcohol, Tobacco, and Firearms Criminal Enforcement 915 Second Avenue Seattle, Washington 98174
 - US Attorney 800 Fifth Avenue Seattle, Washington 98104
 - Department of Commerce Office of Inspector General Office of Audits 915 Second Avenue Seattle, Washington 98174
 - Government Accounting Office Regional Office 701 Fifth Avenue Seattle, Washington 98104
 - Consumer Product Safety Commission 1111 Third Avenue Seattle, Washington 98101

- Department of Homeland Security Office of Investigations 1000 Second Avenue Seattle, Washington 98104
- US Department of Education Office of Inspector General 915 Second Avenue Seattle, Washington 98174
- Environmental Protection Agency Criminal Investigations 1200 Sixth Avenue Seattle, Washington 98101
- Equal Employment Opportunity Commission 909 First Avenue Seattle, Washington 98104
- Federal Emergency Management Agency 130 228th Street, SW Bothell, Washington 98021-9796
- Federal Trade Commission 915 Second Avenue Seattle, Washington 98174
- General Services Administration 915 Second Avenue Seattle, Washington 98174
- Department of Health and Human Services Food and Drug Administration 22201 23rd Drive, SE Bothell, Washington 98021
- Department of Interior Bureau of Indian Affairs 4735 E Marginal Way S Seattle, Washington 98134
- Department of Justice Drug Enforcement Administration 220 West Mercer, Suite 104 Seattle, Washington 98119
- Department of Labor Occupational Safety and Health (OSHA) 1111 Third Avenue, Suite 715 Seattle, Washington 98101-3212
- Office of Women's Bureau 1111 Third Avenue, Suite 885 Seattle, Washington 98101-3212
- Washington National Transportation Safety Board 19518 Pacific Highway South Seattle, Washington 98188
- Securities and Exchange Commission 915 Second Avenue Seattle, Washington 98174
- Department of Transportation Office of Inspector General 915 Second Avenue Seattle, Washington 98178
- Department of Treasury Bureau of Alcohol, Tobacco, and Firearms Law Enforcement Division 915 Second Avenue, Room 806 Seattle, Washington 98174
- Department of Veterans Affairs Office of Inspector General 915 Second Avenue Seattle, Washington 98174
- Department of Energy 1909 1st Avenue, Suite 380 Seattle, Washington 98101

K. PERFORMANCE EVALUATIONS:

Port of Port Angeles supervisors and employees are expected to discuss job performance and goals on an informal, day-to-day basis. Additional formal performance evaluations are conducted to provide both supervisors and employees the opportunity to discuss job tasks, performance goals, identify and correct weaknesses, encourage and recognize strengths, and discuss positive, purposeful approaches for meeting goals.

Written performance evaluations are scheduled approximately every 12 months. Supervisors may elect to evaluate employees at the time of a job change or performance change. Poor performance ratings on an evaluation may be considered as a written warning under the Progressive Discipline Policy and must be accompanied by a plan for improvement and a date for re-evaluation.

1. Review of Evaluations:

An employee may request review of the results of his/her evaluation by requesting such review in writing to the Human Resources Manager and the Executive Director. The request shall indicate those areas of the evaluation in which the employee disagrees, the basis for the disagreement and the requested remedy. The Executive Director shall make the final decision on performance evaluation review.

SECTION IV. Employment Records (Resolution 727)

A. PERSONNEL FILES:

The Port maintains a personnel file on each employee, which includes such information as the employee's job application, resume, records of training, documentation of performance appraisals and salary increases, and other employment records.

Personnel files are the property of the Port and access to the information they contain is restricted. Generally, access to personnel files is restricted to supervisors and management personnel of the Port who have legitimate reason to review information in a file.

Employees who wish to review their own file should contact the Human Resources Department. With reasonable advance notice, employees may review or obtain a copy of their own personnel files in the Port's Administration office, and in the presence of the Human Resources Manager or designee.

B. EMPLOYMENT APPLICATIONS:

The Port relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and during employment. Any misrepresentations, falsifications, or material omissions in any of this information may result in the Port's exclusion of the individual from further consideration for employment or, if the person has been hired, in termination of employment.

C. EMPLOYEE MEDICAL RECORDS:

The Port of Port Angeles will obtain, maintain and retain employee medical information only as required by statute, ordinance or regulation, or based upon a legitimate business necessity.

As an independent part of the employee personnel files, a separate confidential file will be established for each employee for the purposes of storing medical related information.

Employee medical files shall be maintained in a locked file cabinet. Release and disclosure of confidential medical records shall be subject to the provisions set out above, and the provisions of applicable state and federal statutes.

D. REFERENCE CHECKS:

Inquiries from outside the Port regarding job reference checks of former employees, and employment verification checks of present employees, should be discussed with or referred to the Human Resources Department prior to any response.

The Human Resources Department provides basic employment data in response to those reference check inquiries. Responses to such inquiries will confirm only dates of employment, pay rates, and position(s) held.

The Port will provide pertinent employment and payroll information to authorized requests regarding current employees, i.e. mortgage companies and other financial institutions upon receiving a signed release from the employee.

E. BACKGROUND CHECKS:

The Port's standard employee background check usually consists of education verification, employment verification, a seven year criminal background check and a social security number trace. The report generated from the background check is kept in a locked file cabinet in a separate file from the personnel file in the Human Resources Department.

F. PERSONNEL DATA CHANGES:

It is the responsibility of each Port employee to promptly notify the Human Resources Department of any changes in personnel data. Personal mailing addresses, telephone numbers, number and names of dependents, individuals to be contacted in the event of an emergency, educational accomplishment, and other such status reports should be accurate and current at all times. If any personnel data has changed, notify the Human Resources Department in writing. Contact the Human Resources Department for information on the appropriate forms for such change notifications.

G. TIMESHEETS (Resolution 727):

In compliance with Federal and state laws, the Port will require employees to accurately record all time worked so that employee pay and benefits can be accurately calculated. For purposes of Port record keeping, time worked is defined as all the time actually spent on the job performing assigned duties.

Non-exempt employees must accurately record the time they begin and end their work, as well as the beginning and ending time of each meal period. They must also record the beginning and ending time of any split shift or departure from work for personal reasons. Overtime work must always be approved before it is performed. Altering, falsifying, tampering with time records, or recording time on another employee's time record may result in disciplinary action up to and including termination of employment.

Non-exempt employees should report to the work site no more than 20 minutes prior to their scheduled starting time, nor stay more than 20 minutes after their scheduled stop time without the expressed, prior authorization from their supervisor.

It is the employee's responsibility to sign their time records to certify the accuracy of all time recorded. The supervisor will review and then sign the time record before submitting it for payroll processing. In addition, if corrections or modifications are made to the time record by the supervisor, the employee must be immediately notified of such change and the supervisor must verify the accuracy of the changes by initialing the time record. If the employee disputes the change, he/she may follow the appropriate problem resolution procedure.

SECTION V. Classification, Work Hours & Compensation

A. EMPLOYMENT CLASSIFICATIONS (727):

The Port will develop, maintain, and use employment classifications to clarify employees' understanding of their employment status and benefit eligibility, and to facilitate the administration of employment documentation.

Job classifications do not guarantee employment for any specified period of time. Accordingly, the right to terminate the employment relationship at will, at any time is retained by both the employee and the Port of Port Angeles.

All Port positions are designated as either "exempt" or "non-exempt" according to the Fair Labor Standards Act ("FLSA") and Washington Minimum Wage Act regulations. Non-exempt employees are entitled to overtime pay under the specific provisions of Federal and State laws. Exempt employees are excluded from earning overtime pay per specific provisions of Federal and State wage and hour laws. An employee's non-exempt or exempt classification may be changed only upon written notification by the Port of Port Angeles management.

In addition to the above categories, each employee will belong to one other employment category:

1. Introductory Employees:

Introductory employees are those whose performance is being evaluated to determine whether further employment in a specific position or with the Port of Port Angeles is appropriate. Employees who satisfactorily complete the introductory period will be notified of their new employment classification. Introductory employees may be terminated without severance pay or notice.

The introductory period is intended to give new employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. The Port uses this period to evaluate employee capabilities, work habits, and overall performance.

All new and rehired employees work on an introductory basis for the first year after their date of hire. Employees who are promoted or transferred within the Port must complete a secondary introductory period of 90 days with each reassignment to a new position. Any significant absence will automatically extend an introductory period by the length of the absence. If the Port determines that the designated introductory period does not allow sufficient time to thoroughly evaluate the employee's performance, the introductory period may be extended for a specified period.

In cases of promotions or transfers within the Port, an employee who, in the sole judgment of management, is not successful in the new position can be removed from that position at any time during the secondary introductory period. If this occurs, the employee may be allowed to return to his or her former job or to a comparable job for which the employee is qualified, depending on the availability of such positions and the Port's needs. Upon satisfactory completion of the initial introductory period, employees enter the "regular" employment classification.

During the initial introductory period, new employees are eligible for all benefits.

2. Regular Full Time:

Regular full-time employees are those who are not in a temporary or introductory status and who are regularly scheduled to work the Port's full-time schedule. Generally, they are eligible for the Port's benefit package, subject to the terms, conditions, and limitations of each benefit program.

3. Regular Part Time:

Regular part-time exempt and non-exempt employees are those who are not assigned to a temporary or introductory status and who are regularly scheduled to work less than the Port's full-time schedule. While they do receive all legally mandated benefits, some other Port sponsored benefits may be available, subject to the terms, conditions, and limitations of each benefit program.

4. Part Time On-Call: Part time on-call employees are those who are not assigned to a temporary or introductory status and who are scheduled on an on-call basis to work less than the Port's full-time schedule. While they do receive all legally mandated benefits, some other Port sponsored benefits may be available, subject to the terms, conditions, and limitations of each benefit program

5. Temporary:

Temporary employees are those who are hired as interim replacements to temporarily supplement the work force or to assist in the completion of a specific project. Employment assignments in this category are of a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status. All legally mandated benefits are provided to temporary or seasonal employees.

The number of hours worked by temporary workers shall be monitored by the Port to evaluate if they qualify for any benefit programs. Port managers shall be familiar with Public Employee Benefit Board, the Department of Retirement Systems, labor contracts, and other rules and regulations that affect employee benefit eligibility.

6. Agency Temporary:

Temporary employees hired from an outside agency and not on the Port's payroll are not subject to Port sponsored benefits.

7. Seasonal:

Seasonal employees are those hired to temporarily supplement the work force during a peak time during the year. Employment assignments in this classification are of a limited duration i.e. summer months. Employment beyond any initially stated period or season does not in any way imply a change in employment status. All legally mandated benefits are provided to seasonal employees.

B. EMPLOYEE COMPENSATION PROGRAM-Non-Represented Employees (Resolution 13-1065):

1. Port of Port Angeles' Compensation Philosophy:

Compensation plans at the Port of Port Angeles are aligned with the middle of the external market, support internal equity and are based on overall performance of the Port and of individual employees.

2. Port of Port Angeles Compensation Policy:

It is the policy of the Port of Port Angeles to compensate its employees in relation to their achievement of the Port's mission and goals relative to comparable positions within appropriate markets. The Board will approve a range of compensation for the Port. The Executive Director will classify all positions within the salary structure (with the exception of the Executive Director.) The Executive Director will also establish a compensation program and procedures which:

- Recognizes the differences in individual performance
- Provides recognition based upon performance achievements
- Encourages teamwork to achieve the Port's mission
- Maintains a pay structure that is both internally equitable and externally competitive

The Port of Port Angeles' compensation policy is to pay for performance. The Port compensates employees based upon their performance level and their contribution to the Port's success.

3. Pay Scale:

The nonrepresented staffs' pay scale consists of a minimum, a midpoint and a maximum. The scale is comprised of nineteen grades and has a 35% width from the minimum to the maximum. Each nonrepresented Port position is slotted in a salary grade based on external market comparisons while supporting internal equity within the Port staff. Employees are then placed within the applicable range for their job based on experience, education and skill.

4. Merit Budget:

The merit budget is distributed annually by the Executive Director to nonrepresented employees who have excellent performance documented through the performance evaluation system.

5. Cost of Living Increases:

The compensation program typically includes cost of living increases applied to the nonrepresented pay scale to keep the Port's pay scale in line with the pay market and with inflation. Cost of Living increases are typically effective January 1 of each year.

The Executive Director has the responsibility and authority to administer all components of the compensation policy. During budget deliberations each year the Board of Port Commissioners will evaluate and approve cost of living adjustments to the salary structure and the merit budget based on market and economic criteria.

Represented personnel are subject to the compensation programs detailed in their respective collective bargaining agreements.

6. Compensation Reviews:

The Port encourages continuous and constructive dialogue between employees and their supervisors. If an employee disagrees with the placement of their position on the pay scale or the merit pay recommendation of his/her supervisor, it is recommended that the employee first discuss the matter with the supervisor. If the employee desires to review the supervisors' decision, the employee may submit a written request to the Human Resources Manager. Review requests should be made within a timely fashion of the event giving rise to the review. All changes in compensation resulting from a review shall be subject to the approval of the Executive Director.

C. EMPLOYEE COMPENSATION PROGRAM (Represented Employees):

Represented employees and their pay systems at the Port of Port Angeles are governed by their respective collective bargaining agreements. Both the Teamster's Local 589 and the ILWU Local 27's collective bargaining agreements outline in "Appendix A" of their collective bargaining agreements their pay matrix, the placement of a position or employee on the matrix and how employees progress on the matrix. The pay matrix consists of 26 classifications and 10 steps within each classification.

"Appendix A" of both contracts states the following...

- All new employees and newly advanced (to a higher range and classification) employees shall be advanced one step after six months.
- Employees shall remain in steps 2 and 3 for a period of one year, before moving to a higher pay step.
- Employees shall remain in steps 4, 5, 6 and 7 for a period of two years before moving to a higher pay step.
- Employees shall remain in steps 8 and 9 for a period of three years before moving to a higher pay step.
- No newly hired (outside) employees will exceed step 4 within their classification, upon initial hiring.
- All new employees and newly advanced (to a higher range and classification) employees after receiving their six month increase will wait the appropriate time (stated above) before their next step advancement.

Procedurally, any step increases awarded via the provisions of "Appendix A" will go into effect at the beginning of the month following the step date.

The matrix identified in Appendix "A" of each collective bargaining agreement shall be reviewed by the Port Commission prior to January of each year of the contract. Any cost of living adjustments made by the Port Commission at a Commission meeting shall be effective January 1 of each year and shall result in an adjustment to all ranges and steps uniformly.

D. WORK SCHEDULES & HOURS (Resolution 727):

The Port will establish work schedules and hours in accordance with the needs of the Port, and the best interests of the Port's employees. Work schedules for employees vary throughout the organization. Supervisors will advise employees of their individual work schedules. Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours that may be scheduled each day and week.

E. FLEX TIME:

Flextime scheduling may be considered in some cases to allow employees or departments to vary their starting and ending times each day within limits established by the Executive Director. A Port-wide flextime program may be initiated with the interest of the Port and Port employees' paramount.

F. OVERTIME (Resolution 727):

When operating requirements or other needs cannot be met during regular working hours, employees may be scheduled to work overtime hours. When possible, advance notification of these mandatory assignments will be provided. All overtime work must receive the supervisor's prior authorization. Overtime assignments will be distributed as equitable as practical to all employees qualified to perform the required work.

Overtime compensation is paid to all non-exempt employees in accordance with Federal and State wage and hour restrictions. Overtime pay is based on actual hours worked. Time off on sick leave, vacation leave, or any leave of absence will not be considered hours worked for purposes of performing overtime calculations.

Failure to work scheduled overtime or overtime worked without prior authorization from the supervisor may result in disciplinary action up to, and including possible termination of employment.

G. REST AND MEAL PERIODS (Resolution 727):

Each workday, full-time, non-exempt employees are provided with two rest periods. Supervisors will advise employees of the regular rest period length and schedule. To the extent possible, rest periods will be provided in the middle of work periods. Since this time is counted and paid as time worked, employees must not be absent from their work stations beyond the allotted rest period time.

All full-time employees are provided with one meal period each work day. Supervisors will schedule meal periods to accommodate operating requirements. Employees will be relieved of all active responsibilities and restrictions during meal periods and will not be compensated for that time.

H. TEMPORARY DUTY LOCATIONS:

If an employee is required to travel to a temporary duty location for the convenience of the Port of Port Angeles, then the affected employee will be paid travel time and mileage to and from the temporary duty location.

I. PAYDAYS (Resolution 727):

All employees are paid monthly before the 5th of each month, for all earnings for all work performed through the end of the previous month. In the event that a regularly scheduled payday falls on a Saturday, paychecks will be made available on Friday. If a regularly scheduled payday falls on a Sunday, paychecks will be made available on Monday. If a regularly scheduled payday falls on a holiday, employees will be paid on the first day of work following the regularly scheduled payday. If a regular payday falls during an employee's vacation, the employee's paycheck will be available upon his or her return from vacation.

Paychecks will be made available by your supervisor/manager by 3pm on payday. An employee wishing to receive their payroll check early will need to complete an Early Paycheck Release Form. All requests must be in writing and submitted three (3) days prior to the date needed. Also, due to an early check, vacation and sick leave accruals will be updated on the following month's paycheck.

J. PAY CORRECTIONS (Resolution 727):

While the Port takes all reasonable steps to ensure that all employees receive the correct amount of pay in each paycheck and that employees are paid promptly on each scheduled payday, errors may occur. In the unlikely event that there is an error in the amount of pay, the employee should promptly bring the discrepancy to the attention of their supervisor and the Payroll Clerk, so that corrections can be made as quickly as possible.

K. PAY ADVANCES-Draws (Resolution 727):

On the fifteenth of each month, the Port makes available advances on salary of up to one-half month's salary for exempt employees, and for non-exempt employees, an advance equivalent to one-half the average regular hours' net pay worked per month by that employee.

If the fifteenth of the month falls on a Saturday, the draw amount will be available on the Friday preceding; if the fifteenth of the month falls on a Sunday, the draw amount will be available on the Monday following. Draw checks will be made available by your supervisor/manager by 3pm.

Requests for a draw or changes to the draw must be made to the Payroll Clerk. In addition, employees leaving on vacation or on Port business may request an advance of an amount up to the amount due them on the paydays occurring during their absence, through the Payroll Clerk.

L. PAY DEDUCTIONS & GARNISHMENTS (Resolution 727):

The state and federal regulations require that the Port make certain deductions from every employee's compensation. Among these are applicable Federal and state taxes. The Port must also deduct Social Security taxes on each employee's earnings up to a specified limit that is called the Social Security "wage base". The Port matches the amount of Social Security taxes paid by each employee.

The Port offers programs and benefits beyond those required by law. Eligible employees may voluntarily authorize deductions from their paychecks to cover the costs of participation in these programs.

The Port is required by law to accept legal garnishments or liens attached to employee wages. Garnishments and liens require the Port to withhold a portion of the employee's disposable earnings for the satisfaction of a debt, and remit the withheld amount to the court or the Internal Revenue Service. If a garnishment or lien is received by the Port, the employee will be so notified by Payroll.

M. SEVERANCE PAY (Resolution 727):

The Port may provide severance pay to employees to encourage early retirement or other termination of employment when such termination is beneficial to the Port. Also, in the case of termination of non-contract employees without cause (at will), the Executive Director is authorized to negotiate up to nine (9) months' severance pay.

Specifically excluded from this provision are employees who were hired as temporary employees for a specified period of time; who are introductory employees; or who were offered but refused to accept another suitable position with the Port.

SECTION VI. Employee Benefit & Leave Programs (Resolution 727)

It is the policy of the Port to provide eligible employees with a competitive benefit package as a part of the Port's total compensation program. The Port reserves the right to alter this benefit package at any time, subject to any statutory restrictions on such alterations, or upon the granting and implementation of such benefits. The Employee Handbook will contain only a summary of benefits; the actual content of the referenced benefits programs will govern the scope of the benefits provided.

Full-time regular and introductory employees are eligible for all listed benefits unless otherwise noted. Part time, temporary and seasonal employees receive only the benefits specified and/or required by law.

A. HEALTH & WELFARE BENEFITS:

It is the Port's policy to make insurance programs available to all eligible employees. The Port reserves the rights to unilaterally change, increase or eliminate these benefits at any time subject to statutory rights and the terms of applicable collective bargaining agreements.

The following are brief summaries of coverage only. The benefits provided are subject to the terms and conditions of the actual policy. Copies of policies may be obtained from the Human Resources Department.

1. Health Insurance:

Medical, dental and vision insurance are provided to eligible employees through the Washington State Health Care Authority or Public Employees Benefit Board (PEBB). The Port pays 100% of the premium for medical, dental and vision insurance for the employee and any qualified dependents.

2. Long Term Disability Insurance:

The Port participates in a PEBB disability program and disability program through Assurant Employee Benefits. Eligible employees receive the basic plan through PEBB. Additionally, the Port pays the premium for the Assurant LTD plan with a 90 calendar day waiting period; if the employee wishes to lengthen the duration of the LTD benefit, the employee is responsible for premium differentials. Payment of these differentials will be implemented by payroll deductions.

3. Life Insurance & AD&D:

The Port pays the premium for \$25,000 of life insurance coverage for the employee as designated by the PEBB. Employees are able to purchase additional insurance for themselves or qualified dependents. The employee is responsible for any additional premium payment. Payment of any differentials will be implemented by payroll deduction.

The Port pays the premium for \$5,000 of accidental death and dismemberment (AD&D) insurance as designated by PEBB. Employees are able to purchase supplemental AD&D. Payment of the supplemental AD&D is via payroll deduction.

4. Non-Represented Staff Life Insurance:

An additional supplemental life insurance plan is available to non-represented employees only through Kansas City Life Insurance Company. The Port pays 100% of the premium for one times the employees' annual salary up to \$100,000 and accidental death and dismemberment coverage equal to twice the employees' annual salary.

5. Voluntary Employees' Beneficiary Association-VEBA (Resolution 06-943):

As a mandatory condition of employment with the Port of Port Angeles, all full time employees must participate in VEBA which is authorized under Internal Revenue Code 501(c)(9). VEBA provides public employees a tax-free health reimbursement arrangement (HRA) where employees set aside money tax-free to be used for qualified healthcare expenses.

6. Benefits Continuation (COBRA):

The COBRA coverage is designed to allow employees to continue health insurance coverage under circumstances commonly referred to as "qualifying events". Some common qualifying events are resignation or the death of an employee; a reduction in an employee's hours or a leave of absence; an employee's divorce or legal separation; or a dependent child no longer meeting eligibility requirements.

Under COBRA, the employee or beneficiary pays the full cost of coverage at the Port's group rates plus an administration fee. The Port/HCA (Health Care Authority) provides each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under the Port's health insurance plan. The notice contains important information about the employee's rights and obligations.

7. Employee Assistance Program (EAP):

EAP provides short-term, solution focused and free assessments for employees or adult members of their households facing personal or work related issues. Employees can contact EAP directly at 1-877-313-4455 or www.hr.wa.gov/EAP. Consultations are confidential and provided at no cost. If additional help is needed, EAP will help locate resources for ongoing assistance.

B. RETIREMENT PLANS:

1. Public Employees' Retirement Systems (Resolutions 254 & 727):

The Port operates under the Washington State Department of Retirement Systems' public employees retirement systems (PERS), and the benefits of these systems are available to all eligible employees of the Port.

The PERS retirement plans cover all permanent full time represented and nonrepresented Port employees who work a minimum of 70 hours per month in any 5 months of a 12-month period.

The Port currently operates under PERS Plan #2, which is for employees hired by any qualified employer on or after 10/1/77 and PERS Plan #3, which is for employees hired by any qualified employer on or after 9/1/2002. For details of the Plans 2 or 3, please see Payroll, Human Resources or visit the Department of Retirement Systems' website, www.drs.wa.gov

2. Deferred Compensation Plan (Resolution 600 & 727):

The Port offers its employees a deferred compensation plan created in accordance with Internal Revenue Code Section 457. The plan is with the State of Washington Committee for Deferred Compensation. The plan, available to all permanent, full time employees, permits them to defer a portion of their salary until future years. The deferred compensation is not available to employees until termination, retirement, death or unforeseeable emergency.

Compensation deferred under the plan and all income attributable to the plan are solely the property of the Employee. Forms can be obtained from Payroll, Human Resources or by visiting the Department of Retirement Systems' website, www.drs.wa.gov

C. TUITION REIMBURSEMENT & TRAINING (Resolution 727):

The Port recognizes that the skills and knowledge of its employees are critical to the success of the organization. The educational assistance program encourages personal development through formal and informal education so that employees can maintain and improve job-related skills.

When the Port requires an employee to take specific training, all fees will be paid by the Port. In addition, the Port will attempt to provide, subject to budgetary constraints, educational assistance to eligible employees who have completed 180 calendar days of service in an eligible classification. To maintain eligibility, employees must remain on the active payroll and be performing their jobs satisfactorily through the completion of each course. Verification of satisfactory completion of course work is required for each course, prior to any reimbursement.

Individual courses or courses that are part of a degree, licensing, or certification program must be related to the employee's current job duties or a foreseeable-future position in the organization in order to be eligible for educational assistance. The Port has the sole discretion to determine whether a course relates to an employee's current job duties or those in a reasonable and expectable career path. Employees should contact the Human Resources Department for more information or to resolve questions about educational assistance. Application for and approval of all courses under this policy must be made prior to beginning the course work.

While educational assistance is expected to enhance employees' performance and professional abilities, the Port cannot guarantee that participation in formal education will entitle the employee to advancement, a different job assignment, or pay increases.

The Port invests in educational assistance to employees with the expectation that the investment will be returned through enhanced job performance. However, if an employee voluntarily separates from the Port's employment within one year of the last educational assistance payment, the employee may be required to repay up to 50 percent of any educational assistance payment made during that year.

D. EMPLOYEE RECOGNITION (Resolution 727):

The Port of Port Angeles strives to create a harmonious and productive work environment for its employees. Therefore, the purpose of this policy is to establish guidelines under which Port of Port Angeles funds can be utilized for the purpose of employee recognition in accordance with RCW 41.60.150 and IRS publication 525.

Definition: Employee recognition means any award, token of appreciation, prize, meal, entertainment or event that is intended specifically to promote good will, foster a sense of pride in affiliation with the Port, promote safety, productivity, reliability, efficiency, dedication, commitment to the community and/or cost savings for the Port among Port employees.

Policy:

- A. The Port of Port Angeles or its individual departments may, subject to budgetary authority, expend funds for the purpose of employee recognition.
- B. The expenditure of funds for a token of appreciation, prize, plaque award or similar item is limited to no more than \$125 total per item per employee.

- C. Refreshments such as coffee, tea, candy, snacks and soft drinks that are provided to Port customers and associates will also be made available to Port employees to encourage a harmonious work environment.
- D. To promote goodwill, Flowers may be purchased and sent to Port employees only who have suffered a hardship such as a death in the family, illness, injury or surgery.
- E. The expenditure of funds for recognition of dedication and longevity of employment and/or retirement shall be limited to the amount stated above (\$125) per item per employee. This limit does not include sales tax, shipping and handling and engraving charges.
- F. In no event shall the total of all awards/gifts received by an employee exceed the non-taxable limit as set by the Internal Revenue Service.
- G. The expenditure of funds for meals related to an employee recognition event must be authorized by a manager, director, HR Manager or the Executive Director and the cost of the individual employee meals may not exceed 200% of the appropriate GSA established meal per diem.
- H. The Executive Director must approve the expenditure of funds for facilities, entertainment or similar costs for the purpose of employee recognition.
- I. Employee recognition events and award programs are subject to the following requirements:
 - a. The award program must, within reason and consistent with the purposes of this policy, be designed to include as many employees as possible.
 - b. All regular full-time and regular part-time employees are eligible to receive a service award upon completion of 1, 5, 10, 15, 20, 25, and 30 years of service. Human Resources is responsible for identifying when employees should be honored, notifying the employees and ordering the awards.
 - c. Recognition awards may not be given in the form of cash or cash equivalents such as gift certificates or gift cards.

E. MEMBERSHIP & DUES (Resolutions 727 & 05-923):

Economic and business development is a fundamental Port goal. Participation in local business associations, public service organizations and trade specific groups places Port employees in direct frequent contact with other community and business leaders, thus providing an opportunity to promote the Port while increasing its visibility.

Requests for membership and dues payments for organizations in which the Port maintains membership or an employee's membership is deemed beneficial to the Port should be submitted as part of the Port's Annual Budget process. Port payment will be subject to available funds.

In accordance with the current Port resolution authorizing reimbursement for membership expenses incurred in participation in the following types organizations, employees shall submit appropriate documentation for expenses incurred for dues/memberships and meals:

- Economic Development Council(s)
- Chamber(s) of Commerce
- Civic service organizations such as:
 - Rotary
 - Soroptimist
 - Exchange Club
 - Kiwanis
 - Lions
 - United Way
- Business organizations, such as:
 - Port Angeles Business Association

- Port Angeles Downtown Association
- Trade Organizations, such as:
 - Northwest Marine Trade Association
 - Northwest Marine Terminal Association
 - Government Finance Officers Association
 - Washington Public Ports Association

This list is not inclusive and may be modified by the Executive Director with notification to the Commission.

F. LEAVE PROGRAMS (Resolution 727):

It is the policy of the Port that leave benefits be made available to eligible employees without jeopardizing the status of the employee or the normal work flow of the Port. Unless otherwise specified, benefits continue to accrue during any paid leave, and do not accrue while on unpaid leave status.

1. Administrative Leave:

The Executive Director may award up to 5 days per year of paid Administrative Leave to employees who have exceeded the normal expectations or work hours of their job. Administrative Leave should be awarded to employees in a timely fashion versus the end of the calendar year since this leave must be used within the calendar year in which it is awarded and cannot be cashed out.

2. Bereavement Leave:

Employees who wish to take time off due to the death of an immediate family member should notify their supervisor immediately. Paid time off will be granted to allow the employee to attend the funeral and make any necessary arrangements associated with the death.

Approval of bereavement leave will occur in the absence of unusual operating requirements. Employees may, with their supervisor's approval, use any other available paid leave for additional time off as necessary.

The Port defines "immediate family" as the employee's spouse, grandparent, parent, child, sibling; the employee's spouse's parent, child, or sibling. Up to five (5) days off is allowed for the death of an immediate family member.

Death among close friends - the time allowed is the actual time needed to attend the funeral. The use of other available paid leave is allowable.

If possible, advance notification to the employee's supervisor or to the Human Resources Department is encouraged.

3. Family Medical/Care Leave:

Eligible employees are permitted to take any earned leave in the following circumstances:

- For the birth and care of a son or daughter;
- For the placement of a son or daughter with the employee for adoption or foster care;
- To care for the employee's spouse, child, parent, parent-in-law or grandparent with a serious health condition; or
- Because the serious health condition of the employee prevents the employee from being able to perform his or her job.

To be eligible for the leave, employees must have been employed with the Port for at least the last 12 months for no less than 1,250 hours. In most cases, employees must provide at least 30 days' notice of the intent to take the leave.

Employees taking family medical leave may choose to use any accrued sick or vacation time during the leave period. Once any accrued leave is used, the remaining portion of Family Medical Leave will be unpaid.

Employees taking leave will receive the same group health benefits that they would be entitled to if they had been employed continuously during the leave period. Employees taking leave will not accrue vacation or sick leave during the unpaid leave period.

Upon return from Family Medical Leave, the employee will be returned to the same position or to an equivalent position, unless returning the employee to such position would grant the employee greater rights than he or she would have had if he or she had been continuously employed during the leave period.

Any employee planning on taking Family Medical Leave should contact the Human Resources Department as soon as possible in order to make the necessary arrangements and complete the necessary paperwork. All employees requesting Family Medical Leave will be required to complete an application for leave that includes a medical certification. Medical certification may also be required at the conclusion of the leave and before return to work.

4. Washington Family Care Leave Act:

The Washington Family Care Leave Act allows benefit-eligible employees who have unused accrued leave to take such leave subject to the following conditions.

If the reason for the leave is the serious health condition of a spouse, registered domestic partner, parent, parent-in-law, or grandparent, or child's illness, the Port may require the employee to utilize and be subject to conditions of Family Medical Leave concurrently with Washington Family Care Leave.

- Reasons for Washington Family Care Leave: An employee may use paid sick leave or other accrued leave to care for the following:
 - A child of the employee that needs treatment or supervision
 - A spouse, registered domestic partner, parent, parent-in-law, or grandparent with a serious health condition or emergency condition

5. Pregnancy Disability Leave:

It is the policy of the Port to grant paid or unpaid, leave of absence for pregnancy disability under the provisions of Washington Family Leave Act, RCW Chapter 49. Such leave of absence shall be for sickness or temporary disability because of pregnancy or childbirth.

- Notice Required: An employee planning to take pregnancy disability leave shall provide the Port with written notice at least 30 days in advance of the anticipated disability, stating the dates during which the employee intends to take leave. The employee shall adhere to the dates stated in the notice unless:
 - Birth is premature
 - Employee is incapacitated due to birth or complications related to the pregnancy; or
 - Employer and employee agree to alter the dates of leave stated in the notice. In cases of premature birth or pregnancy disability, the employee must give notice of the revised dates as soon as possible, but at least within one (1) working day of the disability or birth.

If the leave is foreseeable, the employee shall make a reasonable effort to schedule the leave so as not to unduly disrupt the operation of the department.

If the leave is not foreseeable 30 or more days before the leave is to take place, the employee shall notify the Port of the expected leave as soon as possible.

- **Medical Certification:** For leaves taken because of pregnancy disability, the employee must submit a completed "Medical Certification Form" and return the certification to the Port HR Manager. Medical certification must be provided by the employee within 15 days after the request, or as soon as reasonably possible. All documents related to the employee's medical condition will be held in strict confidence and maintained in the employee's medical file.
- **Second Opinions:** The Port may require, at the Port's expense, that the employee obtain the opinion of a second health care provider selected by the Port concerning the information required under this section. If the health care providers disagree on any factor, which is determinative of the employee's eligibility for leave, the two health care providers shall select a third health care provider, whose opinion, obtained at the Port's expense, shall be conclusive.

In the event of any dispute regarding premature birth, incapacitation of the mother, or maternity disability, the Port may require confirmation by a health care provider of the date of the birth, and the date on which incapacity because of childbirth or disability because of pregnancy commenced or will probably commence, and its probable duration.

- **Use of Accrued Sick and Vacation Leave:** An employee may choose to use accrued sick and vacation leave, and any accrued compensatory time for any part of a Pregnancy Disability Leave prior to being placed on leave without pay.
- **Concurrent Leave:** Pregnancy Disability Leave shall run concurrent with leaves of absence granted under FMLA.
- **Effects on Benefits:** An employee granted leave of absence under this policy shall be subject to the same benefit eligibility as any other employee placed on leave with or without pay status.

6. Military Family Leave:

Eligible employees are allowed up to 15 days unpaid leave if their spouse is called to active military duty or when their military spouse is on leave from military duty. Eligible employees are those who work an average of 20 hours or more per week. The time off must be granted if the military duty is during a period of military conflict.

Employees must provide the employer with notice of his or her intention to take leave. This notice must be provided within five business days of receiving official notice of an impending call or order to active duty or of a leave from deployment, of the employee's intention to take leave.

Employees who take military family leave are entitled to be restored to their positions as provided under the Washington Family leave. Employees are also entitled to have benefits continued during leave as under the Washington Family leave. Employees may elect to substitute any accrued paid leave.

7. Domestic Violence Leave:

Effective April 1, 2008, the State of Washington legislature passed a new law that allows victims of domestic violence, sexual assault or stalking to take reasonable or intermittent leave from work. The leave is allowed for the employee to take care of legal and law enforcement needs, get medical treatment, social services assistance or mental health counseling.

Family members of victims may also take reasonable leave to help a victim get treatment or help.

Domestic violence leave can be with or without pay. The employee has the right to choose to use sick leave or other accrued paid time off. The employee may also elect unpaid leave.

Advanced notice of the need to take domestic violence leave is encouraged and appreciated. The Port may require verification from the employee requesting leave. The employee may provide verification in one of the following forms:

- A police report indicating the employee or the employee's family member was a victim.
- A court order providing protection of the victim.
- Documentation from a healthcare provider, advocate, clergy or attorney.

An employee's written statement that the employee or employee's family member is a victim and needs assistance. The family relationship may be verified by birth certificate or court record

8. Port Holiday Policy

The Port recognizes the holidays listed below:

- New Year's Day (January 1)
- President's Day
- Memorial Day (last Monday in May)
- Independence Day (July 4th)
- Labor Day (first Monday in September)
- Veteran's Day (November 11th)
- Thanksgiving (fourth Thursday in November)
- Day after Thanksgiving
- Christmas Eve (December 24th)
- Christmas Day (December 25th)

**Floating Holidays – 3 days/year, at employee's discretion.

Holiday Observance:

Whenever a recognized holiday falls on a Sunday, the succeeding Monday shall be observed as the holiday; and whenever a holiday falls on a Saturday, the preceding Friday shall be observed as the holiday.

Holiday Paid Time Off:

The Port will grant paid holiday time off to introductory full time and regular full time employees. Paid time off on the recognized holiday or the day the holiday is observed will be calculated based on the employee's regular pay rate, times the number of hours they would have worked for the day. Paid time off for holidays will not be counted as hours worked for the purpose of determining overtime. If a recognized holiday falls during a full time employee's paid absence (such as vacation or sick leave), holiday paid time off will be provided instead of the paid time off benefit that would otherwise have applied.

Floating Holidays:

Only introductory full time and regular full time employees are eligible to receive 3 floating holidays per calendar year. Floating holidays must be taken within the current calendar year. Cash out of floating holidays are not permitted.

Prorated floating holidays will be granted to eligible employees upon their hire date or their hire date into an eligible employment classification. Three floating holidays (8 hours x 3 days = 24 hours) will be divided by twelve months and the eligible employee will be granted the appropriate amount of floating holiday hours per their hire month. For example, if an employee started on June 14th of the calendar year they would be granted 12 hours or 1.5 days of floating holiday.

Part time employees are not eligible to receive floating holidays.

Working on a Holiday:

Introductory full time, regular full time, regular part time and part time/on-call employees are eligible to receive holiday pay for working on a holiday.

Full time Employees: If a non-exempt full time employee works on a recognized holiday or the day the holiday is observed, they shall be paid holiday pay at 2.5 times their regular pay rate since they are eligible to receive holiday paid time off and eligible for holiday pay at 1.5 times their regular pay rate.

Example: Full time employee Sally works on a holiday. She will receive the following pay for working on the holiday.

- Sally will be compensated 8 hours of her regular pay rate at \$15.00 per hour or \$120 total for the day since she is eligible to receive holiday paid time off.
- Since Sally has been asked to work on the holiday, she will also earn 1.5 times her regular pay rate of \$15 per hour or \$22.50 per hour for working 8 hours on the holiday for a total of \$180.
- Sally's total compensation for working on the holiday will be 2.5 times her regular pay rate or \$300 total for an 8 hour day.

Holiday pay will not be counted as hours worked for the purpose of determining overtime.

Part Time Employees: If a regular part time employee or part time/on-call employee works on a recognized holiday, they shall be paid holiday pay at 1.5 times their regular pay rate.

Example: Part time/on-call employee Sam is scheduled to work on December 25th. Sam's regular pay rate is \$13.00 per hour or \$104 for an 8 hour day. Sam will be compensated 1.5 times his regular pay rate or \$19.50 per hour for hours worked on Christmas. If Sam works 8 hours on Christmas, he will be paid \$156 total for the day.

Regular part time and part time/on-call employees will be paid holiday pay for working the recognized holiday, not the day the holiday is observed (i.e. if Christmas falls on a Sunday and is observed on a Monday, part time/on-call employees will receive holiday pay for working on Sunday versus Monday).

Holiday pay will not be counted as hours worked for the purpose of determining overtime.

9. Personal Leave of Absence:

Written requests for unpaid personal leaves of absence will be considered by the Port, when submitted to Human Resources in a timely fashion by eligible employees. Possible reasons for such requests might include

job-related educational opportunities or extenuating personal circumstances not covered by other leave policies or practices.

Consideration will be given in terms of the following priorities:

- The needs of the Port;
- The nature of the request;
- The employee's position; and
- The employee's record, including length of employment.

The Port may require the use of available vacation balances as a condition of allowing Personal Leave of Absence. Remaining leave balances, accruals, and seniority would be frozen for the term of the unpaid leave. Other benefits would cease unless paid by the employee. Requests to retain these benefits must be made in writing to the Human Resources Department. Personal leave of absence is not intended to be used on a day to day basis. The Port has a liberal leave policy in place for day to day absences.

No guarantees of return to the same or equivalent position will be made by the Port for employees seeking more than 30 days of such leave and each such case must be considered on an individual basis.

10. Sick Leave:

The Port provides paid sick leave benefits to all eligible employees for a period of temporary absence due to illnesses or injuries for themselves or an immediate family member. The Port defines "immediate family" as the employee's spouse, grandparent, parent, child, sibling; the employee's spouse's parent, child, or sibling.

Employees who are unable to report to work due to illness or injury should notify their direct supervisor before the scheduled start of their workday if possible. The direct supervisor must also be contacted on each additional day of absence.

If an employee is absent due to surgery, serious illness or injury, a physician's statement may be required by the employee's supervisor or Human Resources, verifying the disability and its beginning and expected ending dates. Such verification may be requested for other sick leave absences as well, and may be required as a condition to receiving sick leave benefits, and for return to work.

Employees can request use of paid sick leave after completing a waiting period of zero calendar days from the date they become eligible to accrue sick leave benefits. Sick leave benefits will be calculated based on the employee's base rate of pay at the time of absence and will not include any special forms of compensation, such as incentives or shift differentials. Paid sick leave can be used in ½ hour and hour increments for non-exempt staff and in full day (8 hour) and half day (4 hours) for exempt staff.

As an additional condition of eligibility for sick leave benefits, an employee on an extended absence must apply for any other available compensation and benefits, such as workers' compensation. Sick leave benefits will be used to supplement any payments that an employee is eligible to receive from state disability insurance, workers' compensation or any Port-provided disability insurance programs. The combination of any such disability payment and sick leave benefits cannot exceed the employee's normal weekly earnings.

Sick Leave Accrual:

Port employees earn one day of sick leave per month, which is paid at the employee's wage rate per hour at time of use. Sick leave is eligible for use immediately following the month earned, assuming all other conditions are met. There is no limit on sick leave accrual.

Sick Leave Cash-out:

Accumulated sick leave may be cashed out at 75% at retirement or termination unless the employee’s VEBA group rules state otherwise.

Sick Leave Conversion:

- Annual Conversion: Eligible sick leave can be converted at 75% into an employee’s Voluntary Employees’ Beneficiary Association (VEBA) account subject to constraints established in Port of Port Angeles’ Resolution #06-943. Those constraints include:
 - Maximum annual Sick Leave eligible for conversion is 100 hours;
 - Sick leave balance must be a minimum of 175 accrued hours after cash out: and
 - Employee’s VEBA group rules must permit such deposit.
- Retirement or Termination: Eligible sick leave can be converted at 75% into your VEBA account as long as the employee’s group rules permit such a deposit.

Sick Leave Donation:

Employees may donate sick leave to other employees who have exhausted their own sick leave; this donated sick leave is not eligible for cash-out. Donated sick leave is transferred on a dollar basis. Employees may not solicit sick leave donations from other employees

11. Vacation Leave:

The Port makes available to all eligible employees paid vacation benefits, to provide opportunities for rest, relaxation, and personal pursuits. The Port supports and encourages a healthy work-life balance. The use of vacation benefits contributes to a balanced, well-rounded, recharged and productive employee.

Regular full-time and introductory employees are eligible to earn and use vacation time as described in the vacation accrual schedule. The amount of paid vacation time employees receive each year increases with the length of their employment.

Vacation Accrual Schedule:

YEARS OF ELIGIBLE SERVICE	VACATION DAYS* EARNED PER YEAR
0 - 4 Years	10 Days
5 - 9 Years	15 Days
10 - 14 Years	20 Days
15 – 20 Years	25 Days
20+ Years	see below*

*In addition to the above, employees with 20 years or more seniority will be granted one (1) additional vacation day per year of service over 20 years, up to a maximum of 30 days.

For non-represented staff, the Executive Director has the discretion and authority to adjust the vacation accrual schedule by up to two accrued weeks to attract and retain highly qualified employees.

Vacation days earned are calculated as eight-hour days. The length of eligible service is calculated on the basis of a “benefit year”. This is the 12-month period that begins when the employee starts to earn vacation time. An employee’s benefit year may be extended for any significant leave of absence except military leave of absence. Military leave has no effect on this calculation. (See individual leave of absence policies for more information.)

Non-exempt employees may use paid vacation time in minimum increments of one half hour. Exempt employees may use paid vacation in half (4 hours) or full day (8 hours) increments. To take vacation, employees must receive advance approval from their supervisors, using the appropriate form. Requests will be reviewed based on a number of factors, including business needs and staffing requirements.

Vacation days accrue on a monthly basis and are eligible for use immediately following the month earned, assuming all other conditions are met. Accrued vacation leave is paid at the employee's base pay rate at the time of vacation. It does not include over-time or any special forms of compensation such as incentives or shift differentials.

Maximum accrual of vacation time is equal to two times the annual vacation amount. Balances must not exceed this level on the anniversary month of employee's employment. Notification of status of vacation accrual is accomplished by pertinent information on payroll stub each month.

Vacation Leave Cash Outs: There are three types of vacation leave cash outs permitted. The first is at retirement or termination. The second is a restricted annual cash out available to all Port employees if certain conditions are met. The third is an emergency cash out available under other conditions.

Individual employees may participate in only one type of cash out in a given calendar year. More specifically, if an employee is granted an emergency vacation leave cash out during the year, that employee may not participate in the restricted annual cash out program.

- Retirement or Termination: Accumulated vacation leave may ordinarily be cashed out upon retirement or termination.
- Restricted Annual Cash Out: To recognize the outstanding contributions and work ethic of the Port's diligent workforce and the dedication of those employees who have accumulated large balances of accrued vacation time, a practice of allowing annual cash out of a portion of their accrued vacation leave, during the month of December, will be permitted on a limited basis. The following conditions control eligibility for cash out of accrued vacation leave:
 - Maximum number of hours of cash out shall be 50% of the employee's annual accrual of vacation hours (all other leave is excluded from this calculation);
 - Balance of vacation leave, after cash out, must remain above 80 hours;
 - Cash out will be at 100% of eligible hours;
 - Rate of pay per hour shall be the rate being earned at December 1st; and
 - Employees must indicate their intention to cash out vacation leave prior to December 1st of each year. A cash out form will be through Payroll or through the Human Resources office.

The calculation for cash out will be made each year on December 1. This practice is renewable on a year to year basis. It is a privilege that is subject to the Port achieving satisfactory financial and budgetary performance during the year. Thus, it is subject to annual review on or about October 15th.

This practice will be closely monitored by the Executive Director to assure no manipulation of leave processes is used to maximize cash outs for individual employees. For example, it is not acceptable to use sick leave or un-excused absence in lieu of vacation during the year in order to save up vacation accrual for cash out at the end of the year. The Executive Director maintains sole authority to eliminate cash outs under this section.

- Emergency Cash Out: If there should be an extraordinary circumstance (e.g. that which may create a severe financial burden for an employee) wherein emergency vacation leave cash out is requested and

is on the books, the Executive Director, with approval by a majority of the Board of Commissioners, may authorize cash-out of vacation leave without the 50% restriction listed above. The request must be in writing and a balance of leave on the books, after cash out, should not be less than ten (10) days. The fact that a request was approved is subject to disclosure at an open Commissioner's meeting; however, neither the identity of the employee nor the contents of the request shall be disclosed to the public.

12. Civic Duty Leave (Resolution 727):

a. Jury Duty Leave: Employees may request up to two weeks of paid jury duty leave over any two year period. Exceptions to the two week limitation for paid jury duty leave may be made at the discretion of the Executive Director. Introductory employees are encouraged to obtain a deferment of service beyond their introductory period if possible. If employees are required to serve jury duty beyond the period of paid jury duty leave, they may use any available paid time off or may request an unpaid jury duty leave of absence.

Jury duty pay will be calculated on the employee's base pay rate times the number of hours the employee would otherwise have worked on the day of absence. Daily pay received from the court must be reimbursed to the Port. Any payment for expenses (e.g., mileage, meals, etc.) may be retained by the employee.

Employees must show and provide a copy of the jury duty summons to the Human Resources Department as soon as possible so that the Port may make arrangements to accommodate their absence. Employees are expected to report for work whenever the court schedule permits.

Either the Port or the employee may request an excuse from jury duty if, in the Port's judgment, the employee's absence would create serious operational difficulties. The Port will continue to provide health insurance benefits for the full term of the jury duty absence. Vacation, sick leave, and holiday benefits will continue to accrue during unpaid jury duty leave.

b. Military Leave: A military leave of absence will be granted to employees to attend scheduled drills or training, or going on active duty after receiving notice from the employee. The Port may require satisfactory military pay verification data. Benefits will continue to accrue while the employee is in a paid leave status. The Port will pay the portion of any military leaves of absence required by law.

No benefits accrue beyond the legally mandated period of paid military leave; the employee may use any available paid leave for military service, but is not required to do so. If the employee chooses to utilize paid accrued leave, the leave after that period is considered to be unpaid leave, with no additional accrual of vacation, sick leave or holiday leave.

Employees who were honorably discharged, or on temporary duty are eligible for reinstatement under the following schedule:

Employees who serve for 30 days or less are required to return to work at their next scheduled shift following eight hours after returning home. Those serving for 31 to 180 days must reapply within 14 days of returning home, those serving from 180 days to 5 years have 90 days in which to reapply. It is expected that employees returning beyond the 31 days of service threshold will be returned to work within several days to a week from applying for such reinstatement.

Employees returning from military service will be reemployed in the job they would have attained had they not been absent for military service and with the same seniority and pay, as well as all other rights and benefits determined by seniority. Reasonable efforts will be made to enable employees to refresh or upgrade their

skills to qualify for reemployment. If refresher training is not available, they will be reinstated in a position that most nearly approximates that position.

Returning employees retain full seniority, and any additional seniority and seniority-based benefits they would have attained if continuously employed. In addition, returning employees retain non-seniority based benefits established by contract, practice, policy, or agreement on the same basis as other employees.

The Port will offer employees on military leave and their dependents the opportunity to continue group health coverage for up to 18 months of service, as required by law. Upon re-employment, no break in service, waiting period or exclusion of coverage for pre-existing conditions will apply to returning employees or their dependents.

In regard to retirement plans, no break in employment is considered to have occurred, no forfeiture of benefits accrued is allowed, and no requalification necessary because of absence for military service. The Port will make any contributions to the retirement plan on behalf of returning employees that the Port would have made if the service member had not been absent. For contributory plans, returning employees have up to three times the period of service up to five years to make up missed contributions. The Port will make matching contributions, not including interest, to the extent that the re-employed service member makes the required employee contribution to the plan.

The Port reserves the right to deny reinstatement if undue hardship would be created for the Port, or if the position left was temporary and would have ended, or if conditions have changed so as to make reinstatement impossible.

c. Witness Duty Leave: If employees have been subpoenaed or otherwise requested to testify as witnesses by the Port, or where they are acting on behalf of the Port, they will receive paid time off for the entire period of witness duty.

If subpoenaed by a third party and/or the employee is not a party to the action, employees may be granted a maximum of eight hours of paid time off to appear in court. Employees will be paid at their base rate and are free to use any remaining paid leave benefits (such as vacation leave) to receive compensation for any period of witness duty absence that would otherwise be unpaid.

The subpoena should be shown to and a copy provided to the Human Resources Department immediately after it is received so that operating requirements can be adjusted, where necessary, to accommodate the employee's absence. The employee is expected to report for work whenever the court schedule permits.

SECTION VII. Conduct & Work Rules

A. ETHICS (Resolution 727):

It is the policy of the Port of Port Angeles that no officer or employee of Port shall have any interest, financial or otherwise, direct or indirect; engage in any business transaction or professional activity; or incur any obligation of any nature which is in substantial conflict with the proper discharge of his or her duties in the public interest.

To implement this policy and strengthen the faith and confidence of the citizens of the port district, there is enacted a code of ethics setting forth standards of conduct required of Port officers and employees in the performance of their official duties. It is the intent of the Port that this code shall serve not only as a guide for the official conduct of public servants in this State, but also as a basis for discipline of those who violate its provisions.

It is the policy of the Port of Port Angeles that public officers and employees are agents of the people and hold their positions for the benefit of the public. They are bound to uphold the Constitution of the United States and the State Constitution and to perform efficiently and faithfully their duties under the laws of the federal, state, and local governments. Port officers and employees are bound to observe, in their official acts, the highest standards of ethics consistent with this code and the advisory opinions rendered by the State Commission on Ethics with respect hereto regardless of personal considerations, recognizing that promoting the public interest and maintaining the respect of the people in their government must be of foremost concern.

B. EMPLOYEE CONDUCT (Resolution 727):

To ensure orderly operations and provide an efficient work environment, the Port will establish and require employees to follow rules of conduct to protect the interests and safety of all employees and the Port.

While it is not possible to list all the forms of behavior that are considered unacceptable in the workplace, the following are examples of infractions of rules of conduct that may result in disciplinary action, up to and including termination of employment:

1. Theft or inappropriate removal or possession of property.
2. Falsification of timekeeping records.
3. Working under the influence of alcohol or illegal drugs.
4. Possession, distribution, sales, transfer, or use of alcohol or illegal drugs in the workplace, while on duty, or while operating Port-owned vehicles or equipment.
5. Fighting or threatening violence in the workplace.
6. Boisterous or disruptive activity in the workplace.
7. Negligence or improper conduct leading to damage of Port- owned or customer-owned property.
8. Insubordination or other disrespectful conduct.
9. Violation of safety or health rules.
10. Smoking in prohibited areas.
11. Sexual or other unlawful or unwelcome harassment.
12. Possession of dangerous or unauthorized materials, such as explosives or firearms, in the workplace.
13. Excessive absenteeism or any absence without notice.
14. Unauthorized absence from workplace during the workday.
15. Unauthorized use of telephones, mail system, or other Port-owned equipment.
16. Unauthorized disclosure of Port confidential information.

17. Violation of personnel policies and practices.
18. Violation of conflict of interest.
19. Unsatisfactory conduct

Employment with the Port is at the mutual consent of the Port and the employee, and either party may terminate that relationship at any time, with or without cause, and with or without advance notice.

C. CRIMINAL CONVICTIONS:

As part of the Port of Port Angeles's effort to maintain a safe work environment, all employees are required to disclose any felony or misdemeanor conviction or plea of *nolo contendere* (no contest) to their supervisor and HR Manager within five working days of the date of conviction or a plea of *nolo contendere*. Failure to comply with this requirement will constitute grounds for disciplinary action.

D. USE OF PORT NAME:

The use of the Port's name by any employee without specific authorization from the Executive Director must not occur in any way which might be interpreted to imply a connection or endorsement of an article, activity, service, person, or event by the Port.

E. ATTENDANCE & PUNCTUALITY (Resolution 727):

To maintain a safe and productive work environment, the Port expects every Port employee to be reliable and punctual in reporting for scheduled work.

Absenteeism and tardiness place a burden on other employees and on the Port. In the rare instances when employees cannot avoid being late to work or are unable to work as scheduled, they should notify their supervisor as soon as possible in advance of their anticipated tardiness or absence.

Poor attendance and excessive tardiness are disruptive. Either may lead to disciplinary action, up to and including termination of employment.

F. FITNESS FOR DUTY:

When an employee is unable, or there is reason to believe the employee is unable to perform the essential functions of the employee's job for medical/physical reasons, the Port may direct the employee to be examined by a medical professional(s) of the Port's choice. When a physical or mental condition of any kind becomes evident which is impairing the effectiveness of an employee or the employee's ability to perform the essential functions of the job, or which makes continuance on the job a risk to the employee or others, one of the following actions may be taken:

- If the condition is correctable, the Port may allow a reasonable period of time for its correction. Failure of the employee to correct within such period may be grounds for dismissal or other action.
- If the condition cannot be corrected, the Port will attempt to find a reasonable accommodation that will permit the employee to continue to perform the essential functions of the position satisfactorily.
- If the employee refuses to accept a reasonable accommodation, the employee may be terminated.

If, in the opinion of the Port, the condition cannot be corrected within a reasonable amount of time or the employee cannot be reasonably accommodated in the current position, the Port will attempt to place the employee in another position. If the employee refuses such assignment, the employee may be dismissed.

Nothing within this section shall require the Port to obtain a medical opinion prior to taking any personnel action.

G. POLITICAL ACTIVITIES:

Any Port employee may seek political office, accept appointments to government bodies, or take roles in political campaigns. Employees wishing to do so should inform the Executive Director in writing of their political intentions. While the Port does not provide endorsements in political elections, employees are free to express their own preferences in manners which do not imply Port endorsement. Campaigning on Port time is prohibited. The use of Port facilities for campaign purposes is prohibited unless the facilities are generally made available for use by the public and the appropriate fees for such use are paid.

Prohibitions and limitations regarding outside employment will apply. Employees will not write letters of support to or for candidates or issues on Port letterhead. When the Port deems it appropriate to do so, a spokesperson will be designated to speak in support or opposition regarding issues under consideration before public bodies such as congressional committees, the Washington State Legislature, city councils, or commissions.

H. GIFTS & GRATUITIES:

The Port regards the possible perception of conflict of interest in the receipt of gifts or gratuities by employees as being not in the best interest of the Port, and is discouraged.

Port employees may not accept gifts from the Port's customers or suppliers, with the exclusion of promotional gifts of nominal value (\$10 or less and \$25 cumulative annually). Excessive entertainment likewise cannot be accepted by Port employees. Customers and suppliers who may consider gifts and entertainment acceptable business practices should be informed tactfully of the Port's practices in these matters to preclude possible embarrassment upon the rejection of their offers. Questions regarding the receipt or offering of gifts or entertainment by customers, suppliers, or interested parties to Port activities should be reported to the Human Resources Department of the Port. Likewise, any such activities beyond the nominal limits described above should be immediately reported to the Human Resources Department.

I. PROMOTIONAL HOSTING & TRADE MISSIONS (Resolution 14-1084):

In such circumstances as trade missions and promotional hosting activities, where the receipt or exchange of gifts is customary, and where the failure to participate would be perceived as detrimental to the Port's business interests, the employee may participate at a reasonable level. Any gifts other than meals and entertainment should be reported to the Human Resources Department. Those items may become the property of the Port. Employees who anticipate such situations occurring should review applicable guidelines with the Human Resources Department.

1. Promotional Hosting Expenses:

All promotional hosting reimbursement will be made in accordance with the current Board adopted Promotional Hosting Resolution. Promotional hosting expenditures up to \$250 must be approved by the Executive Director. Expenditures exceeding \$250 up to \$1,000 must have the prior approval of the Executive Director. Promotional hosting expenditures over \$2,500 must have the prior approval of the Commission.ⁱ

J. DONATIONS:

To consider the acceptance of any monetary and non-monetary donations, devises, or bequests from private citizens, business groups or other organization, the Port abides by the following procedures:

Procedures:

1. All proposals for gifts shall be directed to the Executive Director or his/her designee.
2. Offers should be made in writing. (Donation Acceptance Form)
3. The Executive Director may decline to accept a donation if such donation is not consistent with the policies, plans and/or goals of the Port of Port Angeles or if acceptance of same is contrary to law.
4. Monetary donations for a specific purpose may be made. However, design standards and location must be as established by the Port.
5. Non-monetary donations shall be reviewed by the Executive Director who shall then make recommendations to the Port Commission.
6. The Port retains the right to use these donated items as it deems appropriate or to relocate the item if redevelopment or the area warrants this action.

Ownership: Any donations to the Port of Port Angeles become property of the Port of Port Angeles.

K. SOLICITATION (Resolution 727):

To assure a productive, efficient and harmonious work environment, solicitation and the distribution of goods or materials by employees or others in the workplace during work time will be prohibited. Any solicitation and distribution will be limited to appropriate items during non-working periods, and only if the normal flow of business is not disrupted.

The Port recognizes that Port employees may have interests in events and organizations outside the workplace. However, employees may not solicit or distribute literature concerning these activities during work time. Work time does not include lunch periods, work breaks, or any other periods in which the employee is not on duty.

In addition, the posting of written solicitations on Port bulletin boards requires approval of the Human Resources Department.

L. PERSONAL APPEARANCE (Resolution 727):

The Port will require that all employees present a professional business image to customers and visitors by maintaining proper and appropriate standards of dress, grooming, and personal cleanliness.

During business hours, and at any time while representing the Port, employees are expected to present a clean and neat appearance, and to dress according to the requirements of their positions.

If you have questions as to what constitutes appropriate attire, consult your supervisor or department head.

M. SMOKING (Resolution 727):

Smoking is prohibited in Port facilities and buildings as well as other public work locations. Smoking is permitted only in outdoor areas at least 25 feet from any entrance or air vent.

This policy extends to all work areas, including public areas, lobbies, restrooms, stairways, elevators, employee lounges, and hallways. Smoking in Port vehicles and equipment is also prohibited. Smoking areas consistent with the intent of this policy may be designated by Port management.

Failure to comply with this policy is grounds for disciplinary action.

N. OUTSIDE EMPLOYMENT:

Employees may hold outside jobs as long as they meet the performance standards of their jobs with the Port. Outside employment that constitutes a conflict of interest is prohibited.

All employees will be judged by the same performance standards and will be subject to the Port's scheduling demands, regardless of any outside work requirements. If the Port determines that an employee's outside work interferes with the performance of their work at the Port, or with the employee's ability to meet the requirements of the Port as they are modified from time to time, the employee may be asked to terminate the outside employment if he or she wishes to remain with the Port.

Employees may not receive any income or material gain from individuals outside the Port for materials produced or services rendered while performing their Port jobs. Employees have the responsibility to disclose immediately and in writing any outside employment to the Human Resources Department, and to keep the Human Resources Department informed of any changes in that work status.

O. WORKPLACE HARASSMENT (Resolution 727):

Every Port of Port Angeles employee has the right to work in an environment free from harassment. Harassment of any employee on the basis of his or her race, religion, color, national origin, age, sex, sexual orientation, marital status, genetic information or the presence of any physical, mental, or sensory disability is a serious violation of Port policy, may be unlawful in some cases, and will not be tolerated.

Definitions:

Harassment: Harassment can take many forms and can include slurs, comments, jokes, innuendos, unwelcome compliments, pictures, cartoons, pranks or other verbal or physical conduct that is based on a protected status and which:

- Has the purpose or effect of creating an intimidating, hostile, or offensive working environment;
- Has the purpose or effect of unreasonably interfering with an individual's work performance; or
- Otherwise unreasonably affects an individual's employment opportunities.

Sexual Harassment: Sexual harassment is a type of harassment and occurs when the types of verbal and physical conduct described above is sexual in nature or is gender-based, i.e., directed at a person because of their gender. Sexual harassment exists in the workplace when:

- Submission to the conduct is either explicitly or implicitly a term or condition of employment;
- Submission to or rejection of the conduct is used as the basis of an employment decision affecting such individual; or
- The conduct unreasonably interferes with the individual's job performance or creates a work environment that is intimidating, hostile, or offensive.

Sexual harassment includes: unwelcome verbal behavior such as comments, suggestions, jokes or derogatory remarks based on sex; physical behavior such as pats, squeezes, repeatedly brushing against someone's body, or impeding or blocking normal work or movement; visual harassment such as posting of sexually suggestive or derogatory pictures, cartoons or drawings, even at one's work station; unwanted sexual advances, pressure for sexual favors and/or basing employment decisions (such as an employee's performance evaluations, work assignments, or advancement) upon the

employee's acquiescence to sexually harassing behavior in the workplace.

1. Complaint Procedure:

If an employee feels that s/he or other employees have been subjected to harassment of any kind, s/he is encouraged to immediately identify the offensive behavior to the harasser and request that it stop. If the employee is uncomfortable in addressing the matter directly with the harasser, or if the behavior does not stop, then the employee should discuss the matter immediately with the Human Resources Manager or his/her Director. Supervisors and managers who receive a harassment complaint are to contact the Human Resources Manager immediately.

All complaints will be investigated promptly, impartially, and discreetly. Upon completion of the investigation, the appropriate parties will be notified of the findings. Any supervisor, agent, or other employee who has been found to have harassed an employee will be subject to appropriate disciplinary action, ranging from a disciplinary warning to termination. No employee will suffer retaliation for reporting instances of harassment.

We trust that employees of Port of Port Angeles will act responsibly to maintain a pleasant working environment, free of harassment, allowing each employee to perform to his or her maximum potential. The Port encourages any employee to bring questions he or she may have regarding harassment of this type to the Human Resources Manager.

P. PREVENTION OF WORKPLACE VIOLENCE:

The purpose of this policy is to provide management and employees with guidance should they encounter a situation they believe may result in violence, and to provide information and training to management and employees to help minimize the risk of injury or harm that may result from violence in the workplace.

Definition: Workplace violence is any verbal or physical action that is communicated or perceived as a threat, harassment, abuse, intimidation or personal contact that produces fear, causes bodily harm or damages property. It may involve employees, family, strangers or customers. Because of the risk of misunderstanding it may also include joking about violence.

The Port of Port Angeles will not tolerate any acts of violence to persons or property, or harassment of any employee or member of the public while in Port offices, facilities, vehicles or work sites. As soon as made aware of possible issues of violence in the workplace, Port management will act promptly and appropriately to minimize the risk to employees, customers and property. The Port recognizes that many incidents of violence represent a personal crisis that an individual is unable or unwilling to solve alone. The Port shall provide the affected employee with resources as assistance to help resolve the issues to prevent escalation and enable continued productive employment. See Section VI. A. 7 for information on the Employee Assistance Program (EAP).

All employees are responsible for their personal conduct and behavior and will not participate in any acts of violence, inappropriate behavior such as fighting or assaulting a co-worker or customer, using profanity or other abusive language, or using threatening or intimidating behavior. Employees engaging in any form of harassment or prohibited behavior will be subject to discipline up to and including termination.

Weapons are not permitted in the workplace, including knives in excess of a 2 ½ inch blade, dangerous or flammable chemicals or liquids, or other object intended to injure or harm. This excludes normal work tools. Possessing firearms or other weapons on Port property (unless required as a condition of employment) is prohibited; however, one exception is allowed. This one exception is if an employee has a personal and lawful weapon, such as a hunting rifle or hunting bow, which is locked and out of sight at all times inside their vehicle

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while on Port property. This weapon may not be removed from the locked vehicle for any reason while on Port property.

1. Reporting:

All employees should promptly report to management any threatening or dangerous conduct occurring within the workplace. The manager will report the incident to Human Resources and the appropriate department head. This includes notifying management of a court-issued restraining order filed on behalf of an employee that prohibits the subject of the order from contacting the employee at work. Port management is responsible for developing crisis procedures and responding to potential or violent situations, depending on the nature of the incident. They shall conduct interviews and investigations, prepare documentation and notify appropriate assistance agencies.

If an employee is victim or witness to any acts of violence by another employee or member of the public, or if they fear they may become involved in an act of violence, they shall immediately report the event to their supervisor and Human Resources (and if criminal to the Police Department). In the event the incident involves the employee's supervisor, the report of the incident should be to the next level of management.

As soon as possible after a verbal report, the employee should make a written report (file a complaint) and turn it in to their supervisor promptly (with copy to Human Resources). This complaint shall explain the nature of the issue and description of the facts, names of involved, any witnesses, and include dates, times, location.

Q. CONFIDENTIALITY & RELEASE OF INFORMATION:

Information obtained or generated by the Port of Port Angeles and its employees, in the course of emergency response or investigation, is confidential and the property of the Port of Port Angeles, except information available under the Public Records laws of Washington. Confidential information is not to be released to any person, except with approval from the Executive Director of the Port of Port Angeles, in accordance with these policies and procedures, or pursuant to a valid court order.

As a term or condition of employment, employees are required to agree that they will not disclose, directly or indirectly, during and after separation from the Port of Port Angeles, any information that is considered by the Port of Port Angeles to be confidential. Confidential information includes, but is not limited to the following definitions:

- Patient and employee medical information.
- Juvenile information.
- Any information concerning the Port of Port Angeles' budgets, payroll, revenues or expenses, and business or marketing plans or strategies that is not lawfully available to the public. Information that is not considered confidential includes information lawfully and properly available through the Public Records laws of Washington. Any information about a public member that is not lawfully available to the public. Any information in any form or media that is considered a trade secret under applicable federal and state laws. The code, contents or architecture of any software or hardware created by the Port of Port Angeles

SECTION VIII. Problem Resolution & Discipline

A. PROBLEM RESOLUTION (Resolution 727):

The Port will commit to providing the best possible working conditions for its employees. The Port will establish a procedure whereby Port management and supervisors will provide fair and timely responses to any problems, complaints, suggestions or questions.

The Port encourages an open and frank working atmosphere, and strives to ensure fair and honest treatment of all employees. Supervisors, managers, and employees are expected to treat each other with mutual respect. Employees are encouraged to offer positive and constructive criticism.

If employees disagree with established rules of conduct, policies, or practices, they can express their concern through the problem resolution procedure. No employee will be penalized, formally or informally, for voicing a complaint with the Port in a reasonable, professional manner, or for using the problem resolution procedure.

1. Problem Reporting Procedures:

If a situation occurs when employees believe that a condition of employment or a decision affecting them is unjust or inequitable, they are encouraged to make use of the following steps. The employee may discontinue the procedure at any step.

- a) The employee presents the problem to his/her immediate supervisor within 30 calendar days after incident occurs. If the supervisor is unavailable or the person believes it would be inappropriate to contact that person, the employee may present the problem to the Human Resources Department.
- b) The supervisor responds to the problem during discussion or within 30 calendar days, after consulting with appropriate management, when necessary. Supervisor documents discussion.
- c) The employee presents problem to the Human Resources Department within 10 calendar days, if problem is unresolved.
- d) The Human Resources Department counsels and advises the employee, assists him/her in putting the problem in writing, visits with the employee's manager(s), if necessary, and directs the employee to the Port's Executive Director for review of the problem.
- e) The employee presents the problem to the Executive Director in writing.
- f) The Executive Director reviews and considers the problem, informs the employee of a decision within 30 calendar days, and forwards a copy of the decision and the employee's response to the Human Resources Department for the employee's file. The Executive Director of the Port has the full authority to make any adjustment deemed appropriate to resolve the problem.
- g) Copies of documentation for all stages of the above procedures should be conveyed immediately to the Human Resources Department, where they will be retained.

2. Anonymous Reporting:

Port Employees can also report workplace problems and unethical actions/behaviors anonymously and confidentially through Red Flag Reporting. Red Flag Reporting can be contacted 24 hours a day, 7 days a week, 365 days a year. Their toll free number is 1-877-64-RedFlag (3335). The Port's client code is 3684578527. Employees can also contact Red Flag Reporting via their website, www.redflagreporting.com. Information reported to Red Flag Reporting will confidentially investigated by the Port. Employees are encouraged to use their prudent judgment in utilizing the anonymous reporting hotline versus making an internal report using the reporting procedures detailed above.

While not every problem can be resolved to everyone's total satisfaction, only through understanding and discussion of mutual problems can employees and management develop confidence in each other. This confidence is important to the operation of an efficient and pleasant work environment, and helps to ensure everyone's job security.

B. PROGRESSIVE DISCIPLINE Resolution 727):

The Port will administer equitable and consistent discipline for unsatisfactory conduct in the workplace. A progressive discipline process will be established to ensure that the level of discipline relates to the severity of the action or problem.

The Port's own best interest lies in ensuring fair treatment of all employees and in making certain that disciplinary actions are prompt and impartial. The major purpose of any disciplinary action is to correct the problem, prevent recurrence, and promote the best interests of the Port.

Although employment with the Port is based on mutual consent and both the employee and the Port have the right to terminate employment at will, with or without cause or advance notice, the Port may use progressive discipline at its discretion.

Progressive Discipline may call for any of four steps:

- Verbal warning
- Written warning
- Suspension with or without pay
- Termination of employment

Depending on the severity of the problem and the number of occurrences, there may be circumstances when one or more steps are bypassed.

The Port recognizes that there may be employee problems serious enough to justify either a suspension, or termination of employment, without going through the usual progressive discipline steps.

While it is impossible to list every type of behavior that may be deemed a serious offense, the *Employee Conduct* policy includes examples of problems that may result in immediate suspension or termination of employment. The problems listed are not all necessarily serious offenses, but may be examples of unsatisfactory conduct that will trigger progressive discipline.

By using progressive discipline, we hope that most employee problems can be corrected at an early stage, benefiting both the employee and the Port.

If more than 36 months have passed since the last disciplinary action, the progressive discipline process will normally start over.

1. Documentation:

All four progressive discipline steps require written documentation to be placed in the employee's file immediately. Documentation placed in the employee's file remains a permanent part of their file.

It is required that before any progressive discipline documentation is delivered to an employee and submitted to be placed in the employee's personnel file that the Human Resources Department reviews the documentation for consistency and applicability to Port policies.

SECTION IX. Safety (Resolution 727)

It is the policy of the Port of Port Angeles to provide a safe work environment, as required by law, for all employees.

The Port of Port Angeles' Safety Program requires all employees to perform their assigned work as safely as reasonably possible. The success of this program necessitates cooperation from every employee in each Port department.

The Directors and Managers are responsible for implementing safety policies as they apply to workers in their Departments as well as the general public affected by their work. Each employee is responsible for following the safety policies in the completion of his/her assigned duties, for his/her own personal safety and the safety of his/her fellow employees, the general public, and Port property.

Additionally, every employee shall be evaluated on safety practices and habits applicable to his/her job performance.

A. REPORTING OF ACCIDENTS INVOLVING PORT VEHICLES OR EQUIPMENT:

All accidents to employees or the public involving Port vehicles or equipment, regardless of severity, must be reported on the Port "Accident/Incident Report Form" and delivered to the Human Resources Office within 24 hours. These forms are self-explanatory and available from your supervisor.

The employee's supervisor is responsible for making sure that the accident report is completed, and ensuring that it includes photographs of the scene, if appropriate, and witness statements containing names, addresses and phone numbers, and other relevant information.

The supervisor must make an immediate investigation, as complete as the situation warrants. The supervisor shall be responsible for obtaining damage estimates. The Mechanic Shop will assist in determining damage estimates and coordinating the information to Human Resources.

B. REPORTING ON THE JOB INJURIES & WORKER'S COMPENSATION (Resolution 727):

Employees injured on the job are covered by worker's compensation benefits. This program covers medical expenses and time loss benefits approved by the State.

In the event of an injury, the employee must advise his/her supervisor immediately so that proper medical attention can be obtained and the "Accident/Incident Report Form" is completed the same day of the injury and forwarded to Human Resources.

If the employee misses work because of the injury (called 'time loss'), the employee must provide a 'return to work' note from the doctor prior to returning to work. If the employee misses three (3) or more days of work, the worker's compensation program will pay approximately 60% of the employee's salary for time loss. The employee is permitted to use accrued sick leave time with the time loss benefits equal to his/her regular salary. If the employee misses less than three days of work, s/he shall use accrued sick leave.

When the employee receives the first time loss check, he/she shall meet with HR/Payroll to select one of the following options: a) turning the check into the Port for sick leave credit and to receive a regular paycheck, or

b) keeping the check and receiving only the sick leave portion from the Port. Questions regarding these options should be directed to HR/Payroll.

If the employee returns to work in a light duty capacity, the department will determine whether or not the employee's restrictions can be accommodated for the period of time requested. Until the doctor releases the employee to full duty, the employee is required to submit 'return to work' notes to his/her supervisor after each doctor's visit, who will forward the original to Human Resources.

Employees or supervisors shall direct questions about the worker's compensation process to Human Resources.

C. EMPLOYEE RESPONSIBILITY:

Each employee has a responsibility to assist with the Port's safety program, including but not limited to the following:

- Comply with and keep informed of necessary safety work rules, regulations, and practices.
- Use required safety Personal Protective Equipment (PPE) on equipment and around machinery, such as proper shoes, ear and eye protection, hardhat, respirator, etc.
- Report all injuries and accidents to his/her supervisor as soon as possible, regardless of the severity.
- Report to the supervisor when the employee is taking any prescribed drugs that may affect the employee's ability to safely perform his / her job.
- Report any unsafe conditions or acts, near misses, and other safety concerns immediately to his/her supervisor.
- Wear a seatbelt while operating Port vehicles, as required by law and do not talk on cell phones while driving, except for hands-free devices, approved by the Port.
- Actively participate in Port wide and departmental safety training and programs.

D. SUSPENSION OR REVOCATION OF DRIVERS LICENSE:

An employee whose job duties includes operating a Port vehicle and whose driver's license has been disqualified, suspended or revoked for any reason must immediately notify his/her supervisor. Any employee who fails to provide such notification or operates a Port vehicle without possessing a valid driver's license, will be subject to disciplinary action. Supervisors shall ensure that all employees for whom they are responsible are informed of this policy.

E. EMERGENCY CLOSINGS & INCLEMENT WEATHER (Resolution 727):

The Port will establish procedures for closing facilities during emergencies and extraordinary circumstances. Closing practices will consider the safety and well-being of Port employees. The Executive Director may grant up to eight (8) hours of paid leave during emergencies.

At times, emergencies such as severe weather, fires, power failures, or earthquakes, can disrupt Port operations. In extreme cases, these circumstances may require the closing of a work facility. In the event that such an emergency occurs during non-working hours, an attempt will be made to phone each employee by his or her supervisor.

When operations are officially closed due to emergency conditions, the time off from scheduled work may be unpaid. However, with supervisory approval, employees may use available leave time such as unused vacation benefits. Employees in essential operations may be asked to work on a day when a facility is officially

closed, and may be asked to report to temporary assignments or facilities. In these circumstances, employees who work will receive regular pay.

The Port will make every reasonable effort to re-establish full operations as rapidly as possible.

F. SECURITY INSPECTIONS (Resolution 727):

To maintain a work environment free of illegal drugs, alcohol, firearms, explosives or other improper materials, the unauthorized possession, transfer, sales, or use of such materials on its premises will be prohibited.

The Port requires the cooperation of all employees in the implementation of this policy. Desks, lockers, and other storage devices which may be provided for the convenience of Port employees remain the sole property of the Port. Accordingly, they as well as any articles found within them can be inspected by any agent or representative of the Port at any time, with or without prior notice.

The Port likewise seeks to discourage theft or unauthorized possession of the property of employees, the Port, visitors, and customers. To facilitate enforcement of this effort, the Port or its representatives may also inspect persons entering or leaving Port premises and any packages or other belongings. Any employee who wishes to avoid inspection of any articles or materials should not bring such items onto Port premises.

G. WORKPLACE VISITORS (Resolution 727):

To provide for the safety and security of employees and the facilities of the Port, visitors other than those on Port business are discouraged. Restricting visitors helps maintain safety standards, protects against theft, ensures security of equipment, protects confidential information, safeguards employee welfare, and avoids potential distractions and disturbances. Employees are responsible for the conduct and safety of their visitors.

If an unauthorized individual is observed on the Port premises, employees should immediately notify their supervisor or, if necessary, direct the individual to an appropriate location. If an unauthorized individual is acting in a threatening manner, employees should notify law enforcement immediately.

H. DRUG-FREE WORKPLACE (Resolution 727):

It is the goal of this policy to create and foster a safe, efficient, and productive workplace for all employees. To ensure that an employee is fit to conduct job duties in a safe, healthy, and productive manner, it is Port policy that employees will not report for work, perform service, operate equipment, or enter Port property while under the influence of illegal controlled substances or alcohol. Under the influence is defined as a result of greater than 0.0. Additionally, if an employee is taking a prescription drug that may make him/her drowsy or impair his/her mental functioning, the employee must inform their supervisor immediately. This policy is not intended to prohibit nominal consumption of alcohol by off-duty Port personnel at Port social functions.

Responsibility: This drug/alcohol-free workplace policy is the responsibility of the Port. The Port is responsible for the administration of the policy and shall be liable for any properly chargeable legal obligations and properly chargeable costs arising out of the provisions or application of this policy.

1. Types of Drug Testing:

- A. Pre-Employment Screening: All new hires will be required to submit to a drug/alcohol screening as part of the Pre-employment physical examination. A drug test will be administered at a testing

facility approved by the Port. Tests that show positive will be subject to further lab testing for confirmation and analysis of the substance.

- B. Post-Incident: Post-incident testing is required of any Port employee who is involved in an incident during working hours which results in;
1. Loss of human life.
 2. Medical treatment beyond first-aid for anyone involved in the incident.
 3. One or more motor vehicles incur disabling damage requiring the vehicle to be transported away from the scene by a tow truck or other vehicle.
 4. Issuance to the employee of a major moving vehicle violation, citation or infraction.
 5. Damage to property in an amount reasonably anticipated to exceed One Thousand Dollars (\$1,000).

A Port employee involved in an incident must immediately contact his or her supervisor, and make him or herself available for post-incident testing as soon as possible. Post-incident testing for alcohol shall be administered within two (2) hours if possible, and no later than eight (8) hours after the incident. The employee shall not consume alcohol within eight (8) hours after the incident. Post-incident testing for drugs shall be administered within twenty four (24) hours of the incident. A Port employee who does not comply with post-incident testing will be subject to disciplinary action.

The employee's immediate supervisor and/or the Human Resources Manager are responsible for determining whether the employee is subject to post-incident testing and for coordinating the above tests. If an employee is unable to provide consent due to a medical condition, or if testing is not completed within the required period of time, the supervisor and/or the Human Resources Manager shall document why testing was not completed.

C. Reasonable Cause: If facts, circumstances, physical evidence, physical symptoms, or a pattern of behavior cause a supervisor to reasonably conclude that an employee may have used, or be under the influence, or intoxicated by a drug or controlled substance or alcohol, the supervisor is to contact the Manager or designee to discuss the situation. If it is determined that "reasonable cause" exists that the employee has used or is under the influence of alcohol, drugs, or a controlled substance, the employee will be taken (on Port time) to a facility for testing (see Administration). If the employee requests notification of a Union representative, the supervisor will comply at the first reasonable opportunity. Reasonable cause situations are:

- Physical symptoms or irrational acts consistent with substance use.
- Evidence of illegal substance use, possession, sale, or delivery.
- Physical assault or flagrant violation of safety or operating procedures accompanied by physical symptoms of drug/alcohol influence.

D. Commercial Driver's License (CDL) Random Drug Testing: The Port complies with federal law requiring drug and alcohol testing of employees who hold CDLs. Testing will be done in a manner that assures accuracy, reliability and privacy. In addition to the Port's drug testing policy, employees who hold a CDL will also be drug tested on a random basis.

The CDL random testing program includes randomly selecting drivers for both drug and alcohol testing at the Federal Department of Transportation's (DOT) annualized rate of at least 50% for drug and 10% for alcohol testing. The selection is made by a random computerized selection process, at a rate greater than 50% and 10% to ensure actual testing does not fall below the required DOT minimum. Notification will be made directly to the Port's Human Resources Department. The affected employee will then promptly be sent to a qualified drug testing site for testing.

Any CDL employee who is convicted of driving under the influence or violation of a drug statute must notify the Port within five days of conviction.

2. Confidentiality/Privacy:

The fact that a test has been requested or administered, the results of that test, and communication with the employee regarding substance use and abuse are considered private and confidential. Access to that information is limited to those who have a legitimate need to know including internally, the manager and immediate supervisor. External communications shall be based on a case-by-case determination and may include counselors, medical professionals, and law enforcement personnel.

3. Transportation:

In all circumstances of suspected drug or alcohol use, the Port will provide transportation for the employee. If the employee refuses to accept transportation and attempts to drive, he/she will be advised that appropriate authorities will be notified immediately.

4. Prescription Drugs:

Prescription drugs are exempt from this program unless the employee abuses the prescription levels as stipulated by the doctor. It is required that employees utilizing prescription drugs that may affect their performance notify their supervisor of such use.

5. Treatment:

The Port encourages employees with drug or alcohol problems to come forward and seek help. If an employee with a substance abuse problem comes forward and discusses it with management before it affects their performance or is discovered by the Port

An employee who has undergone a treatment program will be required to sign a Return to Work Agreement prior to resuming duties with the Port. The Agreement will include, but is not limited to:

- a) Release to work statement signed by an approved certified treatment specialist.
- b) Concurrence of the employee's supervisor that the person is capable of returning to work.
- c) A negative test for drugs and alcohol.
- d) An agreement for random testing for a two-year period.

Insofar as the employee is still capable of performing the necessary duties, the employee will return to the same position as prior to the rehabilitation program.

6. Enforcement Requirements:

All supervisors and managers must administer this program within the guidelines established. All employees are expected to comply with the program and cooperate in the administration of the program. Any contractor performing work for the Port shall abide by the general provisions of this policy and ensure that contractor's employees are free of drugs or alcohol while on Port property or working on Port facilities.

7. Discipline:

Violation of this policy shall result in discipline up to and including discharge. Violations requiring discipline could include the following;

- Refusal to submit a sample or tampering with the sample during testing shall result in immediate termination.

- Mandatory participation and satisfactory completion of a rehabilitation program.
- Conviction of on-the-job sale, negotiation for sale, delivery, and/or possession with the intent to deliver illegal drugs and controlled substances shall result in termination.
- Failing a post rehabilitation program drug or alcohol test.
- Supervisors or managers who knowingly disregard the requirements of this policy or abuse the authority to test for reasonable cause shall be subject to disciplinary action which may include termination. The Port will not tolerate the use of this policy to harass or intimidate employees.

8. Notification to Employer:

An employee, regular or contract, who is convicted of a violation of any criminal drug statute which occurred in the workplace, must notify his/her management supervisor no later than five (5) days after conviction. Such conviction shall be evidence of violation of policy and the employee will be subject to discipline.

If said violation occurred while said employee was engaged in work subject to the Federal Drug-Free Workplace Act, management will notify the appropriate Federal agency of said conviction within ten (10) days of said notice.

9. Employee Assistance Program:

The Port provides an Employee Assistance Program wherein an employee may seek referrals or counseling for drug or alcohol dependency. It is the Port's position that if an employee recognized that he/she has a drug or alcohol problem (or both), but cannot take care of it alone, assistance will be provided through the Employee Assistance Program. The Port will not discipline an employee who comes forward seeking voluntary assistance prior to a reasonable cause incident. The Port will assist those employees who voluntarily come forward seeking help. Assistance will be in the form of a confidential referral to the Employee Assistance Program, an explanation of benefits contained in the Port health insurance plan, and a leave of absence, if deemed necessary. Further information on the Port's EAP can be found on page 19 of this handbook.

10. Effect on Advancement:

An employee who has successfully completed a rehabilitation program and has been free of further violations of the drug/alcohol policy for a period of five years will not be negatively affected by such action in consideration of advancement within the Port.

SECTION X. Port Equipment

A. USE OF EQUIPMENT & VEHICLES (Resolution 727):

The Port will make Port vehicles and equipment available for the operations, needs and work of the Port. Employees using Port vehicles and equipment will be required to exercise care and responsibility when using Port equipment. Port vehicles, office equipment, or other equipment, should be used only for Port purposes. Personal use of such items is a basis for disciplinary action. Rental of Port equipment to employees will not be allowed.

When using property, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines. Employees are responsible to notify their supervisor if any equipment, machines, tools, or vehicles appear to be damaged, defective, or in need of repair. Prompt reporting of damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or others.

The improper, careless, negligent, destructive, or unsafe use or operation of equipment or vehicles can result in disciplinary action, up to and including termination of employment.

Employee Owned Equipment: Port employees are encouraged to use Port equipment for Port business whenever possible. In the event that Port equipment is not available for use or the Port doesn't have the proper equipment, employee owned equipment may be utilized with the approval of the Executive Director. Employees seeking to use their personal equipment for Port business must submit their request in writing to the Executive Director. Employees who have been authorized to use their personal cell phone and are receiving a monthly stipend through the Wireless Communication Device Policy will have their personal cell phone covered under this policy.

In the event of an accident or loss while utilizing employee owned equipment on Port business, the following will occur:

- The Executive Director and, as applicable, the employee's immediate supervisor will be notified of the accident or loss within 24 hours.
- The employee's homeowner's/renter's insurance will be viewed as the primary insurance since the insurance follows the equipment. The Port or the Port's insurance policies may provide coverage in the event that the primary insurance policy is not adequate.
- An Accident/Incident Report Form shall be completed by the employee within 48 hours after the accident or loss, or as soon thereafter as is practicable.

Vehicles: Port owned vehicles will be parked or garaged on Port property overnight, between shifts, or when not assigned to specific jobs for transportation of personnel and/or materials. Exception is made for those vehicles assigned to supervisors or employees on call for emergencies or who must make off-hour inspections of facilities or work in progress, or to attend public meetings on behalf of the Port.

All employees driving or riding in Port vehicles or engaged in Port business must adhere to all state and local laws governing the use and operation of a motor vehicle. Safety belts must be worn at all times. The use of alcohol, controlled substances and medication that could impair the driver's ability to operate the vehicle in a safe manner are strictly prohibited. Additionally, distractions such as eating, drinking, use of personal electronic devices, cell phones, reading and answering texts and emails must be avoided at all times.

If an employee who is expected to drive a Port vehicle or operate equipment as a normal job activity loses his/her driver's license, the employee will notify their supervisor immediately and shall not operate any vehicle or equipment. The Port will determine if the employee has an acceptable driving record and what personnel actions, if any, are necessary relative to employment status due to the loss of the driver's license.

Any accident or injury occurring in a Port vehicle shall be reported immediately to the employee's supervisor as well as completing the necessary accident report forms obtained from the employee's supervisor.

***Private Vehicle Usage:** Please review the current Policy & Procedure: Travel and Meals for further information and guidance.

B. USE OF CELL PHONES-Wireless Communications Device Policy (Resolution 14-1089):

The purpose of Wireless Communications Device policy is to provide guidelines regarding wireless communication devices at the Port of Port Angeles. It is recognized that the day-to-day operations of the workforce require voice and data communications and there is often a need to communicate when access to a regular telephone or computer is unavailable. Wireless communication devices are a valuable resource for certain personnel in order to conduct Port business in an effective and timely manner. It is the intention of the Port to strictly curtail and limit the number of Port owned cell phones with internet and/or data capability. This policy shall apply to all Port employees and commissioners.

Note: The Wireless Communications Device Policy can be found in the Port's Operating Policies on the POPA Intranet.

C. INFORMATION TECHNOLOGY USE:

Purpose: The purpose of this policy is to implement guidelines for the use of the Port of Port Angeles' information technology. This policy sets forth telephone, voice mail, computer, and computer-related network resource restrictions. All Port communications, both internal and external, should reflect the Port's commitment to quality service and the highest degree of professionalism.

Definitions:

- **Hardware:** The mechanical devices that comprise a computer system, such as the central processing unit, monitor, keyboard, and mouse, as well as other related equipment like printers and speakers. For purposes of this policy, the definition of "hardware" shall also include the operating system software such as Windows.
- **Information technology:** All desktop and laptop computers, local area networks (LANs), routers, operating systems, data and application software, the internet, e-mail and on-line information services, copy machines (digital imagers), FAX machines, network printers, cabling, wireless antennas, Port owned conduit, fiber, and other networking resources. It includes any information in digital electronic format. It includes all land-line telephones, Port-owned cellular phones, pagers, two-way radio phones, telephone systems, including the connectivity wiring, and the voice mail system. It also includes all two-way radios and radio base stations, and intercom systems.
- **Software:** A computer application other than an operating system that provides specific functionality, such as spreadsheet or word processing programs. Operating system software such as Windows is considered "hardware" under this policy.

Policy: Information technology resources are made available to Port officials, staff and qualified volunteers. These resources are provided in order to improve communications and information exchange within and from without the Port, other local, state and federal officials, professional and business associates, and to provide

information and research resources. Information technology resources are intended for official Port business purposes.

The Directors/Managers reserve the right to review their employee's information technology use to determine whether the use of the resources is appropriate and conforms to this policy. If an employee is not complying with this policy, the Manager/Director has the choice to remove the employee's access to the information services resources or to proceed with other disciplinary action, up to, and including, termination. The Executive Director reserves the right to review the use of information technology resources by Directors/Managers to determine whether their use is appropriate and conforms to this policy.

All software installations must be approved prior to acquisition by the IT Department. This includes programs such as screen savers, computer games, weather services or news updates. This is to avoid system conflicts, anticipate necessary upgrades to hardware, etc.

Employees are responsible to establish and maintain passwords consistent with Port requirements. User accounts and passwords must be unique to each employee and kept confidential.

1. Prohibited and Inappropriate Use:

- a) Information technology resources are intended for the conduct of Port business. Examples of prohibited and inappropriate use include but are not limited to: Seeking to gain or gaining information for criminal purposes. Seeking access to Port passwords belonging to others.
- b) Unauthorized attempts to break ("hack") into any computer or voicemail system whether of the Port or another organization.
- c) Using information technology resources or knowingly allowing another to use the resources to advertise or promote a personal business, for commercial product advertisement, for promotion or distribution of information about non-Port affiliated organizations when such organizations are unrelated to any activity or professional organization that is necessary for or adjunct to the employee's job or professional certification, or for religious purposes.
- d) Using an information technology resource to assist a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition, except as set forth in RCW 42.17.130.
- e) Processing, distributing, transmitting, or displaying inappropriate stored electronic media such as obscene, libelous or defamatory materials. This includes downloading, transmission and possession of pornographic, profane or sexually explicit materials.
- f) Sending messages that constitute criminal activity, including but not limited to threatening or harassing messages.
- g) Sending or posting confidential materials outside of the Port, or posting Port confidential materials inside the Port to non-authorized personnel.
- h) Infringing on third party copyrights or other intellectual property rights, license agreements or other contracts; for example, illegally installing or making available copyrighted software.
- i) Utilizing Port information resources in a manner that potentially reduces the internet bandwidth available for Port business such as streaming media for non-work purposes.
- j) Installing unauthorized software such as games, internet based services or other personal software on Port owned equipment.
- k) Accessing online gambling websites in order to gamble.

2. Permitted Personal Use:

Limited use of information technology is permitted subject to the following limitations:

- a) Such use shall be reasonable, as determined by management, and shall not occur during regularly scheduled employee work hours but is permitted before and after work hours and during scheduled

work breaks. Exempt employees that do not have a regular schedule are allowed reasonable use of information technology resources.

- b) Such use is permitted only to the extent that the Port does not incur user charges. Personal long distance calls, except for those necessitated by unanticipated overtime, shall be billed directly to the employee's home phone.
- c) The Port provides an electronic bulletin board to employees for their personal use. The bulletin board may be used to sell personal items, post announcements, and for other uses that would not fall within the definition of a prohibited or inappropriate use as set forth in this policy.

3. Use and Privacy Caution:

Information technology users are advised that almost any communication on publicly owned equipment is a public record subject to disclosure under Washington state law. Users should be aware that any information technology resource, whether networked or stand-alone, may be accessible to other users. The Port does not guarantee the privacy or confidentiality of e-mail or voice mail communications, whether internal or external. Never assume that e-mail or voice mail can be read/heard by no one except you; others may be able to read or access these communications. Users should assume that any communication, whether deleted or unsaved, may be retrieved. This can include copies of documents that were produced on a Port copy machine (digital imager) and saved in the memory of the copy machine. All users should compose communications with the expectation that they could be made public.

For personal safety and the safety of others, exercise caution when communicating with others. It is inadvisable to give out your home phone number, your address or credit card numbers whether on the internet or on email.

The following guidelines are established for sending and receiving electronic mail:

- a) If you feel uncomfortable about the receipt of any particular e-mail, please discuss it with your supervisor.
- b) Do not send angry messages. Take a minute before you enter an e-mail message. Be careful about the words you use and how you say them. Remember that messages can be printed or forwarded.
- c) Be careful when sending replies; make sure that mail is addressed to the individual or group you want to receive it.
- d) E-mail is best for short messages. A message that takes only one screen is more likely to be read. Also, mail takes up space. Learn to use the archive system if you want to save messages; otherwise, delete them.

4. Information Technology Security Protocols & Oversight:

A virus checker will be running on all computers that are connected to the Internet, in order to check downloaded files, email, and attachments for embedded viruses.

The IT Department does the routine system administration of all telephone, computers, networks and servers. This review includes system administration oversight. All violations discovered through such monitoring shall be reported to the appropriate Department Director/Manager and other necessary Port staff. Appropriate action will follow, according to this and other relevant Port policies.

As a condition of using the Port's information technology resources, all employees agree and understand that they have absolutely no expectation of privacy from Port management with respect to any information stored on Port equipment. Employees are authorized to use passwords to protect their information from access by others, but passwords are not provided as a means of assuring privacy to the employee from access by Port management.

D. RETURN OF PORT PROPERTY (Resolution 727):

It is the policy of the Port that all Port-owned items issued to employees, or in their possession or control are the responsibility of the employee and are to be returned to the Port upon termination or upon the request of authorized Port staff personnel.

All Port property must be returned by employees on or before their last day of work in the event of any separation of employment with the Port, or within one shift or work period of an authorized request from Port personnel. Such property includes, but is not limited to:

- Cellular phones
- Charge cards
- Files including computer files
- Equipment
- Identification badges
- Keys
- Manuals
- Protective equipment
- Security passes
- Tools
- Uniforms
- Vehicles
- Written materials

Where permitted by applicable law, the Port may withhold from the employee's check or final paycheck the cost of any items that are not returned when required. The Port may take all action deemed appropriate to recover or protect its property.

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