



Employee Handbook

May 2019

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**Human Resources Policies
Section HR-1: Introduction**

- HR1.01 Purpose
- HR1.02 Goals
- HR1.03 Distribution and Maintenance
- HR1.04 Applicability

HR1.01. Purpose

This Handbook was developed to describe some of the District’s expectations and to outline the policies, programs, and benefits available to eligible employees. Employees should familiarize themselves with the contents of the employee handbook; it will answer many questions about employment with the District.

This Handbook is for informational purposes only. It is a reference for both current and new employees. It is not intended to be all-inclusive but rather to provide an overview of the District’s policies and procedures. Furthermore, the content of this Handbook is not intended to be a substitute for sound management, judgment, and discretion.

The plans, policies and procedures described in this Handbook are not conditions of employment. This Handbook is **not** a contract, express or implied, that guarantees employment for any length of time or specific treatment in specific circumstances. This Handbook is **not** intended to induce any person to accept employment with the District. The District reserves the right to, in its sole discretion and without and advance notice to you, unilaterally modify, supplement, suspend, revise or rescind this Handbook in whole or in part.

To the extent that any provisions of this Handbook differ from any separate employment contract you may have with the District, the terms of your contract govern, including any applicable collective bargaining agreement. To the extent that any provisions of this Handbook differ from current company policy, current company policy shall govern. This Handbook supersedes and replaces any and all personnel manuals, handbooks, policies, or the like that were previously distributed or made available or applicable to employees of the District.

HR1.02. At-Will Employment

Unless there is a written agreement to the contrary such as a collective bargaining agreement, employment with the District is at will at all

times. "At will" means the employment relationship can be terminated at any time, with or without cause, for any or no reason, by the District or the employee. No District representative has the authority to enter into any agreement for employment for a specified period of time or make any representations or agreement contrary to at will employment unless specifically authorized in writing by the Board of Commissioners. This employee manual shall not be interpreted as constituting a contract for employment.

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**Human Resources Policies
Section HR-2: Definitions**

“Board”	The District’s Board of Commissioners.
“Board of Commissioners”	The District’s governing body as created under Chapter 54.12 RCW.
“Bookkeeper”	The individual designated by the CFO or designee to maintain the records relevant to the subject matter at hand.
“Commission”	The District’s Board of Commissioners.
“Department Head”	An employee who serves as the department supervisor or who has been designated by the Manager as a member of the management team.
“District”	Public Utility District #1 of Jefferson County
“Exempt Employee”	An employee who is exempt from overtime under the FLSA regulations.
“Full-time”	An employee who is regularly scheduled to work 40 hours per week.
“General Manager”	The employee appointed by the Board of Commissioners as the District’s Chief Administrative Officer pursuant to RCW 54.160.100.
“Manager”	The District’s General Manager as designated by the Board of Commissioners.
“Non-exempt Employee”	An employee who is eligible for overtime under the FLSA regulations.
“Part-time”	An employee who is regularly scheduled to work less than 40 hours per week.
“Personal Leave”	An employee’s PTO.
“PTO”	Paid Time Off.

“PUD” or “JPUD”

Public Utility District #1 of Jefferson County

“Supervisor”

An employee having the authority to direct another employee or employees within their department and recommend the hiring, transfer, suspension, layoff, promotion, dismissal, assignment, reward or discipline of another employee.

“Utility”

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**Human Resources Policies
Section HR-3: Employment**

- HR3.01 Equal Employment Opportunity/Non-Discrimination
- HR3.02 Recruitment and Selection
- HR3.03 Employment of Relatives
- HR3.04 Regulation on Outside Employment
- HR3.05 Memberships in Organizations and Participation in non-work related activities
- HR3.06 Political Activity
- HR3.07 Two District Positions
- HR3.08 Orientation
- HR3.09 Uniforms and Equipment
- HR3.10 Necessary Training
- HR3.11 Continuing Education and Training
- HR3.12 At-Will Employment
- HR3.13 Performance Appraisals
- HR3.14 Employee Records
- HR3.15 Reimbursement of Candidate Travel Expenses Permitted

HR3.01. Equal Employment Opportunity/Non-Discrimination

The District affirms its continuing commitment to extend to all qualified individuals an equal opportunity to compete for employment and advancement within the District. We are committed to the philosophy and principle of equal employment opportunity for all present and prospective employees.

To assure equal employment opportunity, the District strictly prohibits any form of discrimination based on race, color, religion, sex, age, national origin or ancestry, physical or mental disability, veteran status, marital status, sexual orientation, gender identity, and any other basis protected by federal, state, or local laws. This policy applies to all terms, conditions, and privileges of employment, including, recruitment, hiring, placement, compensation, promotion, discipline, and termination. All such discrimination is unlawful and all persons involved in the operations of the District are prohibited from engaging in this type of conduct.

HR3.02. Disability Accommodation

The District makes reasonable accommodations for qualified individuals with disabilities, to the extent required by law. To request a reasonable accommodation, employees should contact Human Resources.

HR3.03. Anti-Harassment Policy

The District is committed to providing a workplace free from discrimination in all forms, including harassment based on race, color, sex, gender, sexual orientation, creed, religion, age, marital status, national origin, ancestry, citizenship, the presence of any sensory, mental, or physical disability, veteran status, or any other status or characteristic protected by applicable local, state, or federal law. Each person employed at the District has the right to work in an environment free of discrimination and harassment. The District takes seriously its obligation to maintain a workplace free of harassment and discrimination. Violations of this policy will not be tolerated.

Prohibited harassment includes, but is not limited to, epithets, slurs or negative stereotyping, jokes, innuendoes, cartoons, pranks, comments, physical harassment, threatening, intimidating or hostile acts, etc., which are derogatory on the basis of an employee's protected class membership. Harassment also includes negative actions based on an employee's participation in activities identified with or promoting the activities of the protected group. Disrespectful or unprofessional behavior that does not rise to the level of unlawful harassment could nevertheless subject an employee to disciplinary action, up to and including discharge.

Harassment is not limited to the physical workplace. It can occur during travel, at events sponsored by the District, or via phone, email, text, or social media. Such behavior can also occur outside of scheduled work time. Employees who engage in harassing conduct outside of the workplace or outside of work hours will be subject to corrective action.

HR3.04. Sexual Harassment

Sexual harassment is a form of discrimination and is prohibited by law. Sexual harassment includes harassment on the basis of sex (including pregnancy, related medical conditions, and breastfeeding), gender identity and expression, sexual orientation, or any other category protected by applicable local, state or federal laws. Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to corrective action, up to and including termination.

Sexual Harassment Definition

Sexual harassment is defined as unwelcome conduct of a sexual nature, or conduct that is because of sex, when:

- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an

intimidating, hostile, or offensive work environment (this can happen even if the complaining party is not the intended target of the sexual harassment);

- Such conduct is made either explicitly or implicitly a term or condition of employment; or,
- Submission to or rejection of such conduct is used as the basis for employment decisions.

Sexual harassment can include derogatory comments, jokes, or statements; sexual advances; sexually explicit language or stories; or visual, verbal or physical conduct of a sexual nature. This definition includes many forms of offensive behavior and includes gender-based harassment of a person even when the harassment is not sexual in nature, but rather is because of the person's gender. Sexual harassment can include conduct against a person of the same sex as the harasser.

Examples of Conduct that Is Considered Prohibited Sexual Harassment

- Physical conduct, such as rape, attempted rape, sexual assault, attempted sexual assault, pinching, patting, kissing, hugging, grabbing, pressing or intentionally brushing up against another employee's body, poking, or physical intimidation by impeding or blocking someone's movement or invading their space;
- Visual conduct: leering; making sexual gestures; displaying of sexually suggestive objects, pictures, cartoons, posters, screen-savers, or websites.
- Verbal conduct: making or using sexually derogatory comments, epithets, slurs and jokes; verbal abuse of a sexual nature; graphic verbal commentaries about an individual's body; sexually degrading words used to describe an individual; derogatory comments related to gender or stereotypical gender roles; subtle or obvious pressure for unwelcome sexual activities; sexually suggestive or obscene letters, notes, emails texts, or invitations; conversations, comments or jokes about a person's sexuality or sexual experience; questions about a person's sexuality or sexual experiences;
- Asking a co-worker on a date multiple times if they decline the first request;
- Verbal abuse or joking concerning a person's gender characteristics such as vocal pitch, facial hair or the size or shape of a person's body, including remarks implying that a male is too feminine or a woman is too masculine.
- Offering an employment benefit (such as a raise, bonus, promotion, assistance with one's career or better working conditions) in exchange for sexual favors, or threatening an employment detriment (such as termination, demotion, worse

working conditions, or disciplinary action) for an employee's failure to engage in sexual activity.

- Sending sexually related text-messages, videos or messages via social media.
- Physical or verbal abuse concerning an individual's actual sex or the perception of the individual's sex.
- Making or threatening retaliatory action after receiving a negative response to sexual advances.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity, or the status of being transgender, such as:
- Interfering with, destroying or damaging a person's workstation, tools or equipment, or other interference with the individual's ability to perform the job;
- Sabotaging an individual's work;
- Bullying, yelling or name calling.
- Degrading comments in the form of sex stereotyping, which occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
- Other actions not listed above could constitute sexual harassment and/or a violation of this policy and be subject to corrective action.

Conduct That Will Not Usually be Considered Sexual Harassment

Compliments on someone's attire or new hairstyle; telling someone, "You look nice."; a single congratulatory pat on the back; a congratulatory hug to someone with whom you are friends and who has expressed acceptance of hugs; or a group of employees joining together after work for a meal or drink, are examples of situations that would not usually be considered to be sexual harassment.

HR3.05. Reporting and Investigation of Discrimination and/or Harassment

All instances of discrimination, harassment, or retaliation should be immediately reported. If you believe you have experienced or witnessed harassment or discrimination based on sex, race, national origin, disability, or another protected status, promptly report the concern to your supervisor, Human Resources, or the District Manager.

Any reported allegations of harassment or discrimination will be investigated promptly, thoroughly, and impartially.

Any employee found to be engaged in any form of unlawful harassment or discrimination may be subject to disciplinary action, up to and including termination of employment.

HR3.06. Retaliation Prohibited

The District expressly prohibits retaliation against any individual who reports discrimination or harassment, or assists in investigating such charges. Any form of retaliation is considered a direct violation of this policy and, like discrimination or harassment itself, will be subject to disciplinary action, up to and including termination of employment.

HR3.07. Consensual Romantic or Sexual Relationship

Romantic or sexual relationships between a manager or other supervisory employee and his or her staff are not permitted. Such relationships tend to create compromising conflicts of interest or the appearance of such conflicts.

If any employee of Jefferson County PUD enters into a consensual relationship that is romantic or sexual in nature with a member of his or her staff (an employee who reports directly or indirectly to him or her), or if one of the parties is in a supervisory capacity in the same department in which the other party works, the parties must notify the human resource director or other appropriate corporate officer. Reporting is mandatory. This requirement does not apply to employees who do not work in the same department or to parties who do not supervise or otherwise manage responsibilities over the other.

Once the relationship has been reported, the District will review the situation to determine whether one or both parties need to be moved to another job or department. If it is determined that one party must be moved, and there are jobs in other departments available for both, the parties may decide who will be the one to apply for a new position. If the parties cannot amicably come to a decision, or the party is not chosen for the position to which he or she applied, the parties will contact human resources, which will decide which party should be moved. That decision will be based on which move will be least disruptive to the organization as a whole. If it is determined that one or both parties must be moved, but no other jobs are available for either party, the parties will be given the option of terminating their relationship or resigning.

HR3.08. Employment of Relatives

The Jefferson County PUD is a publicly owned utility, and any person employed by it is therefore a public servant.

It is the Commissioners' desire to avoid the reality or appearance of improper influence or favor, as well as to avoid the possibility of nepotism with regard to the employment of relatives. "Relative" is defined as a spouse, domestic partner, romantic or sexual partner, parents, step-parents, and parents-in-law, siblings, step-siblings, and

siblings-in-law, children, step-children and children-in-law, and grandparents and grandchildren of employees.

An employee's relative may be the best person to fill an open position. When that is the case, that individual will receive consideration along with all other qualified candidates. If the decision is made to hire the relative, they will be treated as any other employee, with the exception that an employee may not directly or indirectly supervise their own relative or otherwise audit their relative's work. An employee may not be involved in the decision of whether to hire their own relative.

The Utility also reserves the right not to employ relatives of its vendors, or government agencies that regulate the utility or its industry, where such a restriction is a reasonable step toward avoiding the actuality or appearance of a conflict of interest or to protect confidential information.

If two people become related during the course of their employment with the District, they have a responsibility to notify the Human Resources Office of such an event, and the procedures set forth in Section HR3.07 will apply.

HR3.09. Regulation on Outside Employment

Employment by the District shall carry with it the obligation to devote an employee's undivided job loyalty and attention to public employment and to avoid both actual conflicts of interest and the appearance of impropriety. No full-time employee shall engage in any outside employment without receiving the prior authorization by his/her Department Head. Permission shall not be unreasonably withheld. However, if any such additional employment interferes with the efficient performance of the job, constitutes a conflict of interest or would result in a poor public image for the District as determined by the Manager with concurrence of the Board of Commissioners, permission will be denied. Any person currently engaging in outside employment as of the effective date of these rules shall submit within five (5) working days the details of such employment to the Manager for his review.

HR3.10. Memberships in Organizations and Participation in Non-Work Related Activities

Employees are free to belong to organizations and participate in such activities which do not require use of regular working hours or interfere with regular work activities.

HR3.11. Political Activity

The rules governing political activities of employees shall follow the provisions of existing laws and statutes, as the same exist or as hereafter amended.

Solicitation for the payment to any partisan, political organization or for any partisan political purpose or any compulsory assessment or involuntary contribution is prohibited on District property or during work hours. No person, elected official or employee shall solicit, on District property or during work hours, any contributions to be used for partisan political purposes. Employees shall have the right to vote and to express their opinions on all political subjects and candidates and to hold any political party office or participate in the management of a partisan, political campaign, provided that such activities do not interfere with regular working hours or regular work activities.

Terms of individual grant contracts shall regulate political activities of District employees in positions funded primarily by federal grant aid funds.

HR3.12. Two District Positions

No person elected to a District position shall also hold another District job. Violation shall result in immediate termination from the original position.

HR3.13. Uniforms and Equipment

District employees may be assigned equipment and/or uniforms to be used on the job. Employees are responsible for cleaning their own uniforms. The responsibility for maintenance and/or cleaning of ~~such other~~ equipment ~~or uniforms~~ will be determined on a department-by-department basis; however, the employee bears the responsibility for exercising reasonable care with all issued items. District employees will be provided with all necessary safety equipment. Employees who are assigned maintenance duties in the field must furnish his/her own small hand tools.

Uniforms or equipment assigned to an employee must be returned upon termination.

HR3.14. Continuing Education and Training

The District recognizes that it is a part of a dynamic business community and that it must maintain a competitive knowledge and ability base among its employees. Employees are, therefore, strongly encouraged to maintain and upgrade their abilities to ensure the District's ability to serve the needs of its customers.

District employees who require CEUs to maintain certification will be expected to maintain that certification by acquiring the necessary CEUs; the District will reimburse the employee for those costs associated with maintaining the certification.

Study and class time should not interfere with the employee's regular working hours and/or productivity unless specifically approved by the Manager.

HR3.15. Performance Appraisals

The performance appraisal is a means by which the employee and his/her Supervisor/Department Head can gain a mutual understanding of the employee's and Supervisor's respective expectations. It is a forum in which to discuss both good and poor performance or expectation issues. Performance appraisals will become part of the employee's personnel record.

The District generally provides formal performance evaluations ~~after the initial probation period and thereafter~~ on an annual basis. However, employees and their supervisors may engage in more frequent evaluations, formal or informal, depending on the particular circumstances.

HR3.16. Employee Records

Personnel files are the property of the District and access to the information they contain is restricted. Employees who wish to review their own file should contact Human Resources. Employees may review their own file in the Human Resources department, in the presence of the Human Resources Manager.

HR3.17. Employee Residency Policy

Effective as of April 16, 2019, all newly-hired District employees are required to reside within the District's service territory. Employees hired after April 16, 2019 will be granted a period of time not to exceed six (6) months from the date of hire to relocate within the District's service territory. Employees hired before April 16, 2019 and who reside outside the service territory will not be required to relocate within the service territory.

Commented [KTC1]: There are repeated references throughout this handbook to "Probation period." What does that mean exactly and how long does it last? Is it different for union and non-union employees? (The CBAs reference a 9-month probation period.)

I suggest having a separate section describing the probationary period. We would also want to make sure that we include language that completion of the probationary period does not impact at-will status for non-represented employees. At-will employees tend to think they have more job protections once they complete a probationary period when in fact that is not true.

Commented [KS2R1]: We should leave out any reference to probation, we are at will

Commented [KTC3R1]: Done.

Commented [KTC4]: I have included this as a new policy. Please confirm April 16, 2019 is the correct effective date for this policy.

Jefferson County PUD #1
Policy Manual
Section HR-4: General Conduct and Discipline

- HR4.01 Personal Appearance and Conduct
- HR4.02 Conflict of Interest
- HR4.03 Use of District Telephone, Equipment or Supplies
- HR4.04 PUD-owned Technology Resource – Acceptable Use Policy
- HR4.05 Use of PUD Vehicles
- HR4.06 Contact with the News Media
- HR4.07 Purchasing, Inventory and Billing Procedures
- HR4.08 Discipline
- HR4.09 Types of Discipline
- HR4.10 Cause for Disciplinary Action or Termination
- HR4.11 Dispute Resolution
- HR4.12 Complaints Against Employee or District
- HR4.13 Whistleblower

HR4.01. Personal Appearance and Conduct

All employees must maintain a clean and neat appearance appropriate to their work assignments.

It shall be the responsibility of all employees to represent the District to the public in a positive and courteous manner.

The District will attempt at all times to operate its business in the most efficient and effective manner consistent with good management practices. All employees shall conduct themselves in a manner that will be consistent with established rules and will further the operation of District activities.

HR4.02. Conflict of Interest

The term “conflict of interest” describes any situation that might affect an employee’s ability to act with total objectivity with regard to the District’s and the public’s best interests. Employees should avoid any activity or interest that creates an actual conflict of interest or the appearance of a conflict of interest.

Employees should discuss any actual or potential conflicts of interests with the Manager. If the Manager feels that the employee can perform his/her duties without compromising the position of the District, the employee or the involved public, then the Manager shall so note in employee’s file and the employee may then proceed. If the Manager finds

that the conflict can be avoided by agreement between parties, then such an agreement should be made and noted.

In any case, employees should be free of conflicts of interest which could directly benefit themselves or their relatives (as defined in Section HR3.08 regarding the Employment of Relatives). Receiving of financial or other benefits as a result of District employment, other than from the District, shall be cause for disciplinary action.

HR4.03. Use of District Telephone, Equipment or Supplies

Employees shall not use District supplies for personal activities nor store District equipment or supplies in personal vehicles or private residences, garages, etc., unless necessary to accomplish an assigned task and only with the Supervisor's approval. Employees shall not place long distance calls on the District's phone bill for personal business. Nothing in this Policy shall be read to prevent reasonable, limited use of District telephones for local personal calls and in emergency situations.

Employee's misuse of District telephones, equipment or supplies may result in disciplinary action. Theft of District services, equipment or supplies can result in termination.

HR4.04. PUD-owned Technology Resource – Acceptable Use Policy

Purpose

This policy defines the appropriate use of technology resources that are owned by Jefferson County PUD #1 and provided for employee use.

Applicability

This policy applies to anyone who uses PUD Technology Resources, including employees, temporary employees, contractors, vendors and all others.

Definitions

Internet: The Internet is a worldwide “network of networks,” including bulletin boards, World Wide Web (WWW), data servers, applications, messaging services, and other functions and features, which are accessed via a computer, a mobile phone, or other client devices.

Digital Equipment: Includes but is not limited to computers, laptops, telephones, cellular telephones, Personal Digital Assistants (PDAs), and combination devices such as smart phones. Any technology provided by the PUD for communications, computing, printing, etc. is covered by this definition.

Data Files: Information contained in files such as e-mail messages, database tables, telephone records, extracts from databases or output from applications.

Messaging: Any technology used to facilitate digital communication, including but not limited to Instant Messaging (IM), electronic mail (e-mail, both PUD-provided and through external services for personal use), peer-to-peer networking (P2P), mobile, fixed, and software-based voice over Internet protocol (VoIP) telephones.

PUD-owned Technology Resources: Technology resources paid for by PUD funds, including, but not limited to: Internet/Intranet/Extranet-related systems, computer equipment, software, operating systems, storage media, network accounts providing electronic mail, and systems that enable web browsing, and file transfer.

Social Networking: Any Internet site that is focused on creating “networks” of individuals such as MySpace, FaceBook, LinkedIn, etc.

Hacking/Hacking Tools: Behavior and tools designed to circumvent security measures, or to otherwise effect unauthorized changes to computer hardware or software.

Peer-To-Peer Networking: Protocol or service for networking devices without a centrally managed server.

Communication protocol: An agreed-upon method of communication used within networks.

Malware: A general term for potentially hostile software; encompasses viruses, Trojans, spyware, etc.

Policy:

PUD Resources are for PUD Business: PUD-owned technology resources shall serve the business needs of Jefferson County PUD #1.

PUD equipment is issued for PUD Business needs: Workstations will be assigned to employees that need to run PUD software to perform designated tasks. Laptops will be issued to employees that need to run PUD software when outside of the office. Phones will be issued to employees that need to be contacted outside of

business hours or whose hired role requires significant time spent outside the office during business hours.

Confidentiality: PUD-held information on the customers of Jefferson County PUD #1 may not be disclosed without a clear business need, or public disclosure request.

Limited Personal Use: PUD-owned technology resources may be used for personal purposes on a limited basis, providing the following requirements are met:

- No marginal cost to the PUD
- No interference with work responsibilities
- No disruption to the workplace.

Limited use of external e-mail services: The limited use of an external e-mail service is allowed, providing that the service applies anti-malware controls in a manner equivalent to that provided by the PUD.

Specific Prohibitions and Limitations: PUD policies regarding acceptable behavior and communication will apply to use of the Internet and messaging. Specifically prohibited use includes but is not limited to:

- Conducting a private business;
- Political campaigning;
- Accessing sites which promote exclusivity, hatred, or positions which are contrary to the PUD's policy of embracing cultural diversity;
- E-mails meant to harass sexually or otherwise are prohibited
- Accessing inappropriate sites including adult content, online gambling, and dating services;
- Accessing sites that promote illegal activity, copyright violation, or activity that violates the PUD's ethical standards.
- Using the internet to obtain or disseminate language or material which would normally be prohibited in the workplace;
- Using encryption technology that has not been approved for use by the PUD;
- The use of personally owned technology for conducting PUD business, where official PUD records are created but not maintained by the PUD;
- Making unauthorized general message distributions to all

- users (everyone);
- Installing any software that has not been approved by the PUD;
- Sharing or storing unlicensed software or audio/video files;
- Using security exploit tools (hacking tools) to attempt to elevate user privileges or obtain unauthorized resources;
- Broadcasting e-mail to large numbers of constituents unless the list members are hidden through the use of the BCC field.
- Using a PUD e-mail address when posting to public forums e.g. blogs, social media sites, wikis and discussion lists for personal use;
- Accessing sites that distribute computer security exploits (“hacking” sites);
- The use or installation of unauthorized Instant Messaging, e.g. AIM, Yahoo Instant Messenger, Meebo, IRC, etc.; links and attachments are prohibited using the authorized IM client;
- Using unauthorized Peer to Peer Networking, e.g. E-Mule, Kazaa, Limewire, Warez, etc.

NOTES: If any of the above prohibited uses is required for a legitimate business reason, it is management’s responsibility to follow the exception process as referenced in HR5.05, (7).

Use Standard Resources Only: Digital equipment and all applications must be authorized and installed by appropriate personnel.

Additional Cost to the PUD: Resources that incur a cost to the PUD, whether accessed via the Internet, mobile/PDA, email or other applications, must not be accessed or downloaded without prior approval. It is the supervisor’s responsibility to assure the business need, applicability, and safety of any new resource.

No Expectation of Privacy: Nothing in this policy confers an individual right or expectation of privacy. Employees must not expect privacy in the use of PUD communications and digital equipment.

Conflicts: If any component of this policy conflicts with any applicable collective bargaining agreement, the collective bargaining agreement shall control. The remaining non-conflicting features of this policy shall remain in effect.

Employee Responsibilities

- Monitor personal use of the internet, messaging, and other applications, to ensure that the PUD is being appropriately served.
- Adhere to PUD standards as discussed in the policy language above. Read and adhere to relevant policies.
- Obtain authorization from their supervisor before incurring charges; for example, downloading data or accessing a paid service.
- Employees are prohibited from sharing account passwords with other employees.

Policy Enforcement

In order to safeguard PUD resources, violators of this policy may be denied access to PUD computing and network resources and may be subject to other disciplinary action within and outside the PUD. The PUD may temporarily suspend, block or restrict access to computing resources and accounts, independent of such procedures, when it reasonably appears necessary to do so in order to protect the integrity, confidentiality, or availability of PUD computing and network resources, or to protect the PUD from liability.

- a) If violations of this policy are discovered, the PUD will take appropriate actions to resolve the issue and violators may be subject to disciplinary measures.
- b) If violations of this policy are discovered that are illegal activities, the PUD may notify appropriate authorities.
- c) The PUD reserves the right to pursue appropriate legal actions to recover any financial losses suffered as a result of violations of this policy.

HR4.05. Privacy Policy

The District is subject to state law regarding the release of customer information. See RCW 19.29A.100. For more information regarding protecting the privacy of customer information, please see the District’s Privacy Policy, which is distributed and updated separately from this Handbook.

HR4.05-HR4.06..... Use of PUD Vehicles

All District vehicles shall be used by employees only for and in performance of official District business. No District vehicle shall be used for solely personal purposes. Violation of the prohibition

against personal use may result in disciplinary action or termination.

HR4.06.HR4.07..... Contact with the News Media

The Manager or his/her designee and District Commissioners are responsible for all contacts with the news media, including the answering of questions from the media. No other employees are authorized to speak with the news media on behalf of the District. If an employee is contacted by the news media for a statement by the District, the employee must refer the news media to the Manager.

HR4.07.HR4.08..... Purchasing, Inventory and Billing Procedures

The District has a specific purchasing, inventory and billing procedure. All employees are required to use either the particular project system or District wide system. These procedures are intended to provide an accountability system of public funds, equipment and supplies. Employee shall submit request for purchase to Supervisor.

HR4.08.HR4.09..... Discipline

The District reserves the right to discipline and/or terminate any employee who violates District policies, practices, or rules of conduct. Poor performance and misconduct are also grounds for discipline and/or termination.

By way of illustration only, actions that are unacceptable and considered grounds for disciplinary action include, but are not limited to:

- a. Arriving or being on the job under the influence of intoxicating beverages or drugs;
- b. Violation of a lawful duty;
- c. Insubordination;
- d. Breach of discipline;
- e. Being habitually absent without a valid reason;
- f. Conviction of certain crimes; revocation of a valid driver's license if necessary to perform the duties of the job;

- g. Accepting fees, gratuities or other valuable items in the performance of the employee’s official duties of the District;
- h. Inability, refusal or failure to perform the assigned job and the duties thereof;
- i. Violation of duties or rules imposed by this manual.

This list illustrates the types of actions or events that are subject to disciplinary action; it is not an exhaustive list and it is not intended to indicate every act that could lead to disciplinary action and/or termination. The District reserves the right to determine the severity and extent of any disciplinary action based on the individual circumstances at hand.

HR4-09:HR4.10.....Discipline Process

To correct unacceptable behavior or actions, disciplinary action may take any one of a number of forms, including but not limited to, and in no particular order: oral warning(s), written warning(s), probation, suspension, demotion, discharge, or some other disciplinary action.

The District reserves the right to determine when to use corrective action and it may choose not to do so. The District may impose discipline for conduct it deems inappropriate, without prior warning, as it deems necessary or appropriate, up to and including termination. At its discretion, the District may take immediate action rather than corrective action for any employee conduct it deems inappropriate.

HR4-10:HR4.11..... Whistleblower (Chapter 42.41 RCW)

District employees shall be encouraged to disclose, to the extent not expressly prohibited by law, improper governmental actions of local government officials, and employees, without fear of retaliation.

“Improper governmental action” means any action by an officer or employee that is undertaken in the performance of the officer’s or employee’s official duties, whether or not the action is within the scope of the employee’s employment, which is in violation of any federal, state, or local law or rule, is an abuse of authority, is of substantial and specific danger to the public health or safety, 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, reinstatement, 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, reprimands, or any action that may be taken under Chapter [41.56](#) RCW and RCW [54.04.170](#) and [54.04.180](#).

Procedures for Reporting

1. Employee submits a written report to the supervisor stating in detail the basis for the employee’s belief that an improper action has occurred.
2. If the employee feels that the improper action involves his or her supervisor, the employee may raise the issue directly with the next person above the supervisor in the chain of command, or may raise the issue directly with the General Manager.
3. 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. A list of these government agencies is included below.
4. The supervisor in receipt of the report shall promptly turn it over to the General Manager.
5. The General Manager shall promptly investigate the matter. The name shall be kept confidential to the extent possible under the law, unless the employee authorizes the disclosure in writing.
6. After the investigation, the employee shall be advised of a summary of the result of the investigation, except that personnel actions taken as a result of the investigation may be kept confidential.
7. District employees may report information about improper governmental action directly to the appropriate government agency with responsibility for investigating the improper action if the employee reasonably believes that an adequate investigation was not undertaken by the District to determine whether an improper governmental action occurred, or that insufficient action has been taken to address the improper governmental action or that for other reasons the improper governmental action is likely to recur.

Protection Against Retaliatory Actions

1. No employee who in good faith reports a violation shall suffer harassment, retaliation or adverse employment consequence for making the report. An employee who retaliates against someone who has reported a violation in good faith is subject to discipline up to and including termination of employment. The whistleblower policy is intended to encourage and enable employees and others to raise serious concerns with the District prior to seeking resolution outside the District.
2. Employees who believe they have been retaliated against for making a good faith report should give written notice to the Board of Commissioners within thirty (30) days of the alleged retaliation.
3. Except in the case of an emergency, district employees who fail to make a good-faith attempt to follow the District's procedures in reporting improper governmental action shall not receive the protections provided by the District in these procedures.

List of Agencies

Following is a list of outside agencies to which an employee may report improper governmental action under this policy. Employees having questions about these agencies or the procedures for reporting improper governmental action are encouraged to contact the Human Resources Manager.

JEFFERSON COUNTY

Jefferson County Prosecutor
P.O. Box 1220
Port Townsend, WA 98368
(360) 385-9180

STATE OF WASHINGTON

Attorney General's Office
1125 Washington Street SE
PO Box 40100
Olympia, WA 98504-0100
(360) 753-6200

State Auditor's Office
Insurance Building
Capitol Campus
302 Sid Snyder Avenue SW
Olympia, WA 98504-0021
(360) 902-0370

Jefferson County PUD #1

Policy Manual

Section HR-5: Attendance and Leaves

- HR5.01 Attendance
- HR5.02 Hours of Work
- HR5.03 Standard Work Week
- HR5.04 Rest Periods
- HR5.05 Holidays
- HR5.06 Unpaid Holidays for Reasons of Faith or Conscience
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- HR5.15 Volunteer Emergency Services Personnel Leave
- HR5.16 Domestic Violence Leave
- HR5.17 Family and Medical Leave
- HR5.18 Washington State Family Care Act
- HR5.19 Unauthorized Absence – Presumption of Job Abandonment

HR5.01. Attendance

Employees shall be in attendance at the job in accordance with the rules regarding hours of work, holidays and leave. Attendance at the job may include, but not be limited to: presence and performance at the primary office location; performance in the field; attendance at meetings representing the District; performance of job products/tasks at other than the primary office location with Supervisor / Department Head approval.

HR5.02. Hours of Work

All employees shall work a schedule as approved by the Manager or his/her designee. A temporary employee's work week should not normally exceed the regular work week of other employees in the department to which he/she is assigned.

The regular work schedule is a forty-hour week of five 8-hour days. Alternate work schedules such as four 10-hour days (4 10's) must be approved by the Manager and the Department Head for non-represented employees. Requests will be made using the District's alternative work schedule request form.

If a holiday falls on a non-working day of an employee's alternate schedule, the Department Head will ensure that the employee takes another working day off within the same work week. If the employee's regularly scheduled day is longer than what the employee would get paid for a holiday on a non-alternate work schedule, the employee must use his/her PTO, comp time or other available paid time off to make up the scheduled hours. PTO accrues at the regular rate while on the alternative schedule. PTO or other paid time off must be used for any scheduled hours in a day that the employee does not work. For example, an employee taking PTO for an entire day must use 10 hours of PTO if working a 4-10 schedule.

The Department Head or the Manager may end the approval of an alternative work schedule by giving the employee two weeks' notice.

HR5.03. Rest Periods

Meal breaks and any other breaks will be taken/scheduled in a manner not to interfere with the effective provision of District services.

All employees are entitled to two (2) fifteen (15) minute breaks during the work day, one in the morning and one in the afternoon, except where the nature of the work allows the employee to take intermittent rest periods equivalent to this amount. Breaks should be taken away from the work station to maximize the recuperative effect of the break time.

Commented [KTC5]: State law only requires two 10 minute breaks. Would you like to change this to 10 minutes or keep it at 15 minutes?

Employees are entitled to an unpaid meal break of at least 30-minutes if working more than five (5) hours in a shift. Meal breaks will be at least two (2) hours into the shift and not more than five (5) hours after the beginning of the shift and will be approved by the supervisor in consideration of work schedules of the department.

HR5.04. Break Periods to Express Milk

For up to one year after a child's birth, any employee who is breastfeeding her child will be provided reasonable break times as needed to express breast milk for her baby. The District will designate a lactation room for the new mother when she does not have a private office space.

Breastmilk can be stored in any District refrigerator in the same manner as any other perishable food for employees. Labeling is recommended for your safety and privacy. Employees storing milk in the refrigerator assume all responsibility for the safety of the milk and the risk of harm for any reason, including improper storage or refrigeration and tampering.

HR5.05. Holidays

All full-time non-represented employees are provided paid holidays. The holidays observed by the District are:

New Year's Day	Veteran's Day
Martin Luther King Jr.'s Birthday	Thanksgiving Day
President's Day	Day after Thanksgiving
Memorial Day	Christmas Day
Fourth of July	Two Floating Holidays per calendar year
Labor Day	

1. Holidays occurring during an employee's absence on leave shall not be considered as a part of the leave expended.
2. A Department Head shall have the right and the authority to require one or more of the employees in that department to work on a holiday.
3. Non-exempt employees required to work on a holiday shall choose one of the following options:
 - a. The employees may be paid at the rate of double the regular pay for those hours worked which fall on a holiday (holidays shall start at 0001 hours and end at 2400 hours of the designated holiday date).
 - b. The employees may accrue compensatory time at the rate of double the rate for those hours worked which fall on a holiday. All other compensatory time policies will apply.
4. If a holiday falls on Saturday, the preceding Friday will be allowed off. If a holiday falls on Sunday, the following Monday will be allowed off.
5. New employees must complete six (6) months of service before they are entitled to the second floating holiday. Employees who fail to use their floating holiday(s) during the year it is applicable shall forfeit their floating holiday(s).

HR5.06. Unpaid Holidays for Reasons of Faith or Conscience

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

The employee may select the days on which he or she desires to take the two unpaid holidays after consultation with his or her supervisor. If an employee prefers to take the two unpaid holidays on specific days, then the employee will be allowed to take the unpaid holidays on the days he or she has selected unless the absence would unduly disrupt operations, impose an undue hardship, or the employee is necessary to maintain

public safety. The term “undue hardship” has the meaning contained in the rule established by the Office of Financial Management.

If possible, an employee should submit a written request for an unpaid holiday provided for by this section to the employee’s supervisor a minimum of 20 days prior to the requested day. The requested unpaid holiday shall not be deemed approved unless it has been authorized by Manager.

Commented [KTC6]: Please confirm the appropriate designation.

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

HR5.07. Paid Time Off (PTO)

This section applies to non-represented employees.

Commented [KTC7]: We are sending you a separate memo regarding your PTO benefit in light of PFMLA.

A Paid Time Off (PTO) program will be instituted in recognition of the need for paid time off for rest and recreation, illness, injury, child care, ~~bereavement~~, personal business or any other approved absence from work on a paid leave status including compliance with the Washington state paid sick leave law, except to the extent Worker’s Compensation, Short Term Disability Plan, or Long Term Disability Plan provisions, provide otherwise. Any conflict between this policy and applicable law will be decided according to such law.

We have not included a separate policy here regarding PFMLA, which becomes effective January 1, 2020. We recommend updating your PTO policy and adding a PFMLA policy later this year once we have final regulations from the state and once the District has had a chance to contemplate any policy changes it would like to make.

Commented [KTC8]: I am deleting this since we are stating that bereavement is a separate benefit.

Accrual Rates

Except while on Short Term Disability or in a leave without pay status, each full-time employee shall accrue ~~Personal Leave~~PTO as follows:

Years of Service	Days accrued per year
During the 1st yr.	20
During the 2nd yr.	20
During the 3rd yr.	20
During the 4th yr.	20
During the 5th yr.	20
During the 6th yr.	25
During the 7th yr.	25
During the 8th yr.	25
During the 9th yr.	25
During the 10th yr.	25
During the 11th yr.	26
During the 12th yr.	27
During the 13th yr.	28
During the 14th yr.	29
During the 15th yr.	30

During the 16th yr.	31
During the 17th yr.	32
During the 18th yr.	33
During the 19th yr.	34
During the 20th yr.	35
Thereafter	35

* “Day” for the purposes of this section means eight (8) hours

Regular, part-time employees shall accrue personal leave at the rate of one-half of the full-time employee.

Temporary, seasonal or other similarly situated employees, including interns, will accrue PTO at the rate of 20 days per year (160 hours).

PTO begins to accrue from the first date of employment.

Employees may carry over a maximum of sixty-three (63) days (504 hours) of accrued but unused PTO from one calendar year to the next. Any accrued leave beyond this amount will be forfeited.

Notification Requirements by Employees

Unless the use of PTO is protected by applicable law (e.g. illness or disability), PTO must be approved by the General Manager or designee in advance of the leave.

When the need for leave is unforeseeable (e.g. unexpected illness), the employee shall notify his/her Supervisor of his/her reason for being absent within two (2) hours of the beginning of the work period. If the absence continues beyond the first day, the employee shall notify the Supervisor on a daily basis unless other arrangements have been made.

When the need for PTO is foreseeable (e.g. vacation), the employee should provide advance notice that is at least twice as early as the length of the requested leave (e.g., one week’s leave would require at least two weeks’ notice). Non-exempt employees who use PTO for reasons covered by the Washington Paid Sick Leave Act (see section below for more details) must provide at least ten days’ advance notice for foreseeable absences.

Unless prohibited by law, any request for PTO of over thirty (30) days may be rejected by the District if at least six months’ notice is not given, and then only dependent upon the District’s work schedule.

Commented [KTC9]: If it’s possible to administer, I recommend making this a pro-rated amount based on the employee’s regularly scheduled work week since you define part-time as anything less than 40 hours.

Commented [KS10R9]: We need help or clarification on summer interns

Commented [KTC11R9]: I added a clarification about summer interns and that they would accrue PTO at the rate of other temporary and seasonal employees. Further below, I have included some feedback on how to structure your benefit plans regarding interns.

Unless otherwise required by law, the District shall not be required to permit more than one employee from any work classification to use PTO at the same time.

Unplanned use of PTO so frequent as to interfere with job performance or District operations shall subject the employee to possible disciplinary action, unless the reason for leave is protected by law. The District reserves the right to request verification regarding the reason for the unplanned absence.

Cash-Out of Accrued PTO

Any PTO accrual remaining at the time an employee begins to receive the LTD benefit shall be paid in full less statutory deductions.

Any employee who has accumulated PTO as herein provided and who terminates his employment with the District after giving the District two weeks advance notice of his intention to quit, shall receive his accrued PTO; provided it is in conformance with the provisions contained herein.

Any employee who enlists or is inducted into the armed services of our country shall be paid for the personal leave time he has accrued to-date to the date he leaves the employ of the District.

In case of the death of any employee, all accumulated earned personal leave will be paid in accordance with Section HR-5: of this policy manual.

HR5.08. Special Rules for Non-Exempt Employees Who Use PTO for Safety or Health Related Reasons

Non-exempt employees are protected under Washington's Paid Sick Leave law. *See* RCW 49.46.210. The District's PTO policy meets the requirements of the law. The purpose of this section is to provide non-exempt employees with more information regarding their rights under the law.

Protected Uses of PTO

The following reasons for using PTO are protected under Washington law:

- To care for yourself or a family member relating to a mental or physical illness, injury, or health condition, or need for medical diagnosis, care or treatment of a mental or physical illness, injury or health condition, including preventive medical care
- When you or a family member is the victim of sexual assault, domestic violence, or stalking

- In the event the District's business or your child's school or place of care is closed by a public official for any health-related reason.

For purposes of this policy, "family member" includes a child or parent (including biological, adopted, foster, step or legal guardian), spouse, registered domestic partner, grandparent, grandchild, sibling, and parent-in-law.

When the need for leave under this section is foreseeable, the employee must provide at least ten (10) days' advance notice.

Verification for Absences Exceeding Three Days

If an employee is seeking to use or has used paid sick leave for authorized purposes for more than three (3) consecutive days during which the employee is/was required to work, the employee may be required to provide verification that establishes or confirms that the use of paid sick leave is for an authorized purpose.

For absences related to a health-related issue, this verification may include a doctor's note or a signed statement by a health care provider indicating that the use of paid sick leave is necessary to take care of the employee or an employee's family member.

When an employee is absent due to the closure of the employee's child's school or place of care by a public official due to health-related reasons, the employee can provide a copy of the notice of closure.

For absences related to domestic violence, this verification may include reasonable documentation (e.g. a police report, court order, or written statement from a health care provider or social services agency).

If verification is required, it must be provided to Human Resources within ten calendar days of the first day an employee used paid sick leave to care for themselves or a family member. Failure to provide the requested documentation may result in the employee not receiving paid leave.

When providing verification, an employee is not required to provide any details concerning the specific nature of the health condition in order to use sick leave, unless otherwise required by law, and any information provided will be treated in a confidential manner consistent with applicable privacy laws.

If an employee believes obtaining verification for use of paid sick leave would result in an unreasonable burden or expense, please contact Human Resources.

No Retaliation

Retaliation for using paid sick leave for these authorized purposes is prohibited.

Reinstatement of PTO

If a non-exempt employee leaves employment and is rehired within 12 months of separation, any accrued, unused PTO will be reinstated to the employee, unless that amount was previously cashed out to the employee. Any previous period of employment shall be counted for purposes of determining the employee's eligibility to use PTO.

HR5.09. Annual Cashout of PTO

Regular, full-time employees of the District shall be allowed to convert a portion of their personal leave to cash at the end of December of each calendar year, provided the following guidelines are met:

1. An employee must use a minimum of fifteen (15) days scheduled personal leave annually prior to any conversion.
2. After use or conversion, a minimum of sixty-three (63) days (504 hours) of accrued personal leave must remain in the employee's accrual account at the end of December of each calendar year.

HR5.10. Bereavement Leave

In addition to other paid leave benefits described in this Handbook, the District will grant three (3) days of paid bereavement leave related to the death or funeral attendance ~~in the of an~~ immediate family member ~~(not to exceed three (3) days).~~ "Immediate family" means mean parents, spouse or children (natural or adoptive).

Commented [KTC12]: I have clarified that this is a stand-alone benefit.

HR5.11. Military Leave

In accordance with RCW 38.40.060, an employee who is a member of an organized unit of the United States military reserve or Washington National Guard shall be granted up to 21 days leave with pay during each year beginning October 1st and ending the following September 30th so that the employee may report for required military duty, training or drills. An employee taking military leave will be charged only for those days the employee was scheduled to work. Any authorized leave in excess of 21 calendar days will be charged pursuant to other applicable federal and state laws or to leave without pay or vacation or PTO at the option of the employee.

A military leave of absence will be granted to employees who are absent from work because of service in the U.S. uniformed services in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA). This leave is not to exceed a total of five years unless an exception is provided under USERRA. Advance notice of military service is required, unless military necessity prevents such notice or it is otherwise impossible or unreasonable. Continuation of health insurance benefits is available as required by USERRA based on the length of the leave and subject to the terms, conditions and limitations of the applicable plans for which the employee is otherwise eligible.

Employees on military leave for up to thirty days are required to return to work for the first regularly scheduled shift after the end of service, allowing reasonable travel time and an eight-hour rest period. Employees on longer military leave must apply for reinstatement in accordance with USERRA and all applicable state laws. Employees returning from military leave will be placed in the position they would have attained had they remained continuously employed or a comparable one depending on the length of military service in accordance with USERRA. They will be treated as though they were continuously employed for purposes of determining benefits based on length of service.

When an employee who is serving in a probationary period at the time of leaving for military service returns to District employment, the employee shall complete the remaining portion of the probationary period according to the then applicable rules and regulations.

HR5.12. Family Military Leave

In accordance with RCW 49.77, during a period of military conflict, an employee who works an average of 20 or more hours per week is entitled to leave under this section.

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

The employee shall be granted a total of 15 days of unpaid leave per deployment when a spouse who is a member of the armed forces of the United States, national guard, or reserves has been notified of an impending call or order to active duty or has been deployed.

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

An employee who takes leave under this section may elect to substitute accrued leave, provided the use meets the criteria for such leave, for any part of the leave under this section.

An employee returning from military family leave shall be restored to a position of employment in the same manner as an employee returning after Family and Medical Leave pursuant to the District's policies. An employee may continue benefits in the same manner as an employee on Family and Medical Leave.

HR5.11 Pregnancy Disability Leave

If an employee is sick or temporarily disabled because of pregnancy or childbirth, the employee may take an unpaid leave of absence during the period of sickness or temporary disability. This leave is available in addition to FMLA leave, described below. Employees may elect to use accrued paid leave during this absence. Employees are entitled to return to work in the same job, or an equivalent job, after the pregnancy related disability leave is over. Employees may contact Human Resources to discuss this option.

HR5.13. Leave Without Pay

Leave without pay may be requested for absence from work not covered by any other type of leave described in this handbook. Whenever possible, leave must be requested at least two (2) weeks in advance. An employee must ~~be a permanent employee (having completed probation)~~ have completed any applicable probationary period in order to qualify for leave without pay:

Commented [KTC13]: I have adjusted this language since only some of your employees have a probationary period.

1. Leave may be granted to an employee for a period of up to thirty (30) days upon the written approval of the Manager. Extensions of up to ninety (90) days in any calendar year (total) are subject to further approval of the Board of Commissioners in a public meeting.
2. Accrued compensatory time, if any, and vacation leave or PTO must be expended prior to taking any leave without pay. Sick leave shall not be used for this purpose.
3. The District will pay non-wage benefits (i.e. health insurance, dental insurance, etc.) while an employee is on leave without pay up to thirty (30) days, subject to the rules of eligibility as determined by the insurance provider. The employee may

continue to pay for benefits thereafter, to the extent allowed by plan terms and under the provisions of COBRA.

4. All other benefits are suspended including accrual of leave until the employee returns to work. The period of leave without pay will not be credited toward the employee's length of service for pay or seniority purposes if the leave without pay extends beyond thirty (30) days.

HR5.14. Jury Duty Leave

Civil leave shall be allowed by the Manager to permit an employee to serve as a member of a jury or to appear as a witness before a court or grand jury.

An employee shall receive his/her regular pay while covered under this section. The employee will keep any compensation or reimbursement received for such services.

Employees will promptly inform the District when notified of a jury duty or witness summons and will cooperate in requesting a postponement of service if warranted by business demands. If selected to be on a jury, employee-requested schedule changes will be approved, to accommodate jury duty service. If employees are released from jury duty and there are more than four (4) hours remaining on their work shift, they may be required to return to work.

HR5.15. Volunteer Emergency Services Personnel Leave

In accordance with RCW 49.12.460, an employee who is a volunteer firefighter, reserve peace officer, or member of the Civil Air Patrol will not be subject to discipline or termination when an emergency call, fire alarm, or emergency service operation prevents them from showing up to work on time.

In the case of a volunteer firefighter working at, or returning from, a fire alarm or emergency call that causes the employee to be late or miss work, the on-scene commander must order the firefighter to remain at the scene. Training and other non-emergency activities do not qualify. Volunteer firefighters cannot be paid and must be away from their regular job when the fire alarm or emergency call comes in to qualify for this leave.

A reserve peace officer, as defined in RCW 41.24.010, must be called to an emergency to be late or miss work. A member of the Civil Air Patrol must be involved in an emergency service operation, as defined in RCW 49.12.460, to be late or miss work.

1. **Notice Requirements**

An employee shall make every reasonable attempt to give his or her Department Head advance notice of the need to take leave.

2. **Type of Leave**

An employee who is absent from work pursuant to this policy may elect to use his or her accrued vacation leave or PTO, floating holiday, compensatory time or unpaid leave time.

3. **Verification**

The Department Head may require that the request for leave be supported by verification from the agency at which the employee volunteers.

HR5.16. Domestic Violence Leave

In accordance with RCW 49.76, an employee who is a victim of domestic violence, sexual assault, or stalking, may take reasonable or intermittent leave, with or without pay, to take care of legal or law enforcement needs or to get medical treatment, social services assistance or mental health counseling. Employees who are family members of a victim may also take reasonable leave to help the victim obtain treatment or seek assistance.

Notice Requirements

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

Type of Leave

An employee who is absent from work pursuant to this policy may elect to use his or her accrued sick leave, PTO, other paid leave, compensatory time or unpaid leave time.

Verification

The Department Head may require that the request for leave be supported by verification that the employee or employee's family member is a victim of domestic violence, sexual assault, or stalking and that the leave taken was for one of the purposes described in RCW 49.76. The need for the leave is confidential and will only be released with the employee's consent, by court or administrative agency order, or as otherwise required by law.

Protection of Position and Benefits

Upon the employee's return, the District shall either return the employee to the same position that was held prior to the leave commencing or return the employee to an equivalent position with equivalent benefits, pay and other terms and conditions of employment. However, these restoration rights do not exist if the employee was hired for a specific term or only to perform work on a project and the project is over.

To the extent required by law, the District shall maintain coverage under any health insurance plan for an employee who takes leave under this policy. The coverage will be maintained for the duration of the leave at the level and under the conditions coverage would have been provided if the employee had not taken the leave.

HR5.17. Family and Medical Leave

The District complies fully with the Family and Medical Leave Act of 1993 (FMLA) and with any revisions of the Act as they occur. The following information is provided to give employees a general description of their FMLA rights. In the event of any conflict between this policy and the applicable law, employees will be afforded all rights required by law.

The District will grant job-protected unpaid family and medical leave to eligible employees for any one or more of the following reasons:

New Child or Health Leave:

An employee who is eligible for FMLA may receive up to twelve (12) weeks of unpaid leave in a twelve (12) month period to care for:

- (a) A newborn child, newly adopted child, newly placed foster child;
- (b) a spouse, child or parent with a serious health condition; or
- (c) a personal serious health condition that leaves the employee unable to perform the essential functions of his/her job.

If both spouses are District employees, the District reserves the right to restrict family and medical leave to a total of up to twelve (12) work weeks of unpaid leave in a twelve (12) month period for the birth or adoption of a child or to care for a parent with a serious health condition. The District may opt to limit the use of the family and medical leave to one spouse at a time.

Family and medical leave taken to care for a newborn or newly adopted child must be completed within twelve (12) months of the child's birth or placement for adoption.

Military Caregiver Leave:

An employee who is eligible for FMLA, may receive up to twenty-six (26) weeks of unpaid leave in a 12-month period to care for recovering current military service personnel (including National Guard or Reserves) who is a spouse, parent, child or next of kin who develops and is undergoing medical treatment, recuperation or therapy for a serious injury or illness incurred in the line of duty while on active duty in the armed forces. This includes a recovering veteran discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran.

Call to Active Duty Leave:

An employee who is eligible for FMLA, may receive up to twelve (12) weeks of unpaid leave in a 12-month period when a spouse, parent, or son or daughter on *covered active duty* in the Armed Forces has a qualifying exigency arising out of active duty or has been notified of an impending call or order to active duty in the armed forces in support of a contingency operation.

While an employee may also take 12-weeks of leave other than military care leave, the total amount that an employee may take of both military and other FMLA leave is 26 weeks in a 12-month period.

For purposes of this policy, the “12-Month Period” refers to a “rolling” 12-month period measured backward from the date leave is taken and continuous with each additional leave day taken. Each time an employee takes family leave, the remaining leave entitlement would be any balance of the twelve weeks not used during the immediately preceding twelve months.

Relationship to Other Leave.

- a) Federal and state leave will run concurrently provided the leave circumstances qualify under both sets of laws. Where leave qualifies under only one set, the employee retains full leave allowance under the other laws.
- b) Beginning January 1, 2020, FMLA leave will run concurrently with leave pursuant to the Washington Paid Family Leave Act.

Additional Leave.

- a) Pregnancy related disability leave, HR 5.13 , may be considered separately from and in addition to this family and medical leave policy when required by law.
- b) If an employee needs additional leave beyond the twelve-week period, he or she may request a leave of absence without pay

under HR 5.12 - Leave Without Pay.

Mandatory Use of Accrued Sick Leave, Vacation, PTO & Compensatory Time.

The District requires the employee to use paid leave, provided the use meets the criteria for such leave, concurrently and at the beginning of Family and Medical Leave, unless a specific provision of a contract, or these policies allows otherwise. If the accumulated paid leave time is less than twelve workweeks, then the additional weeks added to attain the total will be unpaid.

Intermittent or Reduced Leave.

An employee may take leave intermittently (a few days or a few hours at a time) or on a reduced leave schedule to care for himself or herself, a spouse, child or parent when the certification documentation confirms that the need for intermittent or reduced schedule leave is “medically necessary”.

- a) The employee may be required to transfer temporarily to a position with equivalent pay and benefits that better accommodates the employee’s modified work hours.
- b) An employee may take leave intermittently or on a reduced leave schedule for birth or placement for adoption or foster care of a child only with the Manager’s consent.

Notice Requirement.

- a) An employee is required to give 30 days’ notice in the event of a foreseeable leave. A written statement of the specific reasons for the request shall be submitted to his or her supervisor.
- b) In unexpected or unforeseeable situations, an employee should provide as much notice as is practicable, usually verbal notice within one or two business days of when the need for leave becomes known, followed by a written request.
- c) If an employee fails to give 30 days’ notice for a foreseeable leave with no reasonable excuse for the delay, the leave can be denied until 30 days after the employee provides notice.
- d) All requests for FMLA leave submitted to a supervisor or department head must be forwarded to the Human Resources Manager upon receipt.
- e) The District may place an employee on FMLA leave when the employer has knowledge of a qualifying FMLA event. The employee may choose to decline FMLA coverage and FMLA protections by affirmatively declining FMLA coverage, in writing to the Human Resources Department, so long as the absence is otherwise covered under other District policies.

Commented [KTC14]: This policy will need to be modified once PFMLA becomes effective January 1, 2020. Under PFMLA rules, an employer cannot force an employee to use paid leave while on PFMLA.

We recommend having a second update to your handbook for PFMLA later this year, once we are closer to January 1, 2020.

Please also see our memo to you regarding PFMLA.

Certification.

- a) The District may require confirmation from the health care provider on the forms provided by the US Department of Labor. Certification must be provided by the employee within 15 days after requested, or as soon as is reasonably possible.
- b) The District may require a second or third opinion at District's expense, periodic reports on the employee's status and intent to return to work, and a fitness-for-duty report to return to work.
- c) All documents related to the employee's or family member's medical condition will be held in strict confidence and maintained in the employee's medical records file in the Human Resources Department.
- d) Confirmation of the need for qualifying exigency leave for rest and recuperation leave can include a copy of the military member's rest and recuperation leave orders, or other documentation issued by the military setting forth the dates of the military member's leave.

Continuation of Health Plan Coverage.

During the period of unpaid family and medical leave, the District will continue health insurance coverages as they existed prior to the leave. However, if the employee fails to return from leave not due to illness or circumstances beyond the employee's control, the employee shall reimburse the District for the health insurance costs paid by the District during the period of leave. If an employee is normally required to pay for part of the health insurance premiums, mutually acceptable arrangements for payment of the employee's share of the premiums must be made to ensure continuation of coverage.

Employment Protection.

- a) If the employee returns to work within the agreed upon time period of family and medical leave, he or she will be reinstated to his or her former position or an equivalent position with equivalent pay, benefits, status, and authority.
- b) The employee's restoration rights are the same as they would have been had the employee not been on leave; thus, if the employee's position would have been eliminated or the employee would have been terminated but for the leave, the employee would not have the right to be reinstated upon return from leave.

Status Reports While Using Family and Medical Leave.

The District may require an employee using family and medical leave to periodically report their status and intention to return to work. The District may also require an employee to obtain additional, written medical certification for the need to continue the leave.

Other Benefits.

The taking of leave shall not result in loss of any benefits, including seniority or pension rights accrued before the day on which the leave commenced. However, the District shall not grant benefits, including vacation, sick leave, or PTO during unpaid leaves of absences. Paid holidays will not be provided if the employee is in unpaid leave status the working day before and the working day after the holiday.

HR5.18. Washington State Family Care Act

In accordance with RCW 49.12.265, an employee can use paid leave to care for family members.

Permitted Use of Family Care Leave.

An employee may use any or all of the employee's choice of sick leave or other paid time off to care for:

- a) A "child" less than 18 years of age with a "health condition that requires treatment or supervision", or
- b) Any child, regardless of age, school attendance or marital status, that is "incapable of self-care" because of a "physical or mental disability", or
- c) A spouse, parent, parent-in-law, or grandparent of the employee who has a "serious health condition" or "emergency condition".

An employee may not take leave until it has been earned.

The employee taking leave under the circumstances described in this section must comply with the terms of the collective bargaining agreement or employer policy applicable to the leave, except for any terms relating to the choice of leave.

Notice Requirement.

Employees unable to report to work because of the need to take family care leave are to notify their immediate supervisor within one hour of the official start time, except in the case of a bona fide emergency. Use of paid leave may not be allowed, at the discretion of the supervisor, unless such report has been made.

HR 5.19 Unauthorized Absence – Presumption of Job Abandonment

An employee who is absent for three consecutive work days without advance notice to the employee's immediate supervisor shall be presumed to have abandoned his or her District position and such absence shall be treated as prima facie evidence of resignation from District employment. It is recognized that unique, emergency conditions may make it impossible for a District employee to notify his or her supervisor of an extended absence from work. Upon the return of the District employee,

the Manager may approve the extended leave.

Jefferson County PUD #1
Human Resources Policies
Section HR-6: Benefits

- HR6.01 Compensation and Payroll Policies
- HR6.02 Overtime and Compensatory Time
- HR6.03 Overtime for FLSA Exempt Employees During Emergency Situations
- HR6.04 On-call Pay
- HR6.05 Work Related Expenses
- HR6.06 Salary Increases
- HR6.07 Applicability of Retirement and Insurance Benefits to the Board of Commissioners
- HR6.08 Insurance Benefit Plans
- HR6.09 Retirement Benefits
- HR6.10 Supplemental Retirement Benefit
- HR6.11 Unemployment Compensation
- HR6.12 Short-term Disability Benefit
- HR6.13 Health Reimbursement Arrangement (HRA)

HR6.01. Compensation and Payroll Policies

Deductions: Some regular deductions from the employee's paycheck are required by law; other deductions are as specifically authorized by the employee. Employees may request voluntary payroll deductions in accordance with applicable laws and statutes.

Salary Advances: The District is prohibited by Article 8, Section 7 of the Washington State Constitution from lending public funds. Cash advances shall be limited to the payment of accrued benefits, such as salary earned or vacation benefits accrued.

Records: Falsification of leave records or reporting may result in disciplinary action.

HR6.02. Overtime and Compensatory Time for Non-Exempt Employees

Except in emergencies, overtime shall be approved by the Department Head or, in his/her absence, the individual in charge of the Department at the time the need for overtime becomes apparent. In order to permit employees some flexibility in the use of the benefits which they earn through their overtime service, the following policies are adopted:

1. Overtime is paid to all non-exempt employees for hours worked in excess of forty (40) per week. Overtime is paid at a rate of one and one-half (1½) times the regular rate of pay.

For purposes of determining overtime, the standard work week starts Monday at 12:00 a.m. and ends Sunday at 11:59 p.m.

2. Non-exempt employees are eligible to receive premium pay at the overtime rate for hours worked on a Saturday and Sunday if they are not a scheduled work day.
3. Non-exempt employees may request compensating time off in lieu of the payment of overtime. All such requests shall be subject to the approval of the Manager and shall be granted at the sole discretion of the District. Compensatory time will accrue at one and one-half (1½) times the hours of overtime worked. The maximum accrual of compensatory time is 40 hours. Use of compensatory time shall be taken within reasonable time from the date earned, not to exceed six months. All scheduling of compensatory time shall be mutually agreed upon by the employee and his/her Department Head. Upon termination of the employment relationship, the balance of the accrued compensatory time will be paid as wages.

HR7.03 ~~Overtime for FLSA Exempt Employees During Emergency Situations~~

~~Under emergency situations, FLSA exempt employees who work in excess of forty (40) hours in a workweek may be paid at one and one-half (1½) times the exempt employees pay as determined on an hourly basis. Such extraordinary situations shall be determined by the General Manager considering factors including length of the time worked, extent of outages, severity of weather conditions, customer impact, and utility need. This provision does not apply to the General Manager or General Counsel of the PUD.~~

Commented [KTC15]: I am deleting this policy as I understand there is concern about it.

Technically speaking, this type of bonus program is allowable for exempt employees.

Commented [KS16R15]: Tammy, others and I talked and the group did not like this program but if it is done by others and legal to do maybe we should keep it. I am used to working outages without compensation.

HR6.03. On-Call Pay

To compensate non-represented, non-exempt employees who have been assigned to accept on call duty for telephone and other non-field support during call out situations, the employee will receive, for each day of on-call status, a flat dollar amount equivalent to \$25.00 per day. This amount will increase by the cost of living adjustment (COLA) provided to non-represented employees on the same date that the COLA is applied to non-represented employee wages. In addition to this stipend, employees will be paid for all hours actually worked while on-call.

HR6.04. Work Related Expenses

It is the policy of the District to reimburse employees and District officials for travel, subsistence and related expenses while conducting District business or providing a service to the District. To qualify for reimbursement, such expense must be reasonable and prudent under the circumstances and directly related to the conduct of business or service of the District. Care must be taken to avoid unnecessary or excessively-costly expenditures.

No claim for personal reimbursement shall be paid unless it is accompanied by a bonafide vendor's receipt. Such receipts must show the date, a description of the purchase, vendor identification and the amount paid. Personal credit card receipts are an acceptable form of receipt.

HR6.05. Insurance Benefit Plans

Medical, dental, vision and life insurance is available to all full-time employees in accordance with applicable plan terms.

HR6.06. Retirement Benefits

District employees will belong to the Public Employees Retirement System. Descriptions of the retirement plan for each employee are available.

HR6.07. Supplemental Retirement Benefit

District employees may participate in the Washington State Deferred Compensation Program (DCP), an IRC Section 457 plan.

Non-represented employee contributions up to 6% of his/her gross wages (with the exception of reimbursements, moving allowance and cash outs) are eligible for District match. The District will match at a rate of \$0.50 for each dollar the employee contributes up to a maximum of 3%. Any amount contributed by the employee beyond the maximum of 6% will not be matched. The total annual contribution under the 457 deferred compensation program, including District match, will be limited by the IRS and DCP regulations.

HR6.08. Short-term Disability Benefit

In recognition of the fact of extended illness or injury, there is established a Short Term Disability (STD) benefit as set forth below and further subject to plan terms. In the event of any difference between this description and the plan, the plan terms shall govern:

Non-union employees who are unable to work for forty (40) consecutive regularly scheduled hours because of their illness or injury, as certified by licensed, competent medical authority, shall receive seventy percent (70%) of their regular straight time base pay from the forty-first (41st)

Commented [KTC17]: With regard to interns and your insurance and retirement benefits: you would want to make sure that either:

- a. Interns are expressly excluded from these plans, or
- b. Interns don't work long enough to qualify under plan terms (for example, if there is a 1-year waiting period to participate in a retirement plan).

This is really a plan issue and simply having a policy in the handbook that interns don't qualify won't be determinative.

regularly scheduled hour of their inability to work until they either recover and return to work or complete the waiting period required for the District's long term disability insurance eligibility, whichever is earlier. Accrued personal leave may be used to make up the difference between the STD benefit payment and 100% of gross, straight-time pay.

Return to work from coverage by the Short Term Disability benefit is conditioned upon certification by licensed, competent medical authority that the employee is able to fully perform the duties of the job and is otherwise fit to return to work.

An employee who returns to work from coverage by the Short Term Disability benefit and works less than thirty (30) calendar days because of a relapse as certified by a licensed, competent medical authority, may return to coverage by the Short Term Disability benefit immediately upon such relapse.

Any employee who returns to work, full time with no restrictions, from coverage under the Short Term Disability benefit and is required to attend recovery or follow-up doctor appointments related to the same illness or injury within ninety (90) calendar days of the first day of return may include these appointments under coverage by the Short Term Disability benefit as described without having to revisit the forty (40) hour waiting period.

Personal leave will be accrued at a rate of 70% of the normal rate while covered by the Short Term Disability benefit, provided that when an employee uses the personal leave option to make up all, or a portion of, the difference between the Short Term Disability benefit payment and 100% of gross straight-time pay, personal leave will then be accrued at the total rate between 70% and 100%. All other benefits will continue to accrue at the normal rates.

Once all STD and personal leave coverage has been exhausted and, according to the prognosis received from a certified medical doctor, an employee will be able to return to their previous position with the District at full capability, the employee may request leave of absence status.

HR6.09. Health Reimbursement Arrangement (HRA)

A. The District will contribute to an HRA VEBA Medical Reimbursement Plan on behalf of all regular non-represented ("eligible") employees participating in the PUD's group medical plan(s). Contributions on behalf of each eligible employee shall be an equal dollar amount for each employee (pro-rated for part-time

Commented [KS18]: The District pays \$25 per month and the employees pay \$50. We have not done an annual budget to the BOC

Commented [KTC19R18]: I have edited the language to remove the part about budget process and simply say it will be determined annually.

employees). The dollar amount will be determined annually ~~as part of the budget process.~~

- 1) The Board of Commissioners may, pursuant to RCW 54.12.080(5), be provided the same group insurance coverage. However, the Board of Commissioners will not automatically be impacted by a vote of the non-represented employees. Should the non-represented employee group vote to make a change, and the change is eligible to be applicable to the Board of Commissioners, the Board of Commissioners will discuss the topic at a public meeting and take a vote to decide whether or not to receive the same coverage as the non-represented employee group.

B. Petition to Change the Program: By a written petition signed by 25% of the eligible employees, representing at least 2 different departments of the District, a revote can be called to change the components of the HRA VEBA plan. 25% of the eligible employees means 25% as of the day the petition is turned in to the Human Resources Manager.

- 1) Components that are subject to change are limited to the contribution method (i.e. change in employee contribution amount and/or PTO cash out contributions).
- 2) The petition must clearly state the action that would be proposed on the ballot that is being requested. The final ballot will contain only one item to vote upon. The item may be a single change or a combination of changes to be implemented together if the vote is successful.
- 3) The deadline for any petition is November 1. No petition will be accepted prior to October 1 of any year. A revote can happen no more frequently than annually and would occur between November 1 and December 15.
- 4) In the event there are multiple petitions, there can be only one vote. Should multiple qualified petitions be submitted, the petition received first will be the one used for the revote.
- 5) The Human Resources Manager is responsible for assisting in any petition by providing names of eligible employees, determining and verifying the necessary signatures to obtain 25%, and for administering any vote as required by a qualified petition.

C. Voting Procedures:

- 1) Ballots, paper or electronic, are to be made available for no less than 10 calendar days.
- 2) A supermajority (60% or greater) of the ballots returned is required to pass any ballot proposal.

- 3) Any eligible employee on the payroll as of the first day the ballots are available is eligible to vote.
- 4) Paper ballots will be counted at a pre-determined location and time allowing for interested observers, a print out of electronic ballot counts will be made available to those requesting the information.
- 5) Any concerns regarding legitimacy of a ballot will be determined solely by the General Manager.

Administrative Authority for Special Election: In the event that an element of the program is required to be changed due to a change or re-interpretation of applicable rules, the General Manager reserves the right to call for a new election outside of the normal petition and voting procedure as outlined above. Such special elections shall only be used when there is any material change in the law affecting the program. The decision as to whether a change is a material change is at the sole discretion of the General Manager. The procedure for the special election will be clearly identified on the special election ballot and can contain rules that require a simple majority (50% plus 1 vote), depending on what type of change is being required of the program.

Jefferson County PUD #1
Human Resources Policies
Section HR-7: Health and Safety

- HR7.01 Safety
- HR7.02 Accidents on the Job
- HR7.03 Alcohol/Drug Use and Dependency
- HR7.04 Drug Free Workplace
- HR7.05 Drug and Alcohol Policy for FMCSA/DOT Regulated Employees
- HR7.06 Wellness Program

HR7.01. Safety

The District recognizes the need for the development of safe working practices for every employee and desires to promote on-the-job safety by encouraging the proper design and use of buildings, equipment, tools and other devices. Administration of the safety program should be the responsibility of the immediate Supervisor/Department Head. Employees should be constantly on the alert to rectify unsafe working practices and report existing hazardous working conditions with the aim of immediate correction.

HR7.02. Accidents on the Job

Accidents which occur on the job, either during regular working hours, weekend service or while on special assignments, shall be immediately reported by the employee to the employee's Supervisor or the Manager. If an immediate report of an accident cannot be made, it shall be reported as soon as it is possible to do so, in any case within 24 hours.

- a. Accidents would include injuries or suspected injuries to employees or others on the job, major equipment breakdown or vehicle accidents.
- b. The term "accidents" is meant to include injuries or suspected injuries to employees which must be reported on industrial accident insurance forms and noted in personnel files.
- c. If an injury should occur on the job, these steps shall be followed:
 - Contact the Fire Department or 911 for emergency medical service if needed.

- Inform the medical service that this was an on-the-job accident and that State Industrial Insurance Report forms should be completed.
 - Notify the Supervisor and Manager as soon as possible following the accident and file a written report if possible
- d. In the event that an accident involving a District vehicle occurs on the job resulting in significant property damage or personal injury the employee shall follow these steps:
- Notify the police, the Manager and the District Office immediately.
 - Ask all persons to remain at the scene until pertinent information is obtained.
 - Obtain data from other drivers involved (license plate number, make of car, driver's license number, name and address of insurance company.)
 - File a written report with the Manager
- e. In order to protect both employees and the District from unwarranted liability, employees are urged not to discuss accidents with persons other than the police and the Manager until the District's insurer and the District's Attorney have been notified and the employee has reviewed the accident with the insurer and/or attorney. Overbroad, inaccurate or confusing statements may result in personal loss or liability to the employee.

Commented [KS20]: I question the term District office, it has appeared in other policies and not sure if it belongs.

Commented [KTC21R20]: It looks like this is the only time in the handbook that "District Office" comes up. If your employees won't understand what it means, then better to delete it.

HR7.03. Alcohol/Drug Use and Dependency

The District maintains a Drug Free Workplace policy in accordance with the Federal Drug Free Workplace Act of 1988 as detailed in HR7.04. All District business shall be conducted in accordance with this policy and as follows:

1. The habitual, abusive use of drugs or alcohol can impair an employee's work and home life. The District encourages the use of counseling and other courses of treatment and Development.
 - a. Employees who voluntarily seek treatment will qualify for the use of Personal leave to attend a bona fide treatment or counseling program.

- b. As a part of any disciplinary action, employees continued employment may be conditioned upon completion of a drug/alcohol treatment or counseling program.
 - c. Employees who voluntarily report an alcoholic condition or drug dependency shall not be subject to any retaliatory job action or to discrimination, provided, however, that nothing in the Policy shall be interpreted to limit the District's ability to discipline or terminate an employee for the use or possession of drugs or alcohol during working hours nor to prevent the District from taking appropriate disciplinary action or from terminating an employee if an alcoholic condition or drug dependency impairs his/her ability to perform assigned duties or poses a threat to the safety of others.
2. Employees who are required to take prescription drugs shall report their use of the drug to the Supervisor or Manager, if the prescription drug may impair the performance of assigned duties or pose a threat to the safety of others.

At the option of the District, an employee may be reassigned to alternative duties or placed on sick leave during the course of treatment by a prescription drug.

HR7.04. Drug Free Workplace

PUD #1 of Jefferson County (PUD) has the responsibility to the public to provide safe and efficient service while ensuring safe working conditions for its employees. To satisfy these responsibilities, PUD must establish a work environment where its employees are free from the effects of drugs, alcohol or other job impairing substances. Accordingly, reporting for work under the influence of intoxicating liquor or illegal drugs, including marijuana, or the unlawful use, manufacture, sale, dispensing, or possession by an employee of an intoxicating liquor, controlled or illegal substance, a drug not medically authorized, or any other substances which impair job performance or pose a hazard to the safety and welfare of the employee, the public, or other employee is strictly prohibited and will result in immediate disciplinary action, including immediate suspension or termination.

Commented [KTC22]: I am adding this for clarity because although marijuana is legal in Washington, it is not legal on a federal level.

As a result of disciplinary action arising from a work-related drug or alcohol incident, an employee may be required to participate in a drug or alcohol treatment program. Work absences for treatment purposes may qualify for accumulated sick leave benefits provided the employee continues to make satisfactory progress in the treatment program. All costs, deductible, and co-payments for such programs shall be the responsibility of the employee.

In order to comply with the Federal Drug-Free Workplace Act of 1988, any employee convicted of a criminal drug violation occurring within the workplace, while operating or in control of PUD machinery and equipment or while acting on behalf of the PUD, must notify PUD, as employer, within one (1) working day of the conviction date. As a condition of employment with PUD, each employee must abide by the terms of this policy.

HR7.05. Drug and Alcohol Policy for FMCSA/DOT Regulated Employees

A. Purpose

Federal regulations require that employers conduct alcohol and controlled substances testing of drivers who operate commercial motor vehicles, including but not limited to: District drivers, contract drivers, mechanics, and supervisors with a commercial driver's license who fill in. For the purpose of this policy the term employee will be referred to as "driver" and employer will be referred to as "District." This policy provides guidelines for circumstances under which the Federal Motor Carrier Safety Administration (FMCSA) and the United States Department of Transportation (DOT) mandated testing must be conducted.

B. Application

Drivers covered by this policy have been provided a copy of these FMCSA/DOT provisions and by signature, verify that you have read and understand the policy. **Drivers should note that in addition to the required DOT regulations they are also subject to the District's drug and alcohol policy and all other policies and procedures as applied to all employees.**

C. Policy

The District expects all drivers to work drug and alcohol-free at all times. If you have any questions about this policy, contact the Human Resources Manager or your Department Head.

The following conditions and activities are expressly prohibited:

The manufacture, or sale, or use or possession of alcohol, any controlled or illegal substance (except strictly in accordance with medical authorization) or any other substances which impair job performance or pose a hazard, when use or possession occurs on District premises or property, or during work time, or while representing the District in any work-related fashion.

Reporting for work having any detectable level of an illegal or controlled drug, or alcohol with an alcohol concentration of .02 or

Commented [KTC23]: Please note: I have only done a cursory review of this section. If you would like a close review of this policy to ensure it complies with regulations, please confirm.

Commented [KS24R23]: Please review

Commented [KTC25R23]: Confirming that I have done a close review of this section.

greater, in one's system while covered by this policy will be considered to be a violation.

D. Alcohol and Drug Problems

In some cases, alcohol and drug abuse can be a result of chemical dependency that can be successfully treated with professional help. Drivers who are having problems with alcohol or drug use are encouraged to seek voluntary counseling and treatment. It is the driver's responsibility to seek help when needed, and to do so before substance abuse causes problems on the job or results in disciplinary action.

Drivers who admit to alcohol misuse or controlled substances use are not subject to the referral, evaluation, and treatment requirements of 49 CFR Part 382 and 40, provided that:

- 1) The driver does not self-identify in order to avoid testing;
- 2) The driver makes the admission of alcohol misuse or controlled substances use before performing a safety sensitive function;
- 3) The driver does not perform a safety sensitive function until the District is satisfied that the driver has successfully completed education or treatment requirements in accordance with the self-identification program guidelines.

Normally, the District will:

- 1) Not take adverse action against a driver making a voluntary admission of alcohol misuse or controlled substances use provided that the admission occurs before the employee has been subject to disciplinary action or the use/misuse has affected job performance;
- 2) Allow the driver sufficient opportunity to seek an evaluation, education or treatment to establish control over the employee's drug or alcohol problem;
- 3) Permit the employee to return to safety sensitive duties **only** upon successful completion of an educational or treatment program, as determined by a ~~Substance Abuse Professional~~ drug and alcohol abuse evaluation expert, i.e., employee assistance professional, substance abuse professional, or qualified drug and alcohol counselor;

3)4) Ensure that prior to the employee participating in a safety sensitive function, the employee shall undergo a return to duty test with (i) a result indicating an alcohol concentration of less than 0.02; and/or (ii) a verified negative test result for controlled substances.

The following Substance Abuse Professionals can provide help and referrals:

Wellspring EAP
800-553-7798 or 206-654-4144 or saplist.com

The EAP can be reached 24 hours a day, seven (7) days a week, 365 days a year.

E. Definitions

This policy will be interpreted in light of applicable DOT regulations and definitions. Certain DOT definitions are excerpted here for reference:

“Alcohol” means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.

“Alcohol concentration (or content), BAC” means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test under 49 CFR Part 382.

“Alcohol use” means the drinking or swallowing of any beverage, liquid mixture or preparation (including any medication), containing alcohol.

“Commercial motor-vehicle” means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

- Has a gross combination weight rating or gross combination weight of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating or gross vehicle weight of more than 10,000 pounds; or
- Has a gross vehicle weight rating or gross vehicle weight of 26,001 or more pounds; or
- Is designed to transport 16 or more passengers, including the driver; or

Commented [KTC26]: For ease of use and readability, I am eliminating some of the less important definitions from this policy since they are contained in the regulations.

- Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR Part 172, subpart F).

“Controlled substances” mean those substances identified in 49 CFR Part 40.85: marijuana metabolites, cocaine metabolites, opiates/opioids, amphetamines, and phencyclidine (PCP).

“DOT Agency” means an agency (or “operating administration”) of the United States Department of Transportation administering regulations requiring alcohol and/or drug testing (14 CFR parts 61, 63, 65, 121, and 135; 49 CFR parts 199, 219, 382, and 655), in accordance with 49 CFR Part 40.

“Driver” means any person who operates a commercial motor vehicle. This includes, but is not limited to: full time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent, owner-operator contractors, who are either directly employed by or under lease to an employer or who operate a commercial motor vehicle at the direction of or with the consent of an employer.

“Drug” has the meaning of any controlled substances, prescription, or over the counter medication.

“EBT (or evidential breath testing device)” means an EBT approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath and placed on NHTSA’s “Conforming Products List of Evidential Breath Measurement Devices” (CPL), and identified on the CPL as conforming with the model specifications available from the National Highway Traffic Safety Administration, Office of Alcohol and State Programs.

“Employer” means an entity employing one or more employees (including an individual who is self-employed) that is subject to DOT agency regulations requiring compliance with 49 CFR Part 382. The term refers to the entity responsible for overall implementation of DOT drug and alcohol program requirements, as well as those individuals employed by the entity who take personnel actions resulting from violations of 49 CFR Part 382 and any applicable DOT agency regulations. Service agents are not employers.

“Licensed medical practitioner” means a person who is licensed, certified, and/or registered, in accordance with applicable Federal,

Commented [KTC27]: “Drug” isn’t defined in the regulations (although controlled substances is). This definition of “drug” is really too broad for DOT regs, which limits testing to 5 controlled substances.

~~State, local, or foreign laws and regulations, to prescribe controlled substances and other drugs.~~

~~“**Medical Review Officer (MRO)**” means a licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an employer’s drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual’s confirmed positive test result together with his or her medical history and any other relevant biomedical information.~~

~~“**Performing (a safety-sensitive function)**” means a driver is considered to be performing a safety-sensitive function during any period in which he or she is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions.~~

~~“**Refuse to submit (to an alcohol or controlled substances test)**” means that a covered employee:~~

- ~~• Fails to show up for any test (except a pre-employment test) within a reasonable time after being directed to do so by the District. This includes the failure of an employee (including an owner operator) to appear for a test when called by a Consortium/Third Party Administrator;~~
- ~~• Fails to remain at the testing site until the testing process is complete; provided, that an applicant who leaves the testing site before the testing process commences for a pre-employment test is not deemed to have refused a test. The testing process commences once the applicant has been provided the specimen collection cup.~~
- ~~• Fails to provide a urine specimen for any drug test or breath or saliva sample for an alcohol test required by 49 CFR Part 382, if the employee leaves after the testing process has commenced;~~
- ~~• In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of the provision of a specimen;~~
- ~~• Fails to provide a sufficient amount of urine, breath or saliva when directed, unless it has been determined, through a required medical evaluation, that there was an adequate medical explanation for the failure to provide.~~
- ~~• Fails or declines to take a second test the employer has directed following a negative dilute result as required by 40.197(b);~~
- ~~• Fails to undergo an additional medical examination, as directed by the MRO as part of the verification process, or as~~

Commented [KTC28]: I am deleting this definition because we can cover it in the section on refusing to test (Section I).

~~directed by the Designated Employer Representative (DER) concerning the evaluation as part of the “shy bladder” procedures in 49 CFR Part 40, subpart I; or fail to undergo a medical examination or evaluation as directed by the employer as part of the insufficient breath procedures outlined in 40.265(e).~~

- ~~• Fails to cooperate (e.g. refuses to empty pockets when directed by the collector, behave in a confrontational way that disrupts the collection process, fail to wash hands after being directed to do so by the collector) or otherwise interferes with any part of the testing process.~~
- ~~• Fails to sign the certification at Step 2 of the alcohol testing form (ATF).~~
- ~~• Is reported by the MRO as having a verified adulterated or substituted test result.~~
- ~~• For an observed collection, fail to follow the observer’s instructions to raise your clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if you have any type of prosthetic or other device that could be used to interfere with the collection process.~~
- ~~• Possess or wear a prosthetic or other device that could be used to interfere with the collection process.~~
- ~~• Admit to the collector or MRO that you adulterated or substituted the specimen.~~

“Safety-sensitive function” means all time from the time a driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. Safety-sensitive functions shall include:

- (1) All time at an employer or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the employer;
- (2) All time inspecting equipment as required by 49 CFR 392.7 and 392.8 or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;
- (3) All time spent at the driving controls of a commercial motor vehicle in operation;
- (4) All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth (a berth conforming to the requirements of 49 CFR 393.76);

- (5) All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and
- (6) All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

~~“Substance Abuse Professional” (SAP) is a licensed or certified professional that has knowledge not only of the diagnosis and treatment of alcohol and controlled substances related disorders, but also of DOT drug and alcohol testing and return to duty processes as required by DOT Rule 49 CFR Part 40 Section 40.281, is a person who is qualified under 49 CFR 40.291 to evaluate employees who have violated a DOT drug and alcohol regulation and who makes recommendations concerning education, treatment, follow-up testing, and aftercare.~~

F. Prohibited Conduct

The following is considered prohibited conduct under this policy:

1. No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater.
2. No driver shall use alcohol while performing safety-sensitive functions.
3. No driver shall perform safety-sensitive functions within four hours after using alcohol.
4. No driver required to take a post-accident alcohol test under 49 CFR 382.303 shall use alcohol for eight (8) hours following the accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first.
5. No driver shall refuse to submit to a post-accident, random, reasonable suspicion, or follow-up controlled substance and/or alcohol test required by 49 CFR Part 382.
6. No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substance, except when the use is pursuant to the instructions of a licensed medical practitioner, who has advised the driver that the substance will not adversely affect the driver's ability to safely operate a commercial motor vehicle.

7. No driver shall report for duty, remain on duty or perform a safety-sensitive function, if the driver tests positive for controlled substances.

The District shall not permit a driver to continue to perform safety sensitive functions if the District has “actual knowledge” of a driver violating any of the aforementioned prohibitions. “Actual knowledge” is defined in 49 CFR 382.107.

~~The District can obtain actual knowledge based on the employer’s direct observation of the employee, information provided by the driver’s previous employer(s), a traffic citation for driving a CMV while under the influence of alcohol or controlled substances, or an employee’s admission of alcohol or controlled substances use, except as discussed in the District’s voluntary self-identification program.~~

Commented [KTC29]: I am deleting this because it is contained in the regulations.

G. **Other Related Alcohol Conduct**

A driver tested under the requirements of this policy who is found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall be removed immediately from performing safety-sensitive functions until the start of the driver’s next regularly scheduled duty period, but not less than 24 hours following the test administration.

H. **Controlled Substances and Alcohol Testing**

The driver may be tested for controlled substances at any time during his/her work day, except pre-employment, and alcohol testing will be conducted just before, during or after performing safety sensitive functions.

~~All negative dilute specimen test results will require the applicant or driver to submit to an immediate retest.~~

Drivers will be subject to testing as follows:

1. **Pre-employment**

Drivers will be tested for controlled substances unless the applicant participated in a DOT testing program within the past 30 days and

- a. passed a DOT controlled substance test within the past six (6) months; or
- b. was subject to DOT random controlled substance testing program for the previous 12 months; and
- c. has not violated any prohibitions of 49 CFR Part 382 within the past six (6) months.

Commented [KTC30]: This exception to pre-employment drug testing is at the employer’s option. You don’t have to do this. You could just say: “Drivers will be subject to a pre-employment test for controlled substances.”

In situations where the District exercises the exception to pre-employment testing described above, it will follow the procedures set forth in 49 CFR 382.301.

A driver/applicant who tests positive on a pre-employment test will not be hired, however, may be eligible to reapply with the District after one (1) year from the date of the positive test result. In addition, an applicant who tested positive for this or any other District's mandated pre-employment drug test after August 1, 2001, must provide documentation of his/her successful completion of DOT return-to-duty requirements (i.e. an evaluation by a Substance Abuse Professional, education and/or treatment, and a negative DOT pre-employment test all of which meet the requirements of 49 CFR Part 40). The driver/applicant will be responsible to pay for the pre-treatment evaluation, education and/or treatment, and the subsequent pre-employment test.

2. Post-accident

As soon as practicable following an occurrence involving a commercial motor vehicle operating on a public road in commerce, each surviving driver shall be tested for controlled substances and alcohol:

- a. who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life (fatality); or
- b. the driver received a citation for a moving violation and the accident involved bodily injury to any person who, as a result of the accident, immediately receives medical treatment away from the scene of the accident; or
- c. the driver received a citation for a moving violation and the accident involved one or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

A driver may not consume alcohol for eight (8) hours following an accident that requires the DOT alcohol test, or until he/she undergoes a post-accident alcohol test, whichever occurs first. All reasonable steps ~~must will~~ be taken to conduct the alcohol test within two (2) hours of the accident, but not more than eight (8) hours following the accident and a urine specimen for controlled substance testing as soon as feasible, but within 32 hours.

If the alcohol and controlled substance test(s) is/are not administered within the timeframes above, the District shall cease attempts to administer the test and shall prepare and maintain a record of the reasons why the test was not administered. A driver must remain readily available for testing, or may be deemed by the District to have refused to submit to testing.

3. Random

The employer is using a consortium/third party administrator to facilitate the random selection of drivers and notification to the employer of the driver(s) selected for testing. The consortium/third party administrator is:

A WorkSAFE Service, Inc.
1696 Capitol St NE
Salem OR 97301
(503) 391-9363

Drivers will be subject to random alcohol and controlled substance testing under the following program:

- a. Random selection of drivers will be made by a scientifically valid method using a computer-based random number generator that is matched with drivers' Social Security numbers.
- b. Each driver shall have an equal chance of being drawn each time selections are made.
- c. Selections for testing are unannounced and reasonably spread throughout the calendar year.
- d. Random selections are made to ensure testing for controlled substances is conducted at not less than the minimum annual 25% rate and alcohol is conducted at not less than the minimum annual 10% rate, or the rates as established by the FMCSA.
- e. A driver shall only be tested for alcohol just before, during, or after performing safety-sensitive functions, however, he/she may be tested for controlled substances anytime while performing work for the employer.
- f. Once a driver is notified of selection for random alcohol and/or controlled substances testing he/she shall proceed to the test site immediately.

4. Reasonable Suspicion

Drivers will be tested for alcohol and/or controlled substances whenever the employer has reasonable suspicion that the

individual has violated any of the drug and alcohol policy (for example, if the employer observes physical signs of drug or alcohol use, such as slurred speech, unsteady gait, dilated pupils, odor of alcohol or controlled substances, etc.; or if observed unusual behavior suggesting the use of controlled substances or alcohol in violation of the District policy). Drivers required to be tested under reasonable suspicion testing will be removed from performing safety sensitive functions pending the outcome of the test result(s) and be transported to the testing facility by the District.

Reasonable suspicion drug testing is authorized when the supervisor's observation of the driver's behavior occurs anytime during the workday. Reasonable suspicion alcohol testing is authorized only if the supervisor's observation of the driver's behavior has been made during, just preceding, or just after performing any safety-sensitive function.

The alcohol test must be completed within two (2) hours of the observation, if not, the District must document the reasons for the delay, and shall continue to have the test conducted up to eight (8) hours following the observation. After eight (8) hours the attempt to test will cease, and the District must again provide the reasons for the test not being administered.

If an alcohol test is not completed within the two (2) or eight (8) hour time periods, the employer shall prepare and maintain on file a record stating the reasons the test was not administered within the appropriate time frames.

The District shall not permit a driver to report for duty, remain on duty, perform, or continue to perform any safety-sensitive functions while the driver is impaired by alcohol, as shown by the behavioral, speech, or performance indicators of alcohol misuse, until:

- a. An alcohol test is administered and the driver's alcohol concentration measures less than 0.02 percent; or
- b. The start of the driver's next regularly scheduled duty period, but not less than twenty-four (24) hours following the supervisor's determination that reasonable suspicion exists.

Supervisors and any District representative that may be expected to serve in a supervisory capacity, and who may be required to make a reasonable suspicion determination, must

have received at least 60 minutes of training on the indications of probable drug use and an additional 60 minutes training on the indicators of probable alcohol misuse. Only those individuals who have received this training are qualified to make these decisions.

5. Return-to-Duty

No driver found to be in violation of the District drug and alcohol policy will be permitted to return-to-duty involving safety-sensitive functions until the driver has a verified negative controlled substances test and/or an alcohol test with a result less than 0.02 alcohol concentration. All controlled substances return-to-duty tests will be conducted by same gender direct observation. Refusing to permit an observed collection will constitute a refusal to test with the same consequences as testing positive. In order to return to duty, the driver must further comply with the evaluation and referral requirements described in Section O.

6. Follow-up

Any driver in need of assistance in resolving problems associated with alcohol misuse and/or controlled substances use as identified through the evaluation by the Substance Abuse Professional will, if still employed, be required to enter into a Last Chance Agreement and to submit to unannounced follow-up testing for controlled substances and/or alcohol as directed by the Substance Abuse Professional. The District may perform follow-up testing for five years. All controlled substances follow-up tests will be conducted by same gender direct observation. Refusing to permit an observed collection will constitute a refusal to test with the same consequences as testing positive.

I. Failure to Cooperate

Employees who are subject to this policy are expected to comply fully with any required testing. Failure to do so (including, for example, refusing to sign consent or refusing to test, obstructing the testing process, failing to make yourself available for a required test, failing to provide an adequate sample for testing, attempting to adulterate or substitute a specimen, or in any way tampering with a required test, failure to empty pockets or wash hands as requested by collection site personnel, refusing to permit an observed collection, possessing or wearing a prosthetic or other device that could be used to interfere with the collection process, or otherwise refusing to submit to testing as defined in 49 CFR 382.107) will cause the driver

to be immediately relieved from performing safety-sensitive functions, and will also be considered a violation of District policy that will subject the employee to discipline, up to and including termination of employment. The District also reserves the right to involve law enforcement officials for any conduct, which it believes, might be in violation of state or federal law.

J. Testing Procedures

Urine Specimen Collection: Specimen collections will be conducted in accordance with the procedures of 49 CFR Part 40, as amended. The collection procedures are designed to ensure the security and integrity of the specimen provided by each covered employee, and those procedures will strictly follow federal chain-of-custody guidelines. Moreover, every reasonable effort will be to preserve the individual's privacy as much as possible consistent with ensuring an accurate result. Covered employees will be required to empty their pockets before providing the drug test specimen.

Under normal circumstances the applicant or covered employee will be afforded compete privacy in the restroom for providing the urine sample. Certain situations do require the urine sample be provided under same gender direct observation. Those situations include:

- The temperature on the original specimen was out of range; or
- The original specimen appeared to have been tampered with (i.e. unusual color, odor, foam, etc.); or
- The laboratory reported to the MRO that a specimen is invalid, and the MRO reported to the District there was not an adequate medical explanation for the result; or
- The MRO reported to the District that the original positive, adulterated, or substituted test result had to be cancelled because the test of the split specimen could not be performed; or
- The laboratory reported to the MRO that the specimen was negative-dilute with a creatinine concentration greater than or equal to 2 mg/dL but less than or equal to 5mg/dL, and the MRO reported the specimen to the District as negative-dilute and a second collection must take place under direct observation; or
- All return-to-duty or follow-up drug tests.

When that occurs, the donor will be required to follow the observer's instructions to raise their clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if there is any type of prosthetic or other device that could be used to interfere with the collection process.

Refusing to permit an observed collection, possessing or wearing a prosthetic or other device that could be used to interfere with the collection process are considered a refusal to test and will constitute a verified positive drug test result.

Laboratory Analysis: As required by 49 CFR Part 40, only a laboratory certified by the Department of Health and Human Services (DHHS) will be retained by the District to perform the analysis of the urine specimen for controlled substances. The initial screening test will be performed by immunoassay and will test for substances and at cutoff levels required by 49 CFR Part 40, as amended. All specimens identified as positive on the initial screening test will be confirmed ~~using gas chromatography/mass spectrometry techniques at cutoff levels required by~~ in accordance with 49 CFR Part 40, as amended.

Breath Alcohol: Testing will be conducted by a qualified technician according to 49 CFR Part 40 procedures. Either a breath or saliva test by an EBT device will be used for the testing.

K. Medical Review

All controlled substances test results will be reviewed by a Medical Review Officer (MRO) before results are reported to the District. The MRO will attempt to contact the driver to discuss the test results before reporting positive results to the District.

~~The District Medical Review Officer is:~~

~~Dr. George Go, MD
9370 SW Greenburg Rd., Suite 200
Portland OR 97223
(503) 977-3225~~

Commented [KTC31]: Consider excluding this from Handbook because any changes could mean that your handbook policy is out of date.

L. Notification of Results

The District will notify the affected driver of any controlled substances test that is reported as positive by the MRO. The District will notify driver-applicants of the results of pre-employment controlled substances testing if the applicant requests that information in writing within 60 days after we notify the applicant that he/she has or has not been hired.

M. Reanalysis of Original Specimen

Within 72 hours of the MRO notifying the driver of a verified positive controlled substances test, an adulterated or substituted specimen, the driver may request the reanalysis of the original

specimen. Only the MRO may authorize such a reanalysis, and such a reanalysis may take place only at laboratories certified by the Department of Health and Human Services (DHHS). If the reanalysis fails to reconfirm the presence of the drug or drug metabolite, the MRO shall cancel the test.

All drivers have a right to request the reanalysis of the original specimen for which the applicant and/or driver will be responsible to pay.

N. Confidentiality

Records required under this policy, including test results, will be maintained in a secure location with controlled access. Each driver, upon written request, shall be entitled to receive copies of his/her own records, and to have copies of his/her records made available to any subsequent employer. Information may also be disclosed to the relevant state or federal agencies, or in connection with judicial, administrative or related proceedings (e.g., grievances and arbitration) initiated by or behalf of the driver.

O. Evaluation and Referral

DOT regulations require that any driver who violates the alcohol and controlled substances rules of 49 CFR Part 382 be advised of available evaluation resources and be evaluated by a Substance Abuse Professional. The driver must complete an appropriate education and/or treatment program before being eligible to return-to-safety sensitive duty.

Before returning to performing safety-sensitive functions for **any** DOT employer a driver ~~must be tested for controlled substances with a verified negative controlled substances test result and/or alcohol with a test result less than 0.02 alcohol concentration. The driver will be subject to follow-up testing of at least six tests in the first 12 months of returning to duty, and follow-up testing may continue for five years. All return to duty and follow-up drug tests will be required to be collected as same-gender direct observation collections, must submit to return-to-duty testing (Section H.5) and follow-up testing (Section H.6).~~

P. Consequences

Under normal circumstances, drivers violating this policy or federal regulations will be suspended from performing any safety-sensitive functions with a commercial motor vehicle, as defined by this policy, and will be subject to disciplinary action up to and including termination of employment. Under some circumstances, however, the District may agree to return a driver to performing these

functions upon successful completion of an educational or treatment program, as determined by a Substance Abuse Professional. Where that occurs, the driver must pay the cost of the pre-treatment evaluation and any education or treatment. The District will pay the cost of any follow-up controlled substances or alcohol testing required by 49 CFR Part 382.

Where, at the District's discretion, a driver is returned to work, the driver will be required to enter into a Last Chance Agreement and to submit to unannounced follow-up testing for controlled substances and/or alcohol as directed by the Substance Abuse Professional in order to continue to perform safety-sensitive functions and operating a commercial motor vehicle requiring a CDL.

The District reserves the right to take disciplinary action up to and including termination for violation of the District drug and alcohol policy.

Q. Clearinghouse

Effective January 6, 2020, the District will report the following information to the Clearinghouse, which is a federally-maintained electronic database containing records of violations of drug and alcohol prohibitions:

- A verified positive, adulterated, or substituted drug test result;
- An alcohol confirmation test with a concentration of 0.04 or higher;
- A refusal to submit to any test required by DOT regulations;
- An employer's report of actual knowledge, as defined in 49 CFR 382.107;
 - On duty alcohol use;
 - Pre-duty alcohol use;
 - Alcohol use following an accident; and
 - Controlled substance use
- A substance abuse professional report of the successful completion of the return-to-duty process;
- A negative return-to-duty test; and
- An employer's report of completion of follow-up testing.

HR7.06. Wellness Program

Acknowledging the impact of mental and physical well-being on the District's employees and therefore, the work of the District, the District offers a wellness program to District employees.

A "wellness committee" comprised of employees will meet and design the wellness program, which may include educational events, presentations, literature, supplies, materials or prizes for on or off-site use to encourage healthy lifestyles. Full-time employees may seek reimbursement for approved wellness activities using a Reimbursement Request form, subject to program limitations and restrictions. Families of employees are encouraged to participate so long as there is no additional cost to the District or such cost is paid by the employee. Employees and their families are required to sign a Wellness Agreement and Release in order to participate in wellness activities.

Jefferson County PUD #1
Human Resources Policies
Section HR-8: Travel

- HR8.01 Purpose
- HR8.02 In General
- HR8.03 Travel Authorization
- HR8.04 Meal Per Diem Rates
- HR8.05 Meals Included in Registration Fees
- HR8.06 Lodging Rates
- HR8.07 Automobile Use
- HR8.08 Non-Employee Passengers
- HR8.09 Volunteers
- HR8.10 Reimbursement Procedure
- HR8.11 Extending a Trip for Personal Reasons
- HR8.12 Traveler's Responsibility
- HR8.13 Modification of Policy
- HR8.14 Exceptions to Policy
- HR8.15 Direct Payment of Travel Expenditures

HR8.01. Purpose
This policy provides guidance concerning travel while conducting official District business.

HR8.02. In General

- A. Travelers are required to take steps to minimize travel expenses to the extent practical.
- B. The departure point for travel will be either 310 Four Corners Road, Port Townsend or the traveler's residence, whichever is closer to the travel destination.
- C. The return point for travel will be either 310 Four Corners Road, Port Townsend or the traveler's residence, whichever is closer to the travel destination.

HR8.03. Travel Authorization
Any travel on behalf of the District must be pre-approved on the JPUD travel request form by the General Manager. When the General Manager is the traveler, any required authorization will come from the Board President. When a Board member is the traveler, any required authorization will come from the Board acting as the JPUD Governing Body.

Commissioners do not need to request pre-approval for travel within the State of Washington or to the Portland, Oregon, metropolitan area. Commissioners wishing to travel somewhere requiring pre-approval will request approval from the other Commissioners by placing the request on a board meeting agenda prior to traveling.

HR8.04. Meal Per Diem Rates

JPUD uses the rates set by the U.S. General Services Administration. To determine the rate for individual meals, the following calculations rounded to the nearest dollar apply:

Breakfast: 25% of the daily GSA amount
Lunch: 30% of the daily GSA amount
Dinner: 45% of the daily GSA amount

Travelers are required to accept per diem rather than reimbursement, unless such would be impractical or not in JPUD's best interest.

HR8.05. Meals Included in Registration Fees or as Part of Lodging

If meals are provided at an event and are included in the registration fee for that event or are provided as part of the cost of lodging, the traveler is not eligible for meal per diem for that meal. Continental meals or light refreshments do not count as a meal.

HR8.06. Lodging Rates

Travelers will be reimbursed for actual costs, as evidenced by a receipt. Travelers may also use a JPUD credit card if authorized and available. Travelers should attempt to reserve lodging at the lowest available rate. Lodging is not authorized when the destination is under 50 miles away absent unusual circumstances.

Final Day of JPUD Business: Payment for lodging expenses related to the night of the traveler's final day of business may be authorized under the following circumstances:

- A. When the overnight stay is more economical to JPUD (such as the increased cost of travel the final day of business being greater than an extra night's lodging and travelling the following day.)
- B. When the health or safety of the traveler is at unreasonable risk.
- C. In exceptional circumstances .

If a family member or guest accompanies the traveler, the traveler shall pay any additional costs incurred as a result of the additional guest.

HR8.07. Automobile Use

JPUD vehicles will be used for JPUD business, unless a JPUD vehicle is not available, or where use of a non-JPUD vehicle is determined to be impractical. Where use of a non-JPUD vehicle is approved, mileage reimbursement usage will be at the then-current mileage rate as published by GSA. When JPUD vehicles are unavailable, travelers will make reasonable efforts to use as few non-JPUD vehicles as possible.

Mileage reimbursement for use of a privately-owned vehicle will differ depending on the situation. The current mileage rates for private vehicles when a PUD vehicle is available, when a PUD vehicle is not available and personal motorcycles will be shown on the PUD reimbursement form.

Board members are not required to try to use a JPUD vehicle and may receive mileage reimbursement at the “no JPUD vehicle” rate when using their personal vehicle.

Employees are encouraged to discuss the pros and cons of using a JPUD vehicle with their supervisor when getting pre-approval for the travel.

Tolls, parking fees and other associated costs related to vehicle use are eligible for reimbursement. Actual fuel costs are paid only for rental cars.

HR8.08. Reimbursement Procedure

A travel expense reimbursement form must be completed that includes a detailed explanation of the items purchased and itemization of the amounts where appropriate, along with a description that clearly evidences the business purpose of the expense. No receipts are required for per diem meals. JPUD will not reimburse for:

- A. Travel or meals paid by any other organization.
- B. Alcoholic beverages.
- C. Valet services unless no other reasonable option existed.
- D. Expenses incurred by anyone other than the employee or Board member.
- E. Fees for sightseeing tours or other activities with no direct relationship to District business, and entertainment expenses.
- F. Mileage when traveling as a passenger.

G. Any other expenditure for personal purposes.

In cases where a receipt is not practical (such as parking meters or cash only parking lots), and the expenditure is less than \$10, a written explanation from the employee or Board member will serve as a receipt.

When an employee or a Board member uses a District credit card, detailed receipts shall be retained and turned in to Accounts Payable in accordance with the District's credit card program policy and procedures. Each receipt must clearly identify the type of expense (e.g. air fare, hotel room, etc.).

An employee or Board member will use the District's expense report form for reimbursable expenses not charged on a District credit card. The form must be submitted to Accounts Payable within thirty (30) days of the earliest expense item shown on the voucher. Reimbursements less than \$25 may be requested from petty cash.

HR8.09. Extending a Trip for Personal Reasons

A business trip may be extended for personal reasons, such as a vacation, provided JPUD does not incur any additional expense. If additional expense is incurred, JPUD will reimburse only up to the expense that would have been incurred had the trip not been extended. The same expense calculation will be made if the traveler chooses to take a spouse, domestic partner, or other family member on a trip.

HR8.10. Traveler's Responsibility to Abide by Travel Policy

It is the traveler's responsibility to understand and abide by this policy at all times. Claiming a misunderstanding of this policy will not be grounds for reimbursement that would otherwise not be authorized. Travelers should clarify any reimbursement issues before they incur any expense for which they intend to seek reimbursement.

HR8.11. Modification of Policy

If at any time the General Manager determines administration of any part of this policy is not in the best interest of JPUD, he/she may modify or suspend the part in question pending consideration and final action by the Board.

HR8.12. Exceptions to Policy

The General Manager, Board President, or the Board as appropriate, is authorized to make exceptions to this policy for

health, dietary, or religious reasons or when circumstances warrant special consideration. Examples include but are not limited to: an overnight stay for the safety of the traveler, lodging at a hotel other than the cheapest available for security or practicality, or a meal per diem where the meal otherwise did not accommodate a traveler's dietary restrictions.

HR8.13. Direct Payment of Travel Expenditures

Travelers may request direct payment of lodging and airfare costs by using the established procedure for requesting a purchase order or using the JPUD credit card for payment.

Employee Handbook Acknowledgement

This is to acknowledge that I have received a copy of the Jefferson Public Utility District #1 (“District”) Employee Handbook. I understand that it is my responsibility to read the Employee Handbook and to abide by the rules, policies, and standards set forth in the Employee Handbook. I acknowledge that the Employee Handbook is intended to provide me with a general overview of the District’s policies and procedures. I acknowledge that nothing in this Employee Handbook is to be interpreted as a contract, express or implied, a promise of specific treatment in specific circumstances, or an inducement for employment.

I also acknowledge that my employment with the District is at will and can be terminated at any time for any reason, with or without cause or notice, by me or by the District, unless a collective bargaining agreement specifically governs the undersigned employee’s case, in which case the terms of that agreement will prevail. I also acknowledge that this policy of at-will employment may be revised, deleted or superseded only by a written employment agreement signed by the Board of Commissioners that expressly revises, modifies, deletes, or supersedes the policy of at-will employment.

I also acknowledge that the District reserves the right to revise, delete, and add to the provisions of this Employee Handbook with or without prior notice.

I also acknowledge that I have received and reviewed the District’s drug and alcohol policy contained in this Handbook, including the policy as it applies to Commercial Vehicle License Holders.

Commented [KTC32]: The regulations require that employees with CDLs sign a certificate of receipt for the DOT drug and alcohol testing policy.

Employee Signature

Employee Name Printed

Date