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EMPLOYMENT PROCESSES AND PRACTICES

POLICY 110

1. PERSONNEL ACTIONS TO BE DOCUMENTED

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

2. EQUAL OPPORTUNITY EMPLOYMENT

2.1 Statement Of Principles And Values

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

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

2.2 Policy

(1) Equal Employment Opportunity

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

(2) Reasonable Accommodations

Pend Oreille County provides reasonable accommodations that allow otherwise qualified applicants or employees with disabilities to perform the essential functions of the position. Reasonable accommodations will be made unless such

accommodations have the end result of placing an undue burden on the operations of the County. Employees needing accommodations should contact their supervisor or County Official, or seek assistance from the County Human Resources Office.

2.3 Appeals

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

3. NON-DISCRIMINATION Policy

"In the exercise of its powers or in the performance of its duties, the County shall ensure that no person is discriminated against because of race, creed, political ideology, color, national origin, sex, marital status, sexual orientation, age, the presence of any sensory, mental or physical handicap, or any other basis not reasonably related to the accomplishment of a legitimate governmental purpose."

The Pend Oreille County Commissioners have adopted this core principle of nondiscrimination into all systems that govern the day-to-day activities of County government. Management and staff, as well as the general public, have a fundamental right to conduct employment and business in an environment free of discrimination.

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

3.1 Reporting Discrimination

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

3.2 Response to Reports

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

3.3 Investigation

The Human Resources Office or the County Prosecutor will begin an investigation if they determine it is necessary. The first pre-investigation step shall be to inquire of all persons

reporting as to whether the record now includes all allegations of discrimination. The investigation will be conducted promptly on a priority basis and will be directed toward ascertaining the facts concerning the allegations. If, in the course of investigation, evidence of discrimination involving other employees is found, the County shall initiate separate investigations.

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

4. RECRUITMENT

4.1 Filling of Vacancies

All vacancies shall be filled as provided in this section and state statute. All regular appointments and promotions to positions shall be based upon merit, qualification, fitness, ability, knowledge, and skills that are ascertained by application and open competitive examination. No appointment shall be made until approved by the appropriate County Official. The appropriate County Official may elect to post the vacancy within their department, within the entire County, or advertise to the public. The Human Resources Office may assist the County Official in advertising and if necessary, in testing prospective employees.

4.2 Approval To Fill Vacancies Required

The County Commissioners must approve hiring a new employee. The appropriate County Official shall approve the filling of all vacancies occurring within their department(s) prior to any recruitment, advertising, or hiring. The County Official's approval shall be based on necessity, proper classification, and available funding.

4.3 Announcements And Applications

(1) Announcements Of Vacancies/Examinations

The County Official, at the time of posting a vacancy, shall therein state the last date that applications for the listed position will be accepted by the Human Resources Office. Job openings may be announced in one or more newspapers of general circulation, posted on the public bulletin board in the County Courthouse and in such other publications, electronic or otherwise, as may be determined appropriate by the Human Resources Office.

Announcements for internal promotional opportunities may be provided only to eligible employees. Such announcements do not need to be published in the newspaper.

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

(2) Content Of Announcements

The vacancy/examination or promotional announcement shall contain:

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

(3) Filing Applications

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

Applications will be accepted when there is an open and listed job vacancy. Unsolicited applications, to which resumes may be attached, will be accepted and placed in a General Application File. These applicants must contact the Human Resources Office to pull their application and have it placed into the file for a specific open position when one is advertised. Once the application is pulled from the General Application File, and the applicant was not successful in obtaining the position sought, the applicant must file a new General Application, if so desired. All applications shall specify the job applied for or that it is a General Application. Applications filed with the County become the property of the County. Resumes will not be accepted as an application; however, may be submitted along with other supplemental documentation.

(4) Evaluation Of Applicants

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

(5) Disqualification Of Applicants

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

- a) Failure to meet the standard requirements for the class for which application is made;
- b) Making false statements in the application with regard to any material fact;
- c) Failure to furnish true and complete statements in the application or in an interview;
- d) Failure to fully and accurately complete the application form provided by the County;
- e) Failure to successfully pass any portion of the post offer testing and background investigation.
- g) Practice or attempted practice of fraud or deception in connection with filing of application;
- h) Physically or mentally unfit to perform effectively the duties of the class;
- i) Failure of applicant, after notification, to be promptly present at the time and place designated for any portion of an examination;
- i) Failure to meet a bona fide occupational qualification;
- j) Has used, or attempted to use, political pressure or bribery to secure an advantage in testing or appointment;
- k) Demonstrated inability to safely and carefully operate a vehicle.

Note: Ability to safely and carefully operate County vehicles, abide by the law, and overall suitability will be judged based upon the applicant's driving and criminal record, if any, and other reliable information. A higher standard may be applied to those whose job responsibilities warrant, such as deputy sheriffs and adult and juvenile correction officers and counselors and certain administrative, technical and professional staff. Applicants will be judged on a case by case basis and may be disqualified by the County Official and/or the Human Resources Office.

Disqualification extends to include any time in the course of an employee's employment with the County when the discovery of the misrepresentation occurs. Disqualified applicants may be notified by mail addressed to their last known residence. Disqualification for a Sheriff's Department position with a full or limited commission includes not being a citizen of the United States or being unable to read and write the English language.

4.4 Examination And Interviews

(1) Scheduling Of Interviews And Examinations

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

(2) Preparing And Conducting Examinations

The Human Resources Office may assist the County Official in preparing examinations and interview questions. All such materials shall be reviewed and certified by the Human Resources Office to ensure conformity with antidiscrimination laws and policy.

(3) Character Of Examinations

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

(4) Reasonable Accommodation - Disabilities

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

(5) Grading Of Examinations

The County Official shall determine a final score for each applicant's examination, computed in accordance with the weights for different parts as applicable. Failure of any test given as part of the examination process shall disqualify the applicant in the entire examination process. All applicants for the same position shall receive uniform and equal treatment in all phases of the examination procedure.

(6) Examination Process To Be Announced

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

(7) Drug Testing

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

(8) Physical Examinations - Fitness For Duty

A conditional offer of employment will be contingent upon the applicant's successful completion of a medical examination. The County requires the applicant to take a pre-employment physical examination to determine their fitness to perform the duties of the position for which they have applied. The medical exam will be performed by a county selected physician at County expense.

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

Employees are required to maintain a level of health, including mental and physical fitness, which will allow them to perform their duties effectively. Should a question arise as to an employee's fitness for duty, the employee may be required to submit to an examination by a physician(s) or other qualified professionals as may be deemed appropriate by the County, and to bring his or her health or fitness level to an acceptable standard as determined by the consulting physician(s) and the County.

(9) Driving Record

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

Job applicant driving records are checked prior to being hired as a condition of employment. An applicant whose driving records indicate a conviction for a criminal traffic violation within the last five (5) years, or more than two moving infractions within the last three (3) years may be disqualified from being hired.

4.5 Civil Service

- (1) Civil Service applies only to employment within the Pend Oreille County Sheriff's Department.
- (2) The rules and regulations of the Pend Oreille County Civil Service Commission establish the principles and procedures in the administration of the civil service program per RCW 41.14.

5. APPOINTMENT

5.1 Hiring

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

(1) Interview And Selection

The County Official to which the eligible applicants are certified may examine their applications and interview them. The County Official shall make a selection from the names certified. The final determination to hire an applicant will rest with the appropriate County Official. The County Official must get approval to hire the applicant from the Board of Commissioners. The County Official shall notify the Human Resources Office of the applicant selected, and shall also notify the applicant of the selection.

(2) Reinstatements

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

Reinstatement of an employee from a leave of absence granted by the County Official; or

Reinstatement of an employee in accordance with the laws or these rules, or by order of a court of competent jurisdiction.

5.2 Probationary Appointments

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

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

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

5.3 Regular Appointments

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

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

5.4 Temporary Appointments

Unless otherwise specified in a collective bargaining agreement temporary employees may be hired full or part time for a period of time or for a job of limited duration with the understanding that there is no guarantee of continuation of employment.

Temporary employees are not subject to the rights of recall.

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

6. JOB SHARE

6.1 Job Share At County Discretion

Establishment and continuation of any job share position is at the discretion of the County based on operational need. If a job share position is considered when the position is filled, the establishment of the position shall be with the concurrence of the employee and, if

applicable, the appropriate labor union. Specific scheduling arrangements shall be determined by the County Official and should be a function of the needs of the department, the nature of the job and the desires of the job share partners.

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

6.2 Job Share Rules

The following rules shall govern job shares:

- (1) When a job share is established or when there is a change in employee(s) working the job share, hours of work, and sharing of benefits is established with mutual agreement of the employees and the County Official. Once established, change may only be made with the approval of the County Official and both employees and must be documented by a personnel action.
- (2) Total hours worked by both employees in a job share position cannot equal more than the total hours authorized for the position.
- (3) Employees may be required to work extra hours during periods of absence of one of the job share partners. County Officials must consider budget impacts and the availability of extra help funds when scheduling excess hours.
- (4) Benefit sharing and rules shall be subject to procedures detailed in Policy 140, Employee Benefits.

7. POST-RETIREMENT EMPLOYMENT

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

8. EMPLOYMENT OF RELATIVES

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

- a) One of the parties would have authority (or practical power) to supervise, appoint, remove, or discipline the other;

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

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

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

Upon determining there is a conflict or potential conflict of interest between two employees as set out above, the County shall so notify such individuals in writing. The notification will include a detailed statement of the conflict or anticipated conflict and any other pertinent details the County believes necessary to be considered. The County shall designate a specific place, date and time to meet with the affected employees and their representatives for the purpose of reviewing the parties' positions as well as possible resolution.

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

9. CONFLICTS OF INTEREST IN EMPLOYMENT

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

No employee, elected or appointed, trainee, intern or volunteer (here and after in this policy referred to as "employee") shall participate in any decision which involves the appointment,

employment, evaluation, promotion, compensation, retention, or dismissal of a family employee, a person with whom the employee is in a co-habitat relationship, or a person with whom the employee has a romantic or sexual relationship.

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

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

10. EMPLOYMENT OF MINORS

While the County is interested in training youth in relevant areas of public service, it must provide a work environment that complies with Washington State's Child Labor rules. Varying Washington State Department of Labor and Industries rules apply to minors 14 to 15 years of age and minors 16 to 17 years of age. These rules define the number of hours that a minor is permitted to work and the working conditions. The work hours vary depending on the age group and are differently defined during school and non-school periods.

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

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

11. PROMOTION

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

12. DEMOTION

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

12.1 Voluntary Demotion

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

12.2 Non-Voluntary Demotion

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

13. TRANSFER

13.1 Position Transfer

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

13.2 Department Transfer

A department transfer is an appointment to a position in the same classification but in a different department. Before a department transfer is made, it must be verified that the employee is qualified to perform the duties of the new position. Seven (7) calendar days' written notice shall be given to the employee in the event of a department transfer.

14. SEPARATION

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

14.1 Separation Procedure

(1) Resignation

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

Verbal resignations are considered valid at the time tendered by the employee. Should the employee refuse to put the resignation in writing, the supervisor or County

Official shall document in writing the receipt of the verbal resignation confirming the date, language used and to whom it was declared.

Resignations, written or verbal, are binding once submitted. Acceptance of a withdrawal of resignation shall be at the sole discretion of the County Official.

(2) Discharge

In the event of discharge of an employee, approval is required from the County Official.

(3) Other Separation

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

(4) Final Paycheck

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

(5) Exit Interview

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

14.2 Eligibility For Benefits Upon Separation

(1) Vacation And Sick Leave Pay

Employees who have completed their probation period and who leave County service shall receive appropriate compensation for leave accruals subject to provisions in Policy 130 or appropriate labor agreements governing pay out of vacation and sick leave. Employees who have not completed their probation period will not receive a payout of vacation or sick leave.

(2) Expiration Of Insurance Benefits And Continuation Options

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

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

14.3 Return Of County Property

At the time of separation, it is the County Official's responsibility to collect County property in the employee's possession (such as keys, identification, credit cards, cell phones, uniforms and equipment).

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

15. LAYOFFS

15.1 Reason For Layoff

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

15.2 Notice Of Layoff

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

15.3 Bumping Rights

Bumping rights shall not be granted to non-represented employees, or non-elected County Officials, who are displaced by reason of layoff or reorganization.

Bumping rights for represented employees shall be as specified in the applicable labor agreement and/or civil service rules.

16. RECALL

Unless otherwise specified by contract or applicable Civil Service Rules, the following recall procedures apply to all employees. Employees who are laid off will remain on a countywide recall list for 12 months. The following procedures apply to employees who are eligible for recall and on a recall list.

16.1 Reinstatement To Prior Job

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

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

16.2 Recruitment While Layoff List Exist

General recruitment will not commence until all individuals on the layoff list who have not selected severance and may be qualified for the open position/classification have been notified of the job availability per the above procedure.

17. EMPLOYMENT ELIGIBILITY VERIFICATION REQUIRED

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

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

18. AMERICANS WITH DISABILITIES ACT POLICY

Pend Oreille County does not discriminate on the basis of disability status in the admission or access to, or treatment or employment in, its programs and activities. The Human Resources Office, 625 West Fourth Street, Newport, Washington 99156, has been designated to coordinate compliance with the regulations of Section 504 of the Rehabilitation Act of 1973, 31 USC 6701 through 6724 of the Revenue Sharing Act and the Americans with Disabilities Act of 1991.

18.1 Reasonable Accommodation

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

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

The term "reasonable accommodation" means:

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

Reasonable accommodation may include but is not limited to:

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

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

18.2 Life Threatening/Communicable Diseases

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

19. WHISTLEBLOWER ACT

19.1 Policy

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

19.2 Definitions

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

"Improper governmental action" means any action by a Pend Oreille County Official or employee:

- (1) That is undertaken in the performance of the County Official's or employee's official duties, whether or not the action is within the scope of the employee's employment; and
- (2) That (i) is in violation of any federal, state, or local law or rule; (ii) is an abuse of authority; (iii) is of substantial and specific danger to the public health or safety; or (iv) is a gross waste of public funds.

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

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

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

19.3 Procedures For Reporting

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

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

The Human Resources Office or the County Prosecutor, shall take prompt action to assist Pend Oreille County in properly investigating the report of apparent improper governmental action. Pend Oreille County Officials and employees involved in the investigation shall keep the identity of reporting employees confidential to the extent possible under law, unless the employee authorizes the disclosure of his or her identity in writing. After an investigation has been completed, the employee reporting the apparent improper governmental action shall be advised of a summary of the results of the investigation, except that personnel actions taken as a result of the investigation may be kept confidential.

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

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

19.4 Protection Against Retaliatory Actions

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

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

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

- (1) Specifies the alleged retaliatory action;
- (2) Specifies the relief requested.

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

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

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

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

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

19.5 Responsibilities

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

19.6 List Of Enforcement Agencies

Following is a list of agencies responsible for enforcing federal, state and local laws and investigating other issues involving apparent improper governmental action. Employees

having questions about these agencies or the procedures for reporting apparent improper governmental action are encouraged to contact the Human Resources Office.

PEND OREILLE COUNTY

Human Resources Office
Pend Oreille County Courthouse
625 W. 4th St.
Newport, WA 99156
509.447.6499

Pend Oreille County Prosecutor
Civil and Criminal Divisions
229 So. Garden Ave.
Newport, WA 99156
509.447.4414

STATE OF WASHINGTON

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

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

State Auditor's Office
P.O. Box 40021
Olympia, WA 98504-0021
Human Rights Commission
711 South Capitol Way
Olympia, WA 98504-2490

State Department of Ecology
300 Desmond Drive
Olympia, WA 98504-7600
Department of Labor & Industries
7273 Linderson Way, SW
Olympia, WA 98504-4000

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

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

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

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

UNITED STATES

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

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

U. S. Attorney
800 Fifth Avenue
Seattle, WA 98104

Consumer Product Safety Comm.
1111 Third Avenue
Seattle, WA 98101

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

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

U.S. Customs Service
Office of Enforcement
1000 Second Avenue
Seattle, WA 98104

U.S. Department of Education
Office of Inspector General
915 Second Avenue
Seattle, WA 98174

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

Equal Employment Opportunity
Commission
909 First Avenue
Seattle, WA 98104

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

Federal Trade Commission
915 Second Avenue
Seattle, WA 98174

General Services Administration
915 Second Avenue
Seattle, WA 98174

Office of Women's Bureau
1111 Third Avenue, Suite 885
Seattle, WA 98101-3212

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

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

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

Department of Labor
Occupational Safety & Health-OSHA
1111 Third Avenue Suite 715
Seattle, WA 98101-3212

Mine Safety & Health Administration
117 107th NE
Bellevue, WA

Nat'l Transportation Safety Board
19518 Pacific Highway South
Seattle, WA 98188

Securities and Exchange Commission
915 Second Avenue
Seattle, WA 98174

Department of Transportation
Office of Inspector General
915 Second Avenue
Seattle, WA 98174

Department of Treasury
Bureau of Alcohol, Tobacco & Firearms
Law Enforcement Division

Department of Veterans Affairs
Office of Inspector General
915 Second Avenue

20. PERFORMANCE EVALUATIONS

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

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

21. TRAINING

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

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

21.1 Employee Training Plan

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

- (1) Required certifications and re-certifications for the coming year - This section should include training required to keep the employee current in the certifications or qualifications required for the position.
- (2) Training necessary to meet basic skills - This section should include training which the member needs either to improve existing skills or learn new skills necessary to meet basic requirements of the employee's current position.
- (3) Training desired for specialization or advancement - This section should include training which the employee and supervisor have agreed would allow the employee to learn advanced skills, specialized skills, or skills which will prepare the member for advancement. The plans may include both long and short term goals in this area.

21.2 Responsibility For Training

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

(1) County Official Responsibilities

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

(2) Employee Responsibilities

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

- a) Coordinate a training plan with their supervisor.
- b) Make reasonable efforts to ensure that they meet required minimum training standards of the County, their department, and their position.
- c) Submit training requests to their supervisor for approval.
- d) Attend all mandatory training or other training for which they are scheduled. If conflicts exist which may prevent attendance, the employee is responsible to advise their supervisor as early as reasonably possible so adjustments can be made.
- e) Request and attend locally provided training whenever possible in order to minimize travel costs associated with training.
- f) Comply with County travel procedures for out of area training.
- g) Advise their supervisor as early as possible if they do not believe they will meet required training standards for their position.
- h) Submit documentation for credit for training per department procedures.
- i) Changes and updated best practices in job fields, technical changes, new government and industry standards, etc. are contained in bulletins, digests and other printed material subscribed to by each department. These documents are circulated to department employees, posted on department bulletin boards, and/or circulated by e-mail or other means.

- j) Upcoming training opportunities, announcements of required training, new and updated policies and procedures, etc. are published on the County's network welcome page (intranet) and/or sent by e-mail or other means.
- k) Employees are responsible to read these documents and familiarize themselves with the contents on an on-going basis.

21.3 Minimum Training Requirements

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

(1) All Employees and Volunteers

New Employee Orientation including but not limited to: County Policies and Procedures, Safety and Evacuation, Drug and Alcohol Policies, Bloodborne Pathogens, Electronic Information Systems/Email/Internet Use, Harassment Policy, Hazard Communication, Workers Compensation Program and Labor and Industries Insurance.

- (2) Employees and Volunteers who drive on County business - Defensive Driving (within the first 6 months of hire and every 3 years thereafter)
- (3) Employees that work in the field are required to maintain certification in First Aid/CPR.
- (4) Bloodborne Pathogens training (annually) is required for all employees whose position satisfies the criteria set by OSHA/WISHA as set forth in the Health, Safety, and Security policy.
- (5) Department specific certification in other required OSHA/WISHA/DOT training pertinent to their job tasks and services provided, including but not limited to Forklift Operations, Commercial Drivers Licenses, Lock-Out-Tag-Out, Hearing Conservation, and Confined Space Training. Criminal justice departments have additional job specific training requirements that are coordinated and monitored through those departments.

21.4 Priority For Training

In order to efficiently utilize training resources and to ensure that all employees receive sufficient training necessary to perform their current job functions, supervisors are responsible to prioritize the training of individual employees. Supervisors shall ensure that subordinates remain current in all required certifications. The priorities for training are:

- (1) Required certifications or re-certifications.
- (2) Training necessary to meet basic skills.
- (3) Training necessary to meet journeyman level skills.
- (4) Training desired for specialization or advancement.

21.5 Failure To Complete Training

(1) Employees Required To Attend Scheduled Training

Employees must attend required and/or scheduled training. Failure to attend training without an excused absence may result in disciplinary action against the employee up to and including termination. Excused absences include notification to the training sponsor at least one (1) week in advance, emergency leave, or unanticipated illness.

(2) Failure To Complete Required Training

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

21.6 New Employee Orientation

Every new County employee will begin County employment by attending the New Employee Orientation presented by the Human Resources Office. Attendance and completion of all required documents is mandatory. Topics covered at orientation include mandatory and County required training that assures familiarity with the rules surrounding County employment. Orientation is also the time in which an employee is enrolled in the various benefits available at the County.

22. VOLUNTEERS

22.1 Volunteer Policy

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

This policy is designed to provide information pertaining to how volunteers are recognized, responsibilities and work assigned, and protected in case of injury while performing volunteer duties for Pend Oreille County.

22.2 Volunteer Categories

- (1) General County Volunteers include those individuals performing administration, technical and manual labor. Examples include but are not limited to: Trail volunteers, Parks and Fair volunteers, Sheriff's volunteers, Juvenile Services volunteers, etc.
- (2) Board and Committee Volunteers include those individuals serving on appointed boards, commissions and committees.
- (3) Departments utilizing service organizations for volunteer work shall coordinate work with the organization and provide supervision appropriate for the level of work performed. Service organization shall be defined as a non-profit organization or club.
- (4) Work Crew Volunteers include in-custody workers performing out-of-facility manual labor and litter crew activities as directed by the Sheriff. The Sheriff shall be responsible to maintain written policies and procedures on the eligibility requirements, work rules, termination process, security procedures, emergency procedures, safety rules, and other policies necessary for the safe and effective operation of the program.
- (5) Community Service Volunteers include court referred alternative sentencing workers assigned to provide work for a County department. The District and Superior Courts assign offenders to the Community Service Program. As such, the Courts are responsible to provide necessary rules and regulations. The Sheriff's Department and other County Departments assigned workers shall maintain procedures and practices to ensure a safe workplace.

22.3 Volunteers Not County Employees

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

22.4 Volunteers To Be Properly Authorized

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

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

22.5 Record Keeping Required

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

22.6 Time Reporting Required

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

22.7 Reimbursement Of Expenses

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

22.8 Volunteers Subject To County Rules

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

22.9 Termination Of Volunteer Status

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

22.10 Defining Volunteer "Scope Of Work"

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

22.11 Volunteer Orientation And Training

In addition to other training requirements outlined in these policies, County Officials are responsible to ensure each new volunteer receives a department orientation. Such

orientation shall include a review of department policies and procedures, department work rules, safety orientation, identification of safety equipment, evacuation routes, and other issues necessary for the volunteer to perform the work required.

22.12 Volunteers Subject To All Safety And Accident Reporting

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