



EMPLOYEE HANDBOOK

Sections 9-18
Updated April 2023

9.0 SAFETY AND RISK MANAGEMENT

See the Lewis County Safety and Risk Management Policy Manual. The County's Safety and Risk Management policy is found on the Lewis County Intranet.

9.1 DISTRACTED DRIVING

On-duty county employees are prohibited while driving to engage in phone calls, texting, or other distracted activities. Violations of this provision may be subject to discipline up to and including termination.

10.0 PERFORMANCE EVALUATION SYSTEM

10.1 PURPOSE

Evaluation of an employee's performance is a regular and ongoing activity. Providing regular feedback and coaching to employees is paramount to the success of each employee and the organization.

The performance evaluation may include: A rating of the employee's quality and quantity of work, a review of problems which occurred during the previous year, establishment of a goal for career development and job enrichment, a review of the areas which need improvement, and setting goals for the employee for the ensuing year.

In the case of new hire employees who are serving probation, a written performance evaluation is recommended within the first thirty (30) days of employment. Offices, departments and divisions should continue to have informal sessions with new employees to counsel them on their progress and to provide support and direction on job performance.

In addition, thirty (30) days prior to the completion of the probationary period, a written performance evaluation is recommended. In addition to evaluating job performance, this evaluation also serves the purpose of making a recommendation documenting that the new employee has or has not satisfactorily completed their probationary period of employment.

10.2 RATING

An Elected/Director shall establish and make effective a system of rating designed to give a documented evaluation of the work performed. Such rating shall be prepared and recorded for all employees annually.

10.3 PROCEDURE

10.3.1 ELECTED/DIRECTOR REVIEW

The Elected/Director shall review all rating forms and when necessary shall meet with the employee or supervisor to discuss problems in the rating. Any comment made by the Elected/Director shall be made a part of the form and supplied to the supervisor and employee.

10.3.2 USE OF EVALUATION

The evaluation form shall be a part of the employee's personnel file and may be used as a factor in determining promotion, demotion, transfer, layoff, salary increase, disciplinary action, satisfactory completion of probation, and continued employment.

11.0 POLITICAL ACTIVITY

11.1 POLITICAL ACTIVITY ON THE JOB

Employees of the County shall not solicit any money, influence, service or other things of value, or otherwise aid or promote any political committee or the nomination or election of any person to public office during work hours. Further, employees shall abide by the terms of RCW 42.17A.555.

11.2 EMPLOYEES RUNNING FOR POLITICAL OFFICE

The County encourages its employees to be active in community affairs and as such, an employee may seek or accept nomination, election or appointment to a political office; provided, such nomination, election or appointment does not in any way create a conflict of interest or interfere with the employee's regular duties with the County. In the event of such conflict of interest or interference with official duties, and upon the employee's request, the employee may be placed on an approved leave of absence without pay for up to 180 days during the campaign. If the employee does not request such leave, and in the event of allegations by the public or County employees of such conflict of interest and/or interference with work performance, the Employer shall request an independent investigation of the allegations, with the results reported to the Employer. Should the investigation substantiate such conflict/interference, the Employer may direct that the employee be placed on an approved leave of absence without pay for up to 180 days.

Note: If the employee's position is federally funded, they may be covered by the Hatch Act. The Hatch Act (5 U.S.C. §§ 1501 – 1508) restricts the political activity of individuals principally employed by state, county, or municipal executive agencies in connection with programs financed in whole or in part by loans or grants made by the United States or a federal agency. An employee covered by the Act may not be a candidate for public office in a partisan election, i.e., an election in which any candidate represents, for example, the Republican or Democratic Party.

11.3 PRESS RELEASES - RELEASE OF INFORMATION

County Press Releases shall be issued by the BOCC or other Elected Officials of the County, or their designee. No County employee may release any information or respond to questions from the news media on behalf of Lewis County unless designated by the BOCC or other Elected Official.

Information, to include confidential information may be subject to the provisions of the Public Records Act. Any request from members of the public for public records should be directed to your designated public records officer.

12.0 OUTSIDE EMPLOYMENT

12.1 COUNTY COMES FIRST

When an individual accepts employment with the County it is understood that the County has first call upon the services of its employees, regardless of any impact upon secondary employment.

12.1.1 INCOMPATIBLE WORK

Employees shall not engage in outside employment that is incompatible with County employment, will detract from the efficiency of work performance, or is in conflict with the interests of the County. The County will hold all employees to the same standards of performance and scheduling demands and will not make exceptions for employees who hold outside jobs.

12.1.2 NOTIFICATION

Employees shall notify the Elected/Director, in writing and in advance of taking an outside job, of all employment outside the scope of their employment with the County.

12.1.3 CONFLICT OF INTEREST AND OUTSIDE EMPLOYMENT

Employees are expected to avoid situations that might cause their personal interests to conflict with the interests of the County or to compromise its reputation or integrity. A conflict of interest, or the appearance of one, occurs when employees or a member of their immediate family or relative use the employee's position with the County for personal benefit through an investment, association, or business relationship that interferes with the ability to exercise independent judgment on the County's behalf. Examples are: Having a financial interest in or moonlighting for any person or organization that is a vendor or contractor for the County, regulated or subject to regulation by the County, or engaged in litigation against the County.

Full-time employees are discouraged from accepting second jobs, whether self-employment or otherwise. All employees holding or considering second jobs must obtain permission from their Elected/Director in order to ensure that the job will not create a conflict of interest or interfere with the proper performance of their duties.

Employees shall not accept meals or other gifts from salespeople, vendors, suppliers, or any other solicitors which may cause an undue or the appearance of an undue influence or in exchange of county services.

13.0 GIFTS, GRATUITIES, FEES

The purpose of this policy is to give guidance to employees as to their responsibilities relating to gifts and gratuities.

13.1 SOLICITATION OF GIFTS

County personnel shall not, under any circumstances, solicit any gift, gratuity, loan, or fee where there is any relationship between the solicitation and the employees' employment with Lewis County.

13.2 ACCEPTANCE OF GIFTS

County personnel shall not accept either directly or indirectly any gift, gratuity, loan, or fee where there is any direct relationship between the acceptance and the employees' employment with Lewis County.

13.3 UNDUE INFLUENCE

County personnel shall not accept either directly or indirectly any gift, gratuity, loan or fee, or any other thing of value, the acceptance of which might influence or appear to influence directly or indirectly the actions of the employee or those employees supervised by the employee.

13.4 NOMINAL VALUE ITEMS

Items with a nominal value, less than fifty dollars (\$50.00), and distributed in a general manner by businesses, vendors and, consultants as their routine policy of conducting business and advertising, shall be considered social amenities and not subject to this policy. Examples would be an occasional cup of coffee, desk and wall calendars, pens, pencils, note pads, coffee mugs, baseball caps, etc.

14.0 REPORTING IMPROPER GOVERNMENTAL ACTIONS -WHISTLEBLOWERS

14.1 Definitions

"Improper governmental action" means any action taken by a County government officer or employee that is (a) undertaken in the performance of the officer's or employee's official duties, whether or not the action is within the scope of the employee's employment; and (b) that 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 non-discriminatory personnel actions.

"Whistleblower" means an employee who in good faith reports alleged improper governmental action to County officials pursuant to this policy. It also means an employee who cooperates and provides information to County officials investigating improper governmental actions in accordance with this section.

"Retaliatory action" means any adverse change in an employee's employment status or the terms and conditions of employment including, but not limited to, denial of adequate staff to perform duties, frequent staff changes, frequent and undesirable office changes, or refusal to

assign meaningful work. Retaliatory action also means unwarranted and unsubstantiated letters of reprimand, demotion, transfer, reassignment, reduction in pay, denial of promotion, suspension, dismissal, unsatisfactory performance evaluations, and any other disciplinary action.

1. Whistleblowers are not free to disclose matters that would affect a person's right to legally protected confidential communications.
2. Except in the case of an emergency (defined as a circumstance that if not immediately changed may cause damage to persons or property), employees who believe that the County or a County employee is engaged or involved in an improper governmental action are required to submit a report of the improper conduct to one of the below listed County Officials and permit sufficient time for a County report prior to submission to any outside entities.
3. Employees may report the improper governmental action to one of the following:
 - a) The employee's Department Director/Elected
 - b) The Board of County Commissioners
 - c) The County Sheriff
 - d) The County Prosecuting Attorney
4. Within five days upon receipt of the report, the receiving County official shall acknowledge receipt of the report to the Whistleblower.
5. A preliminary investigation shall be conducted and if, after such investigation, it appears that the matter is so unsubstantiated that no further investigation, prosecution, or action is necessary, the Whistleblower shall be advised in writing containing a summary of the information received, a summary of the results of the preliminary investigation, and the preliminary determination made.
6. The identity of the Whistleblower shall remain confidential to the extent possible under law, unless the employee authorizes the disclosure of his/her identity in writing or unless the preliminary investigation determines that the information has been provided other than in good faith.
7. If, after preliminary investigation, further investigation is warranted, the Whistleblower shall be advised and the County official assigned the information from the Whistleblower shall either conduct further investigations or issue a report as to the findings of the preliminary investigation. Within sixty (60) days, the County official shall complete any investigation and report findings unless written justification for the delay is furnished to the Whistleblower. In all such cases, the report of the investigation and findings shall be provided to the Whistleblower within one year.

14.2 **Retaliatory Action Against Whistleblowers Prohibited**

The County, including its managers or supervisors, shall not take any retaliatory action against a

Whistleblower as a result of information provided by that employee in good faith in accordance with this policy.

(a) Employees who provide information not in good faith or not in accordance with this policy are subject to disciplinary action.

(b) An employee who believes that retaliatory action was taken by the County shall provide to the Board of County Commissioners a written notice that specifies the alleged retaliatory action and specifies the relief requested. The written notice must be filed with the Board no later than thirty (30) days after the occurrence of the alleged retaliatory action. If the person is employed by another Elected Official, the report shall be made to that Elected.

(c) The Board/Elected has thirty (30) days to respond to the charge of retaliatory action and request for relief.

(d) Upon receipt of the response of the Board/Elected, but in no case longer than the thirty (30) days from the date the written notice was filed with the Board/Elected, the employee has fifteen (15) days to request a hearing to establish that a retaliatory action occurred and to obtain appropriate relief.

(e) Within five (5) working days of the receipt of the request for a hearing, the Board/Elected shall apply to the state office of administrative hearings for an adjudicative proceeding before an administrative law judge. The hearing shall be conducted in accordance with RCW 34.05.410 through 34.05.598.

(f) The employee, as the initiating party, must prove his/her claim ~~beyond~~ by a preponderance of the evidence. The administrative law judge shall issue a final decision consisting of findings of fact, conclusions of law, and judgment no later than forty-five (45) days after the date the request for hearing was delivered to the County. The administrative law judge may grant specific extensions of time beyond this period of time for rendering a decision upon the request of either party upon a showing of good cause, or upon his/her own motion.

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

(h) If a determination is made that retaliatory action has been taken against the employee, the administrative law judge may, in addition to any other remedy, impose a civil penalty personally upon the retaliator of up to three thousand dollars (\$3,000) payable by each person found to have retaliated against the employee and recommend to the County that any person found to have retaliated against the employee be

suspended with or without pay or dismissed. All penalties recovered shall be paid to the local government administrative hearings account.

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

15.0 HARASSMENT

15.1 STATEMENT OF CONCERN

The County seeks to eliminate and prevent harassment, as well as to alleviate any effects such harassment may have on the working condition of an employee. Harassment includes unsolicited remarks, gestures or physical contact, display or circulation of written materials or pictures that are highly offensive to a reasonable person and in derogation of gender, sexual orientation, race ethnic background, national origin, religion, age, veteran status, or to any protected class, including those with physical or mental disabilities, or basing personnel decisions on an employee's response to such harassment. All such harassment is forbidden. The County regards job related harassment as a serious violation.

15.2 PURPOSE

The Policy of the County is that every employee has a fundamental right to be free of such harassment. In response to formal reports of harassment, the County will seek to protect all parties involved from retaliation, false accusations, or future harassment, and where indicated, will take prompt and adequate remedial measures.

Should an issue of harassment be raised, all related matters will be kept confidential to the greatest extent possible throughout the investigation, counseling and disciplinary stages. Any Elected/Director receiving notice of harassment shall initiate or request an investigation and insure that the charge is resolved appropriately, with a report submitted by Directors to the Board or his/her designee.

15.3 REPORTING HARASSMENT

Any employee who feels harassed or is aware of harassment of another employee is urged to report this to an immediate supervisor, Elected/Director, Human Resources Department, County Manager, or the Board.

The report may be informal or formal. A formal report shall include a written statement.

15.4 INVESTIGATION

A thorough investigation will be conducted with appropriate action taken.

15.5 CONFIDENTIALITY OF RECORDS RELATING TO HARASSMENT

Records relating to harassment, including written reports regarding alleged harassment, memos

between County employees concerning investigation of such allegations, and County recommendations in response to allegations shall be kept as confidential as possible within the rules and regulations of the Public Records Act. This procedure shall apply to the investigation of violations of all County policies.

16. WORKPLACE VIOLENCE

Lewis County is committed to working with employees who are victims of violence to prevent abuse and intimidation from occurring in the workplace. No employee will be penalized or disciplined solely for being a victim of intimidation in the workplace.

Lewis County will not tolerate domestic, or any other type of violence including intimidation of any employee or visitor while in county offices, facilities, work sites, vehicles, or while conducting county business. This includes the display of any violent or threatening behavior (verbal or physical) that may result in physical or emotional injury or otherwise places one's safety and productivity at risk.

Any employee who threatens, intimidates, or abuses someone at the workplace or from the workplace using any county resources such as work time, workplace phones, FAX machines, mail, e-mail, or other means may be subject to corrective or disciplinary action, up to and including termination. Any employee who feels threatened or is aware of threatening or violent behavior is urged to report this to an immediate supervisor, Elected/Director, Human Resources/Risk Management Department, or the Board of County Commissioners. The report may be informal or formal. A formal report shall include a written statement.

15.6 Procedures

It is important for all employees to know the best response to violence in the workplace. Each situation requires that the individuals involved assess the circumstances and act accordingly. The following, guidelines have been developed to assist County employees when threats or acts of violence occur in the workplace.

- Stay calm and polite.
- Listen with empathy and respect for others.
- Focus on the problem not the person.
- A violent or threatening person is more likely to de-escalate if someone approaches him or her calmly, without anger or defensiveness.
- Never challenge or bargain with a threatening person.
- If a person stays angry, get help.
- If you become aware someone is in danger of a violent situation, get help immediately.
- When aggressive behavior is taking or has taken place, call 911.
- If you believe using the phone will escalate the situation, ask the first staff person you see for assistance.
- When there is a clear threat of an impending aggressive act call 911.

15.6.1 Post Violence:

- Contact the Elected/Director and report the incident.

Violence in the workplace can be devastating. Participation in conflict management and workplace violence training will help you to be better prepared for these situations. See the Human Resources Department for more information on workplace violence and training workshops.

16.0 CHANGE OF NAME, ADDRESS, TELEPHONE, ETC.

16.1 PURPOSE AND NOTIFICATION

The County is committed to maintaining accurate personnel files. The employee or supervisor shall notify the Elected/Director or their designee should any of the following change:

Name

Address

Telephone Number

17.0 PERSONNEL FILES

17.1 MAINTAINING PERSONNEL FILES

Departments and Elected Officials shall maintain personnel files on all full-time, part-time, probationary, project, and casual employees. The Office/Department shall maintain separate medical and Workers' Compensation files. Both Personnel Files and Medical files are the property of Lewis County and such files are confidential and should be treated as such.

1. Maintenance of Personnel Files – Personnel files on all employees in departments under control of the Board of Commissioners shall be maintained in a secure manner in the respective Department. Elected Officials should maintain their files pursuant to office policy.
2. Items Included in Personnel Files may include the following:
 - a. A completed application for employment.
 - b. A completed Employee Emergency Data Sheet.
 - c. A copy of the individual's appointment letter.
 - d. A copy of the Washington State Department of Licensing driving status and driving record of the employee.
 - e. Copies of certifications, licenses, education, or verification of training required of the position.
 - f. All completed training forms documenting training received by the employee including copies of certifications under the equipment training program (Public Works).
 - g. Documents and letters showing changes in job assignments.
 - h. Performance and promotional records, letters, and evaluations.
 - i. Letters and memoranda of recognition, commendation, and thank you.
 - j. Letters of warning, caution, and reprimand.
 - k. Documentation outlining disciplinary action taken by the department.

- l. Documentation showing date and circumstances under which the working relationship was terminated with the employee.
- m. Exit Interviews.
- n. Any other material deemed appropriate by the Elected/Director.

3. Medical Files

Any correspondence pertaining to medical condition, work restriction, or performance analysis under the Lewis County self-insurance program.

17.2 **EMPLOYEE ACCESS TO PERSONNEL FILE**

Lewis County employees may examine their personnel records in accordance with Chapter 42 of the Revised Code of Washington. This policy and procedure applies to all Lewis County employees.

1. Policy

Employees may inspect his or her personnel file upon request. If the employee believes documentation found in the file is inaccurate or irrelevant, he or she may request removal of the document and/or may provide written rebutting information to be placed in his or her file if the Employer refuses to remove the information.

2. Procedure

- a. Employees wishing to inspect/review their personnel file shall make an appointment in advance with the Elected/Director or his/her designee.
- b. Employees may be required to submit adequate proof of identification.
- c. Employees requesting an inspection by or release of records directly to unions, other employers, attorneys, etc., may be requested to sign a waiver for submission by the party seeking the records on the employee's behalf.

17.3 **PUBLIC ACCESS TO PERSONNEL FILES**

Personnel files are subject to the provisions of the Public Records Act and may be disclosed in accordance with the Public Records Act.

18.0 NEPOTISM

Immediate family relatives and cohabitation partners will not be employed in full-time, part-time, project, or casual positions, or as independent contractors, where:

- 1. One immediate family relative or cohabitation partner would have the authority to supervise, appoint, remove, discipline, or evaluate the performance of the other.
- 2. One immediate family relative or cohabitation partner would be responsible for auditing, verifying, reconciling, or certifying the work of the other.

Employees who marry or begin cohabitation after employment shall be treated in accordance with this policy.