



SAN JUAN COUNTY
Public Hospital District No. 1



PERSONNEL (P)

POLICIES AND PROCEDURES

SAN JUAN COUNTY PUBLIC HOSPITAL DISTRICT NO. 1

DBA SAN JUAN ISLAND EMS

DBA VILLAGE AT THE HARBOR

**APPROVED BY THE SAN JUAN COUNTY PUBLIC
HOSPITAL DISTRICT BOARD OF COMMISSIONERS
ON 12/20/2023**

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PERSONNEL POLICIES

These personnel policies represent a continuation of the Policies and Procedures as outlined in “Administrative Policies and Procedures” for San Juan County Public Hospital District No. 1. They are separate only for ease of use, but are considered a single and coherent set of Policies and Procedures.

P.1 COMMUNICATIONS EQUIPMENT USE

The purpose of this policy is to improve communications and continue to give the best standard of care possible, as well as, to provide a higher level of service to the community and ensure personnel and patient/resident safety. To additionally identify the safe and appropriate use of mobile devices in and around aircraft and during mission operation.

See also “Information Technology Appropriate Use Policy.”

Procedures for “Communications Equipment Use”

General

Where possible, workplace communications should take place on devices issued by the District and follow the District’s public records policy (see Administrative Policies and Procedures).

Personnel will provide protection and care for District issued communications devices. This includes safeguarding from damage, loss, and misuse.

In the event of malfunction, damage, and/or loss of District owned communication devices, personnel shall notify their Supervisor as necessary, and assure continued effective communications with quick exchange, repair, or replacement of communications equipment.

Unacceptable Uses:

- By personnel in the presence of other sensitive electronic equipment sensitive to interference such as pacemakers, IV pumps, etc.
- By personnel actively driving, operating, or captaining ground vessels except for essential communication. When possible, another individual in the ambulance or boat should operate communication devices whenever possible.

- At any other time when the operation of the electronic device would pose a health or safety risk to the patient/resident, staff, or the affected device.

Mobile Phone Use

Personal phone use is subject to the following constraints:

- Personal cell phones are permitted to be carried while on duty, but personal calls shall not be answered while on an aid call (EMS) or when caring for patients or residents.
- Messages may be checked on “down time” when not actively involved in work and use should be kept to a minimum.
- Personal mobile phone use must never be cause for delay in performing the duties of the employee.
- Personal phone use must not unduly interrupt administrative tasks or meetings.
- While attending to a patient or while operating a company vehicle, personnel shall not, under any circumstances, respond to (or make) a personal cellular phone call, send text messages, or check electronic mail on PDAs or other such devices.

An employee who is on duty for 24 hours or more, such as a staff EMT or Paramedic, has somewhat more leeway for personal calls than an office employee or employee who works 8, 10, or 12 hour shifts. However, all employees at work are expected to work, and excessive personal phone calls are not permissible.

Camera Use

Personnel are permitted to use cameras or other picture taking or image generating devices authorized and issued by the District while on duty for agency purposes. The agency issued devices are intended to be used for medical purposes only such as to document the position of vehicles and patients at the scene of an accident or to document mechanism of injury for use by the receiving facility to assist in guiding treatment.

- All photography shall be for clinical, documentation, education, and quality assurance or research purposes only and conducted only at the direction of personnel in charge at the scene or by a supervisor
- An authorized and trained Public Information Officer may create and use pictures for public relations under the direction of the Superintendent or Department head
- Any photographs containing individually identifiable information are covered by the HIPAA Privacy Rule and must be protected in the same manner as patient care reports and other such documentation.
- Any on-scene (EMS) or in-facility (Village) images and any other images taken by an employee in the course and scope of their employment/volunteering are solely the property of the District and not the property of the individual staff member. This includes any image purposefully or inadvertently taken with a staff member’s personally owned cell phone camera or other digital imaging device.
- No images taken by personnel in the course and scope of their activities may be used, printed, copied, scanned, e-mailed, posted, shared or distributed in any manner without the express, written approval of the department head. Example: This prohibition

includes posting photos on personal web sites, such as Facebook, or on other public safety agency web sites, or e-mailing images to friends, colleagues or others in the EMS industry.

- If any images or records were taken intentionally or inadvertently at an EMS scene, they are to be immediately erased from the device following the call

Social Media Use

All personnel should keep in mind that social media speech is not different from other forms of speech. If a statement would be insubordination in person, it's insubordination on social media. If it is hateful, defamatory, or discriminatory to say in person or write it in a newspaper, then it is on social media as well.

Social media is a medium for communication similar to sending a letter, speaking verbally with another person, or making a phone call, and is subject to all the same constraints and rules. Just as with these other mediums, social media may be broadcast to many people or few people and still be grounds for discipline.

P.2 COMPENSATION – WAGES AND BENEFITS

P.2.1 Applicability and Authority to Set Compensation

Compensation, including benefits and wages, are set by the Board through the approved budget, and administered by the Superintendent within the constraints and goals set by the Board. This authority may be further delegated through a “delegated powers document” to department heads created and approved by the Superintendent.

The District is bound by Collective Bargaining Agreements and contracts. Personnel on a contract will receive wages and compensation, including benefits, per the terms of their contract. The District sometimes offers benefits beyond the Collective Bargaining Agreement, which may be extended to union employees, but the District reserves the right to remove these benefits at its discretion.

P.2.2 Employee Benefits

It is the desire of the organization to provide a comprehensive compensation and benefit package to the employees within the budgetary feasibility of the organization. Eligibility for medical insurance and other benefits is negotiated with the insurers and imposes specific requirements. For instance, when an employee can make changes to their healthcare plan is regulated by the insurer.

When an employee is enrolled, management will do their best to educate the new employee on the rules for how benefits work, but it is the employee's responsibility to ensure that they obtain the correct coverage and to work with the insurer to get any questions answered.

The District reserves the right to alter the benefit package, and/or cost sharing, as required based on budgetary constraints and subject to limitations set by contracts such as the Collective Bargaining Agreement. Each benefit carries with it various restrictions and requirements, many of which are not

listed here. The purpose of this policy is to identify available benefits for personnel, but conditions can and often do apply even within each department.

| Benefits | DEPARTMENT / MEMBER TYPE (conditions may apply) | | | | |
|-----------------------------------|---|-----------------|---------------|---------------|-----------|
| | EMS | FINANCE / ADMIN | VATH | EMT Volunteer | Part-Time |
| Holiday pay | | | x | | x (VATH) |
| Paid Time Off | x | x | x | | |
| Sick Leave | | | | | X |
| Medical and Dental | x | x | x | | |
| COBRA | x | x | x | | |
| HRA | x | x | x | | |
| PERS Retirement | x | x | x | | Depends |
| LEOFF Retirement | x | | | | |
| Deferred Compensation | x | x | x | | x |
| Life insurance | x | | | x | |
| Employee Assistance Program | x | x | x | x | x |
| Medivac Memberships | x | x | x | x | x |
| FICA | x | x | x | x | x |
| L&I | x | x | x | x | x |
| Unemployment Comp | x | x | x | | x |
| PMFL and FLMA | x | x | x | | Depends |
| Social Security | x | x | x | x | x |
| Short Term Disability | x | PFML / FMLA | PFML / FMLA | | Depends |
| Long Term Disability | x | Soc Sec. Only | Soc Sec. Only | | Depends |
| On-call staff paid lunchbreak | x | x | x | | x |
| Covered meal @ VATH* | | | x | | x (VATH) |
| Annual Cost of Living Increase | x | x | | | |
| Continuing education | x | | x | x | x |
| Jury pay | x | x | x | | |
| Appreciation Events, Awards, etc. | x | x | x | x | x |

Procedures for “Employee Benefits”

Following is an explanation regarding employee benefits.

Holiday Pay

For Village at the Harbor employees (excluding admin and nurses), holiday pay is equal to overtime pay for working on holidays.

Approved holidays are New Year's Day (January), Martin Luther King Day (January), Presidents Day (February), Memorial Day (May), Juneteenth (June), Independence Day (July), Labor Day (September), Thanksgiving Day, and Christmas Day (December).

Paid Time Off

See PTO Policy. Amount of PTO varies by employee class and years of service. It is only available to full-time employees.

Medical and Dental

The District provides medical and dental insurance. Rates and percentage paid by the employee may vary. Currently, the District pays 100% of the employee's basic medical plan, and 90% of dependents. A more comprehensive (and costly) plan is offered, but the employee must pay the difference in cost between the basic plan and the premium plan.

An employee must meet the insurer's requirements to maintain benefits such as healthcare insurance. Currently, that means an employee must work 32 hours or more per week.

If an employee does not meet this requirement in a month, benefits are terminated for the following month. Paid time off counts towards hours worked for the sake of benefits, but PFML and FLMA do not.

COBRA Coverage

As an entity with 20+ benefit-qualifying employees, San Juan County Public Hospital District No. 1 is required by law under the Consolidated Omnibus Budget Reconciliation Act (COBRA) to offer a continuation of health coverage program to all employees.

San Juan County Public Hospital District No. 1 is obligated to provide a notice to every qualifying individual of their rights under COBRA. The qualifying individual will receive a notice in the mail informing them that they are eligible to apply for a temporary continuation of their benefits under COBRA, which will include a Summary Plan Description (SPD).

Employees (and their dependents) become eligible to apply for COBRA after a qualifying event, such as:

- Departing from service with the Hospital District under any circumstance other than termination with cause
- Becoming ineligible to receive benefits as part of their total compensation through the Hospital District due to a reduction in total hours worked.
- Dependents alone become eligible for COBRA if they lose their insurance benefits through the Hospital District due to situational circumstances, such as:
 - Death of the covered employee
 - Divorce from the covered employee
 - Legal separation from the covered employee
 - Age limit restrictions of a dependent child
 - The covered employee becoming Medicare eligible

Each COBRA qualifying individual has 60 days after being disqualified from benefits through the Hospital District to apply for a temporary continuation of their benefits. Benefits covered under COBRA include:

- Regence healthcare plans, including the Gold 1500 and Platinum 500 plans
- Health Reimbursement Account (HRA)

Each employee enrolling in a continuation of benefits under COBRA shall pay 102% of the total cost of the health insurance plan and a monthly fee for the HRA plan.

The length of the benefits continuation under COBRA is dependent upon the circumstances surrounding the departure of the employee or the dependent and should be asked at the time of enrollment. COBRA benefits can extend anywhere from 18 to 36 months.

A qualifying employee under COBRA may be terminated from their continuation coverage earlier than the maximum period for the following reasons:

- Neglecting to pay the insurance premiums
- The Hospital District ceasing to provide any health insurance or HRA coverage
- A beneficiary begins coverage under another healthcare plan
- A beneficiary becomes eligible for Medicare
- A covered individual participates in conduct that could disqualify them for coverage under the health insurance plan, such as fraud

Health Reimbursement Arrangement (HRA)

Currently the District provides \$1500 for a full-time employee and \$900 per covered family member. This is money that can be spent on approved healthcare needs. Money does not carry over at the end of the year, and must be used for the year when services were received.

Public Employees Retirement System (PERS)

Employees working 70 hours or more per month for five months during each of two consecutive years in a permanent position are eligible for PERS. PERS enrollment is mandatory for qualifying District employees.

The District offers PERS retirement for all eligible positions. It is the District's Policy to comply with Department of Retirement Services (DRS) regulations on this matter. DRS releases a worksheet that allows the employer to determine eligibility, and a version current at the time of writing is in the appendix of the personnel section. The correct, current guidelines should be consulted when determining PERS eligibility, and if a more up-to-date version is available from DRS then that should be used.

An annual review should be conducted on all positions not receiving PERS to determine if they have become eligible for PERS. This eligibility audit should be saved in a consistent place.

Law Enforcement Officers' and Fire Fighters' Retirement System (LEOFF)

First responders who are full-time employees qualify for LEOFF. This retirement is offered to all qualifying employees consistent with current Department of Retirement Systems guidelines.

Deferred Compensation

All employees have access to deferred compensation.

EMS employees and salaried employees receive a monthly contribution of \$100 from the District.

Life Insurance

Currently, The Hospital District offers group life insurance to employees at San Juan Island EMS.

Employee Assistance Program

This plan helps employees and volunteers with many topics from finding a therapist to financial planning help.

Medivac Memberships

Airlift NW, Life Flight, and Island Air memberships are provided for all personnel who request a membership.

FICA

FICA is a federal payroll tax. The District will pay the employer portion of the FICA Payroll tax.

Labor and Industries (L&I)

The District participates in L&I in the State of Washington. This helps protect employees who are injured on the job.

Unemployment Compensation

Unemployment Compensation is a payroll tax in the state of Washington. It provides supplemental income to employees who lose their jobs for certain reasons. It generally does not pay out to at-will employees who are terminated "with cause."

PMFL and FLMA

The hospital district complies with the Paid Family and Medical Leave through the state of Washington and Family Medical Leave Act. Please reference the policy for PMFL and FLMA.

Social Security

The hospital district participates in social security, though it reserves the right to retire this benefit for employees with a valid alternate retirement program such as LEOFF.

Short Term Disability

Most employees are covered by PFML and FMLA, however, EMS full-time employees have a separate short-term disability policy.

Long Term Disability

Most employees are covered by social security disability, however, EMS full-time employees have a separate long-term disability policy.

On-call Staff paid lunchbreak

On call employees should be given a paid meal break during their shift.

Covered Meal at Village at the Harbor

Staff at Village at the Harbor will receive breakfast, lunch, or dinner if it occurs during their shift.

When filling responsibilities with Village at the Harbor and functioning as Village at the Harbor employees, leadership and administrative staff may also be given a meal. It is positive for staff to see leadership and administrative staff and this can be a useful way to do that. Once to twice a week is sufficient.

Annual Cost of Living Increase (COLA)

A COLA does not automatically apply to non-union members and must be approved by the department head and the Board of Commissioners. Typically, the Superintendent will submit a budget with a planned COLA in it for non-union members, which may or may not reflect the union contract.

Continuing Education

Medical providers receiving ongoing education to maintain their credential will have the cost of the training paid for by the District.

Optional trainings must be approved by the department head or the assistant department head to be eligible for pay.

The District may often provide food consistent with the budget, such as for OTEP at San Juan Island EMS.

Jury Duty

If an employee has completed their Introductory Period, the District will recognize jury service as a working day (typically by utilizing Administrative Leave) at the employee's regular salary rate for a maximum of 10 days in a year, provided that the employee executes an agreement to turn over any payment received from service to the District.

Reimbursements for travel, meals, and/or lodging will not be reimbursed, but per diems paid by the court are to be used for this purpose and do not need to be turned over to the District.

The employee must notify their supervisor within forty-eight (48) hours of receipt of the jury summons.

On any day the employee is not required to serve, the employee is expected to perform their normal duties unless their service was required off island and the employee traveled off island to perform the service (e.g. a federal grand jury). In order to receive jury service, pay, the

employee must present a statement of jury service and pay to their supervisor. This document is issued by the court.

P.2.3 Wages

All employees that are not exempt from the FLSA are paid overtime for hours in a week that exceed 40 at 150% of their standard salary.

Pay may be set by contract (e.g. Collective Bargaining Agreement, or a contract for the department head or Assistant Chief), the pay scale for non-union employees (found in the appendix), or set by the department head based on an approved job description and pay range.

Procedures for “Wages”

1. The department head will assign a step level based on experience for all non-union employees and new hires (typically not more than 2-3 years).
2. Pay Ranges - job descriptions established by the Superintendent establish pay ranges, as does the Collective Bargaining Agreement and various contracts, such as the Assistant Chief contract. These Policies and Procedures also have pay scales in the appendix for administrative staff.
3. All employees will receive a performance evaluation after 3 months of employment, and annually thereafter in January or July, whichever more closely coincides with their actual date of hire.
4. Pay scale advancements, if any, are discretionary, based on merit, and shall be based on an annual performance review taking place in January or July based on date of hire. Following an annual review, if employee is not awarded a step increase the department head will give specific objectives and timeline for the employee to receive pay step increase.

P.2.4 Staff Meetings and Training

It is expected that employment with the District is the employee’s priority. Staff meetings, as well as trainings necessary to maintain a provider’s credential or license are mandatory. Attendance may be excused by the department head or the employee’s supervisor, but 75% attendance in a year is the minimum expected attendance.

Staff meetings should be regularly scheduled and consistent to make it easier for employees to attend but may be called on an emergency basis as well.

P.2.5 Salaried Employees

Salaried Employees who are exempt from the FLSA and the Washington State Minimum Wage Act often work irregular hours that are unevenly spread throughout the month. It is in the District’s interest to allow this.

Procedures for “Salaried Employees”

Tracking of Hours

The salaried and exempt employee are expected to work an average of eight hours per workday in the pay period, though these may not be spread equally; or, if on ten-hour shifts (four days a week), work an average of ten hours per workday. For instance, if there are 22 weekdays in the pay period, the employee is expected to work 176 hours. They do not need to fall in any particular week. The required hours are based on the employee's specific work week, such that an employee working four ten-hour shifts will have a different work hour requirement than an employee who works five eight-hour shifts. This is due to quirks in the calendar and pay schedule.

The salaried and exempt employee should track hours worked to ensure that the number of hours in the month are sufficient

Employees who are "flexing" their time in this way and intend to work different hours from their regularly scheduled shifts should inform the department head or Superintendent as applicable.

P.3 COMPENSATION - PAID TIME OFF (PTO)

P.3.1 Introduction

The District believes that it is important for employees to take time off for the success and well-being of all personnel.

This policy and the benefits described herein may be modified or discontinued from time to time. San Juan County Public Hospital District No. 1 reserves the rights to amend, modify, rescind, delete, supplement, or add to the provisions of this Policy as it deems appropriate from time to time in its sole discretion, except where limited by a specific contract or Collective Bargaining Agreement.

Paid Time Off (PTO) is offered to full-time employees only (32 hours or more per week, for the entire month). This is only accrued if the employee worked full-time the entire month. Paid time off (PTO) counts towards hours worked for the sake of PTO accrual, but PFML and FLMA do not unless PTO is used concurrently for the entire month.

Part-time employees are eligible for sick leave (reference P.3.9 for further information).

P.3.2 Definitions

PTO – Paid Time-Off

Cash Out – Payment for PTO taken as an extra day

Capped – Not allowed to increase in value

PTO – Paid Time Off granted as a benefit for employee use

PTO Bank – Days previously accumulated in previous years

End of Service – Resignation, retirement, or termination which results in the cessation of employment

Years of Service – For the purpose of PTO, an employee advances to the next year of service on January 01, regardless of the month of hire provided the employee has worked at least three months at 32 or more hours per week. An employee that doesn't qualify to advance will have to wait until the following year.

P.3.3 General Provisions

Although the District has many kinds of employees working different kinds of shifts, the following apply to all full-time employees, unless otherwise specified in a contract or Collective Bargaining Agreement.

Specific PTO awarded is described separately (see below).

Procedures for "General Provisions"

General Provisions

1. Part-Time Staff do not receive PTO time.
2. PTO will accrue monthly at the yearly allotment. PTO is accrued monthly based on annual rate.
3. Each year employees may "cash-out" up to 50% of annual available PTO (subject to budgetary constraints.)
4. Non-accrued PTO may not be "cashed out" in advance and may not be borrowed against. PTO may be "rolled over" into the next fiscal calendar year up to 180 hours without the ability to "cash out" these days. A maximum of 400 hours may be in the PTO bank. If exceeded, the days are considered forfeited.
5. Non-scheduled PTO and leave for sickness and personal emergencies may be utilized on the following basis:
 - a. Up to 40 hours of PTO may be used without a physician note, or 48 hours for EMS personnel assigned to ambulance shifts. Extended illness or injury must generally be approved by a physician. Personal emergencies extending beyond 3 days must be approved by the Administrator for utilization of PTO time.
 - b. Any full-time employee is eligible for paid bereavement leave, up to 40 hours, or 48 hours for EMS personnel assigned to ambulance shifts. This applies to immediate family: parents, children, siblings, and spouses or partner.
6. Scheduled PTO for vacations and holidays must be approved in advance by the employee's supervisor and the Administrator. This time will be granted on a seniority basis with community staffing needs as a priority. Scheduled PTO must not interfere with the safe and adequate functioning of the community.
7. Given staffing needs, the department head may direct use of an employee's PTO for the safe and effective operation of the community, financial constraints, or mandated time-off.

8. At the end of service, the current PTO bank (maximum of 400 hours) may be cashed out at 75% of current value, paid in the final check less withholdings, provided that the employee was not terminated for cause.
 - a. If an employee hired by the hospital district in 2022 or later leaves before full notice is given and completed (21 calendar days for staff, 30 days for management) cash out of PTO reduces to 50% of cash-out value.
9. If an employee changes classification, they will be switched to the appropriate equivalent schedule.
10. An employee may not take a day off without using PTO except with permission by their supervisor.

San Juan Island EMS Specific General Provisions

These provisions apply only to EMS:

1. Earned and banked PTO may be gifted to another employee for the purposes of emergencies and illness/injury. The PTO gift must be in writing from the gifting employee to the Chief and approved by the Chief. That time will then be taken from the gifting employee's PTO bank and deposited into the gifted employee's bank. Gifted PTO may not be cashed out, and is only available for use for actual paid time off. Unused gifted time may be returned to the original gifting employee in writing to the department head for approval.

P.3.4 PTO - Administrative Department and EMS Outreach Department

The Administrative Department and EMS Outreach Department (who are clearly identified as such in their job description) may be given holidays off. Holidays are as follows:

Procedures "Finance Department and EMS Outreach Department "

Holidays (Admin Department, EMS Outreach Department)

Employees of the Admin Department who don't have a separate contract, and EMS Outreach Department (who are clearly identified as such in their job description) will receive twelve holidays, which may not be cashed out and are not exchangeable for different days (except as may benefit the District and as approved by the department head). If a holiday falls on a weekend, it shall be observed on the same day as federal employees.

- New Year's Day (January)
- Martin Luther King Day (January)
- Presidents Day (February)
- Memorial Day (May)
- Independence Day (July)
- Labor Day (September)
- Thanksgiving Day and the day after Thanksgiving (November)
- Christmas Day (December)
- New Year's Eve (December)

- and two floating holidays at the employee's option (and subject to approval by the employee's supervisor)

PTO Time (Administrative Department, EMS Outreach Department)

In addition to holidays, employees of the Administrative Department and EMS Outreach Department (who are clearly identified as such in their job description) will receive fifteen days (or 120 hours) of PTO with 1 day (8 hours) added for each year of service up to ten years. Afterward, an additional 1 day (8 hours) will be added every two years, to a maximum of 26 days (208 hours). This is intended to cover sick leave as well as vacation time but may be used for any purpose.

| YEARS | DAYS OF PTO | YEARS | DAYS OF PTO |
|-------|-------------|-------|-------------|
| 1 | 15 | 11 | 24 |
| 2 | 16 | 12 | 25 |
| 3 | 17 | 13 | 25 |
| 4 | 18 | 14 | 26 |
| 5 | 19 | 15+ | 26 |
| 6 | 20 | | |
| 7 | 21 | | |
| 8 | 22 | | |
| 9 | 23 | | |
| 10 | 24 | | |

P.3.5 PTO – Village at the Harbor

Village at the Harbor staff will receive PTO time consistent with all limitations, policies, and procedures as laid out in other segments of this section. This is intended to cover sick leave as well as vacation time.

Procedures for “PTO – Village at the Harbor”

Designated management staff will receive twenty-four days (or 192 hours) of PTO with 1 day (8 hours) added for each year of service up to ten years. All others will begin with twenty-one days (or 168 hours) of PTO, with 1 day (8 hours) added for each year of service up to ten years.

Years served are counted from the year San Juan County Public Hospital District No. 1 acquired Village at the Harbor.

| YEARS | DAYS OF PTO |
|-------|-------------|
| 1 | 21 |
| 2 | 22 |
| 3 | 23 |
| 4 | 24 |
| 5 | 25 |
| 6 | 26 |
| 7 | 27 |

| | |
|-----|----|
| 8 | 28 |
| 9 | 29 |
| 10+ | 30 |

P.3.6 PTO - San Juan Island EMS

Union EMS Employees are given Paid Time Off consistent with the Collective Bargaining Agreement (CBA). They are subject to all policies and procedures herein except where they conflict with the CBA, in such cases the CBA may be preferred.

Likewise, all full-time employees with a contract are subject to all policies and procedures detailed herein, except where they differ from the contract. When PTO differs in the policy and procedure from their contract, the contract may prevail.

Hires outside of these categories, employees are given leave equivalent to Policy “P.3.4 PTO - Finance Department, PR/HR Specialist, EMS Outreach Department.” Currently there are no employees to whom this would apply.

P.3.7 Ongoing Eligibility for Paid Time Off

Accruals such as Paid Time Off are benefits given to full-time employees and are subject to ongoing eligibility requirements.

Procedures for “Ongoing Eligibility for Paid Time Off”

Failure to Work Scheduled Hours

An employee must work the number of hours in their job description. If that is 40 hours, then the employee must work those 40 hours. Employees must also work the assigned shift. An employee who does not work full-time the entire month (which, generally is defined by the number of shifts the employee would have worked, e.g. all Mondays – Friday 9 – 5:30) does not qualify for PTO in the affected month.

Any time off must be approved. Generally, only paid time off will be accommodated, but the department head may approve unpaid time-off in unusual circumstances. However, this is strongly dispreferred, and employees should have no expectation that such time off will be awarded.

Any shift changes must be approved by the employee’s supervisor.

Missing a shift without giving approval is grounds for dismissal, as is repeatedly missing shifts with short notice.

Full-time less than 32 Hours

An employee who is scheduled to work less than 40 hours per week on a permanent basis, but who still works full-time (i.e. 32 or more hours per week), accrues PTO at a ratio equal to the percent full-time that they work. For instance, if the employee works 32 hours per week, they receive 80% of the PTO of an employee who works 40 hours per week.

When the employee takes time off, only 32 hours of PTO are required to take a week off, or 6 hours per day.

In other words, the employee accrues less PTO, but also needs less PTO to take time off. If the employee receives holidays they are worth the same amount as PTO.

P.3.8 COVID and Pandemic Leave

The District has at times offered COVID and pandemic leave. The District does not currently offer pandemic or covid leave, and any leave of this type is discontinued as of the date of adoption for these policies and procedures.

P.3.9 Sick Leave

Sick leave is part of Washington State Law and requires employers to provide paid sick leave to all employees. According to Washington State Labor & Industries, as part of initiative 1433 approved in 2016, employers must provide, at minimum, 1 hour of sick leave for every 40 hours an employee works.

Beginning on the 90th calendar day after an employee begins with San Juan County Public Hospital District No. 1, employees may request to use their sick leave for a qualifying event. Up to 40 hours of sick leave may be carried over to the next year every year.

Sick leave is a benefit available to employees who are not eligible for paid time off. All part-time employees of San Juan County Public Hospital District No. 1 will be eligible for sick leave and start accruing at their first hour of work, at the accrual rates listed in the policy.

Part-Time employees may utilize sick leave for the following reasons:

- For a mental or physical illness or injury, including treatment and care
- To care for family members experiencing a mental or physical illness or injury, including treatment and care; family members are classified as: Child, Parent, Spouse, Legally Registered Domestic Partner, Grandparent, Grandchild, Sibling
- If your workplace closes for health-related concerns or by public order, or to care for a child after their school or daycare closes for health-related concerns or by public order
- For reasons pertaining to the Domestic Violence Leave Act (DVLA)

No disciplinary action will be taken against an employee for using their sick leave, but employees are responsible for notifying their employer of their intent to utilize sick leave. Unless there are extenuating circumstances, failure to notify the employer of absence from work due to sick leave may result in disciplinary action.

In the event that an employee moves from part-time to full-time, the sick leave bank will be rolled into the PTO bank of the employee.

P.3.10 Sabbaticals

Policy:

San Juan County Public Hospital District No. 1 supports employee work-life balance. In an initiative to ensure employee retention, productivity, and work satisfaction, the District has elected to provide certain employees with a 3-month (8 week paid, and an optional 4 weeks unpaid) sabbatical subsequent to their fifth full year of consecutive, full-time employment with the District.

The District reserves the right to retire this policy without penalty. This policy depends in part on the desire of employees to help support each other while on sabbatical, and requires the ongoing support of employees to keep this policy in effect.

Eligibility for Sabbatical

Eligibility is tracked from the date of hire, and may or may not be equal to years of service for other purposes, such as PTO or pay scale as applicable. *(For instance: “Ellen” was hired on January 1, 2025. He works all of 2025, 2026, 2027, 2028, and 2029. He is eligible on January 1, 2030).*

This policy applies to employees classified as sabbatical-eligible per their job description (approved by the Superintendent) for *at least* five consecutive years; employees must be in a sabbatical-eligible role for all five years. Any leave through FMLA, PFML and the ADA will be included in the five-year calculations.

This policy does not apply to eligible employees who have waived their right to their sabbatical contractually. It also does not apply to union employees with their own Collective Bargaining Agreement, and is generally intended for exempt administrative employees (generally all non-union exempt staff), as these employees will likely have to work some unpaid overtime to cover for employees who are gone on sabbatical.

Eligibility begins on the date an employee is placed into a role that is eligible for the sabbatical, not the date of hire. *(For instance, if “Ellen” is hired as a Resident Assistant in March 2025, and later is hired in April 2027 as the Executive Director, Ellen does not begin to accrue years for the purposes of the sabbatical until April 2027)*

The Superintendent is eligible for sabbatical, however, sabbatical eligibility may not accrue prior to January 1, 2023, and must be approved by the Board both in terms of timing and length. The Board may opt to shorten the sabbatical and/or cash out whatever remains at 50% of its value.

Procedure:

The ability to schedule sabbatical leave is dependent upon the District’s current and ongoing projects, budgetary constraints, and other scheduled sabbaticals:

- Date of the sabbatical must be cleared through the Superintendent to minimize impacts on the District. Just because an employee is eligible, it does not mean the employee may immediately take their sabbatical. Coordination of a sabbatical must be planned well in advance with the Superintendent.
- In specific circumstances, the Superintendent may delay an employee’s sabbatical due to budgetary constraints, major projects, or other reasons. EMS eligible employees may have one month between June, July, and August, but not all three, and splitting the sabbatical may be reasonable in this instance.

- Upon request from an employee, or at the option of the Superintendent, the Superintendent may opt to cash out the value of the paid portion of the sabbatical at 50% of the PTO value of the sabbatical (i.e. 8 weeks of PTO at 50% value). Note that the employee not going on the sabbatical will be working normal hours, accruing PTO, etc., and this accounts for the discount value of the sabbatical as a cash-out.
- Sabbatical leave and any PTO used to cover unpaid time off, must be taken consecutively unless requested or approved by the Superintendent, or in the case of the Superintendent, unless requested or approved by the Board of Commissioners
- How each sabbatical is implemented will depend on the specific employee, for instance, some may have to check in periodically, or have other rules in order to make the sabbatical possible without paralyzing the District

Employees are allowed to utilize their accrued PTO, up to 160 hours (4 weeks), to cover the optional 4 weeks of unpaid leave.

The District will review, upon completion of the first cycle of sabbaticals, whether this policy was efficacious and useful. However, it is the intention of the District that eligible employees will continue to receive 3-month (12 week) sabbaticals every five years until their employment with the District ends, subject to the same terms and conditions as their initial sabbatical with the District. As of this writing, the District officially only extends one sabbatical after five years of service in an employee's career.

Sabbatical leave cannot be accrued or combined, with 3 months out being the upper limit. For example, the first sabbatical must be taken before an employee completes their 10th year.

Benefits and compensation while on sabbatical:

Employees will remain benefits-eligible while on sabbatical leave. Benefits offered through the District prior to sabbatical leave will be maintained throughout the entirety of an employee's leave, except for paid time off (PTO); employees **will not** accrue additional PTO while on sabbatical leave.

Should an employee opt to take the month of unpaid leave, at minimum, an employee must use enough PTO to cover the cost of their benefits contributions.

Employment after sabbatical leave:

Unless otherwise approved by the Superintendent, employees are required to complete one year of full-time employment with the District after taking sabbatical leave. Failure to return to work or complete the required employment (unless fired, furloughed, or laid-off) after sabbatical will result in the employee being required to reimburse the **total wage compensation amount** of the sabbatical to the District. In extenuating circumstances, such as disability, death of a spouse/partner, or chronic illness the Board may opt to waive part or all of this fee.

Forfeiture of current available PTO and banked PTO may be utilized to assist in repayment to the District.

Employees who have received an Education Reimbursement:

If an employee has received education reimbursement during the five-year period of eligibility for a sabbatical, the value of that education reimbursement will be deducted from the value of the sabbatical.

For the purposes of this section, the cost of a sabbatical is calculated as 17% of the employee's total annual wage in the year they are sabbatical eligible. *For example, employee "Annie" received \$10,000 in education reimbursement in year three of her employment, and now qualifies for a sabbatical after five years of employment. Annie's sabbatical is worth \$30,000 in wages. She may receive a sabbatical worth \$20,000, which is the value of the sabbatical minus the value of the education. She may elect to use her own accrued PTO to take up to three months off.*

P.4 CONTROLLED SUBSTANCES: "DRUG FREE WORKPLACE"

P.4.1 Applicability and Covered Workers

The District is committed to protecting the safety, health and well-being of all employees and other individuals in our workplace. We recognize that alcohol abuse and drug use or misuse may pose a significant threat to employees as well as the District's operating goals. The District has established a drug-free workplace program that balances our respect for individuals with the need to maintain an alcohol and drug-free environment. The District encourages employees to voluntarily seek assistance for any alcohol, substance abuse or chemical dependency problems.

Any individual who conducts business for the District or is conducting business on District property is covered by our drug-free workplace policy. This policy includes, but is not limited to officials, supervisors, full-time employees, part-time employees, volunteers, contractors and vendors while on District property.

The District's drug-free workplace policy is intended to apply whenever an employee or official is representing or conducting business for the District.

For union members, if there is a conflict between this policy and the Collective Bargaining Agreement (CBA), then the CBA may be followed.

P.4.2 Prohibited Behavior

It is a violation of the drug-free workplace policy to use, sell, trade, and/or offer for sale alcohol, marijuana, illegal drugs or intoxicants while performing work for the District and/or while on District premises. However, this does not prohibit Village at the Harbor specific policies for resident use of alcohol.

Cannabis, while legal in small amounts in Washington State for personal use, is for the purposes of our District, considered an illegal drug as it is still considered federally controlled and deemed illegal to possess this drug. Any amount of this drug found in a personnel's blood, urine, etc., is considered a violation of this policy.

Any employee coming to work reasonably suspected to be under the influence of a mind-altering substance will be asked to take a test and will be sent home. The employee will need to meet with the department head before returning to work.

The District performs drug testing anytime there is a safety incident such as (but not limited to) a workplace injury, injury to a resident or patient, or vehicle accident. This is to ensure that illegal substance use did not contribute to the incident. The District also tests at the time of hire.

Prescription and over-the-counter drugs are not prohibited when taken in standard dosage and/or according to a physician's prescription. Any employee taking prescribed or over-the-counter medications will be responsible for consulting the prescribing physician and/or pharmacist to ascertain whether the medication may interfere with safe performance of his or her job. If the use of a medication could compromise the safety of the employee, fellow employees or the public, or the ability to perform work, it is the employee's responsibility to use appropriate personnel procedures (e.g., call in sick, use leave, request change of duty, notify supervisor) to avoid unsafe workplace practices. At all times, the employee must be able to meet the legal requirements for their job duties, which include specific provisions based on role set by regulatory authorities regardless of the employee's medical need.

The illegal or unauthorized use of prescription drugs is prohibited. It is a violation of the District drug-free workplace policy to intentionally misuse and/or abuse prescription medications.

P.4.3 Consequences

One of the goals of the drug-free workplace program is to encourage employees to voluntarily seek help with alcohol and/or drug problems. If, however, an individual violates the policy, the consequences are serious.

If an employee violates the policy, the employee will be subject to disciplinary action, up to and including termination, and may be required to enter rehabilitation. An employee required to enter rehabilitation who fails to successfully complete it and/or repeatedly violates the policy will be terminated from employment. Nothing in this policy prohibits the employee from being disciplined or discharged for other violations and/or performance problems.

The individual employee is responsible for deciding whether to request diagnosis and accept treatment for drug dependence. Individuals who refuse to accept referral for diagnosis or treatment will be handled just like any other employee whose job performance is declining.

Any employee convicted or arrested for any violation of any criminal drug statute occurring on company property or during working time shall notify their department head (i.e. Executive Director or Chief Administrator) within 5 days of the date of conviction or arrest. If an employee is convicted for a drug offense that occurs in the workplace, the department head will notify the Superintendent in writing of the conviction or arrest within 10 days of receiving notice of the conviction. The department head will take appropriate disciplinary action against a convicted employee up to and including discharge.

If a District contractor or vendor violates the policy, all work on District property must cease and any contracts between the contractor or vendor and the District may be voided.

Nothing in this policy obligates the employer to accommodate the employee's need for treatment or to engage in progressive discipline. Any behavior that risks the safety of those we serve, or coworkers, can be grounds for the full range of discipline, including immediate termination.

P.4.4 Return-to-Work Agreements

Following a violation of the drug-free workplace policy, an employee may be offered an opportunity to participate in rehabilitation. In such cases, the employee must sign and abide by the terms set forth in a Return-to-Work Agreement as a condition of continued employment.

Any employee who asks for treatment or who is diagnosed as being drug-dependent will be given the same consideration and offer of assistance presently given to all employees with any kind of disease or medical problem.

Procedures for "Return-to-work Agreements"

A Return-to-Work Agreement is a written document that explains the expectations that the District and the employee's assistance/medical professional have of an employee who has completed mandated treatment for a substance abuse problem. The consequences if the expectations are not met are also outlined.

Developing a Return-to-Work Agreement requires:

- Coordination between the employee, the District and the employee's treatment professionals.
- Compliance with the District's policies and legal obligations as well as with the treatment professional's medical recommendations.
- Prior notification through company policy documents that a Return-to-Work Agreement would be expected as a condition of continued employment.
- The District recognizes that alcohol and drug addiction are treatable illnesses. The District also realizes that early intervention and support improve the success of rehabilitation. To support employees, the drug-free workplace policy:
- Encourages employees to utilize the services of qualified professionals in the community to assess the seriousness of suspected drug or alcohol problems and identify appropriate sources of help.
- Treatment for alcoholism and/or other drug use disorders may be covered by the employee benefit plan. However, the ultimate financial responsibility for recommended treatment belongs to the employee.

P.4.5 Confidentiality of Drug-free Workplace Program

All information received by the District through the drug-free workplace program is confidential communication. Access to this information is limited to those who have a legitimate need to know in compliance with relevant laws and management policies.

P.4.6 Shared Responsibility

A safe and productive drug-free workplace is achieved through cooperation and shared responsibility. Both employees and management have important roles to play.

All employees are prohibited from reporting to work while their ability to perform job duties is impaired by on or off-duty use of alcohol or other drugs.

In addition, employees are encouraged to:

- Be concerned about working in a safe environment.
- Support fellow workers in seeking help.
- Report dangerous behavior to their supervisor.

It is management's responsibility to investigate reports of dangerous practices and activities that affect the ability to perform work.

P.4.7 San Juan Island EMS Specific Policies

San Juan Island EMS requires the highest level of compliance with substance abuse precautions. The District has a substantial interest in the health and well-being of its personnel in high-risk, hazardous positions, and in ensuring safe and competent operations.

All new EMS providers are drug tested upon hire.

Compliance with Department of Health regulations and Medical Program Director guidelines for prescription drug and alcohol use is mandatory.

Personnel are considered to be under the influence of a controlled substance when, in the judgment of the person in charge, (Chief, On-call Paramedic, Incident Commander, Assistant Chief, or Director) when the ability to perform assigned duties safely and efficiently appears impaired.

Prescribed medications which may impair performance include, but are not limited to: antihistamines, narcotic pain medications, tranquilizers, sleeping pills, muscle relaxants, and amphetamines must be approved by the Supervising Physician prior to responding.

Procedures for "San Juan Island EMS Specific Policies"

The following procedures will be followed:

1. Personnel using any prescribed medication or controlled substance as part of their routine healthcare or following a medical procedure or injury must report this to the Supervising Physician. The Supervising Physician may allow the medication and dosage as non-impairing under normal circumstances and allow their use.
2. Any person suspected of alcohol intoxication or under the influence of drug (legal or illegal) by physical signs/symptoms or report of recent alcohol ingestion, will be considered intoxicated and immediately removed from patient care and remain in the "custody" of the on-duty paramedic or nurse. The Supervising Physician will be immediately notified and administer a urine screen test and breathe alcohol screening tool at the EMS building by the SUPERVISING PHYSICIAN. If the Supervising Physician is

not immediately available, the suspected individual will be escorted to the Peace Health Peace Island Medical Center Emergency Department by the paramedic or nurse for a verified blood and or urine toxicology screening using a legally verified method.

3. Refusal of any of this process will result in immediate termination and potential criminal legal action.
4. If either Supervising Physician administered screens are positive, the suspected individual will be escorted to the PIMC Emergency Department by the Supervising Physician for a verified blood and or urine toxicology screening using a legally verified method.
5. The use of prescribed medications does not constitute grounds for disciplinary action, but being impaired to function from these medications and reporting for duty will subject the employee to disciplinary action.
6. In the event of any question of ability to perform duties safely and properly while taking prescribed medications, a release or clearance from the employee's Physician and the agency Supervising Physician must be obtained.
7. The District maintains a ZERO TOLERANCE rule. Any personnel suspected of being under the influence within the course of their patient care or operational duties will be subject to immediate verification through the above mechanism.
8. If the person in question refuses any or all of the screening choices presented to him/her they will be immediately suspended with pending discharge. The Sheriff's Office may additionally be notified when warranted.

P.5 DRESS CODE AND UNIFORMS

P.5.1 Dress Code

All employees are expected to wear clothing that is appropriate for the department in which they work and in accordance with the duties to be performed.

Procedures for "General Dress Code"

Company approved uniforms will be provided and must be worn while on duty, as well as some form of identification, such as a name tag, ID Card, or name on the uniform.

Personal radio/cassette players/cell phones with headphones may not be worn by employees who are on call.

Personal Protective Equipment (PPE) will be worn as directed by the department head through standing orders or verbal directions.

When in uniform whether on duty or not, staff members should observe all standards of behavior that the public would expect from hospital district employees while on duty, e.g. no alcohol consumption, and treat members of the public with respect and consideration.

P.5.2 Village at the Harbor Uniforms

Procedures for “Village at the Harbor”

Staff members will be issued three sets of uniforms, which may be replaced as needed after reasonable wear and tear. Staff members may NOT wear them for other work.

P.5.3 San Juan Island EMS Dress Code

Procedures for “San Juan Island EMS Dress Code”

Administrative personnel: will be easily identifiable as agency personnel by wearing professional EMS clothing and/or business casual appropriate clothing while at work. Logos on clothes must be SJIEMS approved and issued clothing. No other EMS/Fire agency logos are allowed. PPE shall be worn consistent with the conditions and Agency protocols.

The Agency’s Community Paramedicine provider(s) shall be considered on-duty responders for the purposes of this policy but have flexibility if the situation requires adaptation.

Union Employees and On-duty Responders: (Fulltime EMTs/Paramedics, volunteer EMTs filling station shifts, per diem responders, Community Paramedicine) will dress consistent with the terms for union employees on duty in the Collective Bargaining Agreement. This, broadly summarized, means class B uniforms during business hours and outside of that may wear class C uniforms / station wear consisting of EMS LOGO T-shirts or Collared shirts. PPE shall be worn consistent with the conditions and Agency protocols.

Response from the community: If responding from the community (not on duty), reasonable effort should be made to assure personal safety and easy identification by the patient and on-scene citizens. Verbal identification of the license and agency to the patient is always required. Extra safety equipment is provided in the ambulance for use by responders on-scene when required (reflective vests, safety glasses, face masks, helmets, turn-out gear...). PPE shall be worn consistent with the conditions.

Marine response: If responding to a request to provide service on a boat, personnel must be dressed to provide appropriate protection from the elements as outlined in the Marine Response guidelines and wear an approved PFD 100% of the time while on the docks and or boat. PPE shall be worn consistent with the conditions and Agency protocols.

Formal Wear

Uniformed staff members are entitled to Class A uniforms, by request, after three years of employment.

P.5.4 Surplus of Uniforms

Employees are required to return uniforms once they have completed their service with the District, provided, however, that uniforms and clothing worn for more than one year may be considered expired and need not be returned. Former employees are prohibited from wearing uniforms or clothing with District logo or insignia.

District insignias should not be worn by those not employed or actively volunteering with the District.

P.6 EMPLOYMENT WITH THE HOSPITAL DISTRICT

P.6.1 Applicability

For the purposes of this policy, “personnel” means all persons doing work for the District, including volunteers, staff, educators, etc. Employee is considered to mean the same thing as “personnel” in this policy.

P.6.2 Employment At Will

Except for those employees covered by Civil Service commission rules, collective bargaining agreements or certain employees under section 4.010, employment with the District is at will. Nothing in the manual or its application to any person or circumstances, nor any specific guideline, policy or action by the District, Superintendent, or any Board Member, shall constitute or be construed to create a contract of employment or tenure.

This manual is intended solely for guidance of personnel management and shall not be construed to create any right or confer any benefit, either substantive or procedural, which may be argued to be enforceable by any employee against the District.

P.6.3 Employer Rights

The District reserves any legal rights with respect to matters of general legislative or managerial policy, which include, but are not limited to, the exclusive right to determine the mission of its constituent departments and commissions; select standards for employment and promotion; direct its employees; take disciplinary action; relieve its employees from duty because of lack of work or for other legitimate reasons; maintain the efficiency of governmental operations; determine the methods, means and personnel by which government operations are to be conducted; take all necessary actions to carry out its mission in emergencies; and exercise complete control and discretion over its organization and the technology of performing its work.

P.6.4 Creation of New Positions

As a progressive agency with growing personnel needs, it is important to have a defined path of the hiring and advancement process that mirrors best practices and industry standards.

The District prefers internal hiring and advancement for all positions, but in the judgement of person doing the hiring, candidates must be qualified for the position, and there must be a meaningful selection of candidates to make a good decision. While this is a stated preference, it is not a requirement.

Procedures for “Creation of New Positions”

San Juan Island EMS

San Juan Island EMS has many volunteers who invest time and effort with minimal compensation into the District. EMS volunteers also have experience in our system and have been trained by the District to fill roles within San Juan Island EMS.

Therefore, when a new position either full-time or part-time is created, strong preference shall be given to internal candidates, such as volunteers or part-time employees, over those outside of the District.

This does not preclude posting a position externally from the day the position is created or opened for applications and is a hiring preference rather than a mandate.

P.6.5 Application for Employment and Job Descriptions

Applications for employment need not all be the same in every instance or for every position but should gather important information for the employer in beginning the hiring process.

A job description should be available for every position that details key information such as PERS / LEOFF eligibility, parttime or fulltime, supervisory responsibilities, etc.

All personnel must be able to meet the requirements of their job descriptions. Job descriptions should be updated regularly by the department head or human resources to ensure that they are up to date. Job descriptions shall apply to all employees who carry the same title and position.

For instance, care providers of all kinds must have the physical strength to carry, lift, extricate and perform similar maneuvers in a manner not detrimental to the patient, fellow personnel or themselves.

Employees must maintain the licensure or credential necessary to meet their job responsibilities. These qualifications and prerequisites are generally enumerated in the employee’s job description.

Procedures for “Application for Employment and Job Descriptions”

Application Process

A job description will be posted along with a request for a cover letter, at a minimum. This is the application at its most basic. Other items may be requested based on the department head’s hiring processes.

The following will apply:

1. Any person desiring employment will be asked to complete an application. The application will vary by department, and reflect the goals of the department head for the position.
2. Applications may be kept on file for up to six months.

3. The application will be placed in the personnel file if the applicant is hired.

Employment Verification

The application's accuracy should be checked, ensuring that at a minimum the last five years of employment is accurate, and that any degrees claimed are verified.

Minor discrepancies are not an issue, but any significant discrepancies will result in automatic disqualification for employment with the hospital district. Significant discrepancies on an application may constitute grounds for termination, especially where the discrepancy appears to be a result of dishonesty.

Licensure Requirements

- Personnel must acquire and maintain a good working knowledge of all District equipment and policies.
- Personnel are required to attend adequate Continuing education, credential based ongoing training such as OTEP, and operational trainings as required.
- Personnel must be appropriately licensed/certified as required by Washington State
- Personnel must be at least eighteen years old and have a high school diploma or equivalent qualifications.

Driving

Any role that requires driving must possess a valid Washington State Driver's License. Those who operate emergency vehicles, must meet the District's standards for driving (see below under "Hiring: Requirements")

P.6.6 Interviews and Testing

A process should be established when hiring for a position to enable the hiring authority to compare candidates in a fair and consistent manner. It should involve other staff to the extent that is reasonable and helpful in hiring.

Procedures for "Interviews and Testing"

Interview and hiring processes are ultimately set by the department head based on the position. In general, the hiring process will look something like this:

1. An application must be completed before any person will be granted an interview
2. The interview may include skills testing of various kinds and may have multiple rounds of interviewing depending on the position
3. All potential employees will be interviewed prior to employment
4. A formal interview will be conducted by the department head. A list of basic questions will be asked of all candidates for the sake of comparison, but follow up questions may also be asked that vary between candidates

5. Where possible, candidates will be given a brief tour at some point in the hiring process prior to being offered a position
6. Following the interview, the interviewer will complete the Interviewer's Impression form
7. Interview notes and Interviewer Impressions forms will be placed in the personnel file if the applicant is hired

P.6.7 Reference Checks

Reference checks are an important part of the hiring process.

Procedures for "Reference Checks"

Unless the position requires a different number, in general, a minimum of three reference checks will be made on each applicant being considered for any position.

- Reference checks may be made in writing or by telephone.
- Reference check data will be placed in the applicant's file.
- References will be checked prior to an offer of employment being made.
- Possible requests:
 - A previous employer or two.
 - Character reference (no minister, no relatives).
 - Previous employer.
 - Previous co-worker.

P.6.8 Criminal Background Checks – Village at the Harbor

This segment applies only to Village at the Harbor.

Procedures for "Criminal Background Checks – Village at the Harbor"

Background checks — National fingerprint background check:

1. Administrators and all caregivers who are hired after January 7, 2012 and are not disqualified by the Washington state name and date of birth background check, must complete a national fingerprint background check and follow department procedures.
2. After receiving the results of the national fingerprint background check the community will not employ, directly or by contract, an administrator or caregiver who has been convicted of a crime or has a finding that is disqualifying under WAC 388-78A-2470.
3. The community may accept a copy of the national fingerprint background check results letter and any additional information from the department's background check central unit from an individual who previously completed a national fingerprint check through the department's background check central unit, provided the national fingerprint background check was completed after January 7, 2012.

Background checks — Washington state name and date of birth background check — Valid for two years — National fingerprint background check — Valid indefinitely.

1. A Washington state name and date of birth background check is valid for two years from the initial date it is conducted. The boarding home must ensure:
 - a. A new DSHS background authorization form is submitted to the department's background check central unit every two years for all administrators, caregivers, staff persons, volunteers, and students; and
 - b. There is a valid Washington state name and date of birth background check for all administrators, caregivers, staff persons, volunteers and students.
2. A national fingerprint background check is valid for an indefinite period of time. The community will ensure there is a valid national fingerprint background check completed for all administrators and caregivers hired after January 7, 2012. To be considered valid, the national fingerprint background check must be initiated and completed through the department's background check central unit after January 7, 2012.
3. The boarding home may conditionally hire an administrator, caregiver, or staff person directly or by contract, pending the result of the Washington state name and date of birth background check, provided that the boarding home:
 - a. Submits the background authorization form for the person to the department no later than one business day after he or she starts working;
 - b. Requires the person to sign a disclosure statement indicating if they have been convicted of a crime or have a finding that is disqualifying under WAC 388-78A-2470;
 - c. Has received three positive references for the person;
 - d. Does not allow the person to have unsupervised access to any resident;
 - e. Ensures direct supervision of the administrator, all caregivers, and staff persons; and
 - f. Ensures that the person is competent, and receives the necessary training to perform assigned tasks and meets the training requirements under chapter 388-112 WAC

P.6.9 Motor Vehicle License Check (Driving)

The District will comply with State of Washington and federal requirements (if any) regarding operation of motor vehicles, whether emergency or civilian. Additionally, the District will follow best practices for motor vehicle operation and safety standards. Part of this is verification of the employee's motor vehicle safety record.

Anytime the employee is driving for a work-related purpose (not including commute to work) the District incurs liability for that employee's actions. Therefore, any employee who drives for a work-related purpose must meet all motor vehicle operation requirements listed herein, regardless of whether operating an official, District-owned vehicle.

Procedures for "Motor Vehicle License Check"

The District will review every employee's driving history at least every three years. All new hires, and at the period review, will be subject to the following:

1. A copy of the employee's license will be made if they will be required to drive for work related purposes

2. The Washington state patrol will be contacted to do a search of the driving record of the employee (for civilian vehicle operation the local police department may be utilized)
3. The employee will be ineligible to drive the company vehicle if they have experienced any one of the following:
 - a. Reckless Operation of a Motor Vehicle (last 3 years). Anyone convicted of these or any felony within the past three years or while District Applicants may be suspended or discharged from service. This shall also be considered misconduct if currently employed by the District
 - b. Driving or boating under the Influence DUI/BUI (last 6 years)
 - c. If a member receives an infraction under this paragraph, they are obligated to notify their supervisor within five (5) business days. Failure to do so may result in additional discipline.
 - d. If an employee is found to be ineligible because of a finding on their Driver License Record, they will be notified that their driver status is suspended until their record is either cleared or the required time has passed.
4. Employee must meet any state or federal requirements to operate the vehicle such as emergency vehicles (WAC 248-17-211)

P.6.10 Pre-Employment Physical

Employees must be able to perform their jobs without undue risk to themselves or the people we serve. A pre-employment physical is an important part of that.

Procedures for “Pre-Employment Physical”

1. Each employee may be required to have a physical completed by a physician prior to the first day of work but after the job offer has been made.
2. The cost of the physical will be reimbursed to the employee upon receipt of the bill from the physician and upon receipt of the completed physical.
3. The purpose of the physical is to determine if there is any communicable disease or disability that would make an employee ineligible or unable to perform the functions of their job, and to determine if there are any reasonable accommodations that will be needed for the employee to complete the position hired for.
4. The physical exam must include a test for tuberculosis.

Employees who have no contact with patients or residents may be exempt from this procedure at the option of the department head.

Management hires or those under a specific contract may be exempt from this requirement if specifically stated, but must meet the requirements of their licensure or credential (E.g. EMT-P) if applicable.

P.6.11 Employee Eligibility Verification and IRS Compliance

The hospital district, as a local government unit, must comply with all laws and regulations regarding employment. All employees must be legally eligible to work in the State of Washington and the United States of America. All employees must be properly registered with the Internal Revenue Service (IRS).

Procedures for “Eligibility Verification and IRS Compliance”

Verification of I-9 Form

1. All applicants must prove legal status in order to be employed. Copies of the proof must be in each employee’s personnel file.
2. Examples of proof:
 - a. Social Security Card and picture ID (driver’s license).
 - b. Passport.
 - c. Birth certificate and picture ID.
 - d. Military ID card and picture ID
3. Legal status must be verified before the applicant begins employment.
4. Use Employee Eligibility Verification Form I-9 to verify eligibility.

Internal Revenue Service Form W-4

1. All applicants must complete a W-4 form.
2. This form must be completed before the applicant begins employment.
3. This form will be placed in the personnel file.
4. This form may be changed by the employee at any time.

Note: The higher the number of dependents, the lower the amount of taxes withheld.

P.6.12 Pre-Employment Requirement Review

Other requirements exist as needed, whether stated in this policy or not, but should to the extent possible be clearly defined and identified for all applicants.

Procedures for “Pre-Employment Requirement Review”

In addition to the requirements laid out in the other segments of this section:

- A. Applicants must have the physical strength to perform their responsibilities, as laid out in their Job Description and as required by relevant regulatory and legal authorities.
 - a. For instance, EMS personnel must be able to carry, lift, extricate and perform similar maneuvers in a manner not detrimental to the patient, fellow Applicants or themselves. (WAC 248-17-211)
- B. Applicants must have all necessary immunizations and or titer results.
- C. Applicants must be appropriately licensed/certified as stated in their job description.
- D. Applicants must acquire and maintain a good working knowledge of all District equipment and policies.
- E. Applicants are required to attend adequate CE and OTEP and operational trainings as required.
- F. Applicants must meet statutory age requirements
 - a. For EMS, must be at least eighteen years old, not older than 69 years and have a high school diploma or equivalent qualifications. (WAC 248-17-211)

- G. Healthcare providers have close and personal contact with those we serve, who may be of all ages, races and cultural backgrounds, it is required that all personnel:
 - a. Are clean and hygienic; while standards of grooming and appearance can reasonably vary based on culture, religion, and other factors, healthcare workers should cultivate an appearance that will promote trust with the people we serve.
 - b. Are able to communicate well with people of all persuasions.
 - c. Are able to follow orders given by those in charge, and give orders when required.
- H. Applicants shall maintain a positive attitude and high degree of cooperation with coworkers
- I. Applicants who cause division, spread rumors, or are seen as disruptive to the cohesive and positive work environment may be removed from their position.
- J. No Applicants will drive any District vehicle after consuming any intoxicating liquor, narcotics or any other drug that may impair their judgment or ability to perform in a safe manner. (See Alcohol and Drug Policy)
- K. For those who use a personal vehicle for work purposes (e.g. responding POV to an EMS scene), all applicants will carry the State of Washington legally required limit of liability insurance on any vehicle they use to respond to aid calls.
- L. It must be stressed that Applicants will be involved in many people's lives. Applicants must be professional in their actions and appearance so as not to offend patients and the community.
- M. EMS Applicants will follow all prehospital guidelines approved by the County Medical Program Director and all State guidelines and laws as directed by San Juan Island EMS, as well as those of San Juan Island EMS.
- N. Applicants will meet any other requirements for training, education, OTEP, certifications, experience, quarterly call and educational volumes and any other requirements specified by the District.

P.6.13 Paramedic Employment Requirements

Paramedics employed by the District must meet the requirements of their licensure, certifications, skills, knowledge, courses, and competencies for annual and recertification requirements for paramedics of the agency. These requirements may be set by Federal, State, San Juan Island EMS, or the Medical Program Director. A list is maintained here for convenience, but all paramedics must meet the up-to-date standards set by these various sources of authority.

Procedures for "Paramedic Employment Requirements"

Licensure Requirements

Paramedics will minimally meet or exceed the Annual Requirements as outlined below. Failure to meet minimum requirements may subject the employee to suspension of ability to practice in an unpaid capacity up to termination. The recertification or re-licensure requirements exceed State and National standards and must be met or exceeded for continued employment with the agency. This includes meeting annual competencies and successfully passing the recertification didactic every three years with a minimum score of 80%.

1. Washington State Paramedic
2. National Registry Paramedic
3. BLS Healthcare Provider Card
4. ACLS or preferably ACLS for Experienced Providers
5. Neonatal Resuscitation Program
6. PALS
7. ATLS or equivalent course (TNCC or PHTLS + Advanced Pathophysiology)
8. WEMT or Bushcraft or RMAP Provider (preferred)
9. EVOC
10. WA State EMS Evaluator (preferred)
11. Marine Rescue Technician (preferred)
12. Other requirements as set by the department head by job description

Paramedics must be able to perform the physical tasks required for the essential functions of the job which include as set in their job description.

P.6.14 EMT Employment Requirements

EMTs employed (whether volunteer or staff) by the District must meet the requirements of their licensure, certifications, skills, knowledge, courses, and competencies for annual and recertification requirements for EMTs of the agency. These requirements may be set by Federal, State, San Juan Island EMS, or the Medical Program Director. A list is maintained here for convenience, but all EMTs must meet the up-to-date standards set by these various sources of authority.

Procedures for “EMT Employment Requirements”

The following requirements exist for EMTs, irrespective of whether volunteer or staff:

- This is a position that requires a minimum certification of EMT-Bs. Must be a current WA State EMT and maintain current certifications and ongoing Agency training requirements. Nationally Registered EMT is strongly preferred.
- Maintain Washington State Driver License in good standing in accordance with SJIEMS Policies and Procedures.
- Completed agency approved EVOC driver training and maintain proficiency in operation of emergency vehicles.
- American Heart Association CPR, First Aid Instructor, and WA State Evaluator is a bonus but not required.
- A Washington State BLS evaluator certification is not required but is a plus; willingness to become an evaluator when the agency is able to offer it is required.

EMTs must be able to perform the physical tasks required for the essential functions of the job which include as set in their job description.

P.6.15 Training and Long-term Care Certification Requirements

The hiring of qualified personnel and ongoing training is necessary to assure the quality and training of staff providing services to residents and to provide opportunities for growth and development of skills and professionalism.

Procedures for Training and home care aide certification requirements

1. The community must ensure staff persons hired before January 7, 2012 meet training requirements in effect on the date hired, including requirements in chapter 388-112A WAC.
2. The assisted living community must ensure all administrators, or their designees, and caregivers hired on or after January 7, 2012 meet the long-term care worker training requirements of chapter 388-112 WAC, including but not limited to:
 - a. Orientation and safety;
 - b. Basic;
 - c. Specialty for dementia, mental illness and/or developmental disabilities when serving residents with any of those primary special needs;
 - d. Cardiopulmonary resuscitation and first aid; and
 - e. Continuing education. (12 approved credits annually to be obtained prior to birthdate)
3. The assisted living community must ensure that all staff receive appropriate training and orientation to perform their specific job duties and responsibilities.
4. The assisted living community must ensure all persons listed in subsection (2) of this section, obtain the appropriate certification.
5. Under RCW 18.88B.041 and chapter 246-980 WAC, certain individuals including registered nurses, licensed practical nurses, certified nursing assistants, or persons who are in an approved certified nursing assistant program are exempt from long-term care worker training requirements. Continuing education requirements still apply as outlined in chapter 388-112 WAC.
6. Must be able to perform the physical tasks required for the essential functions of the job which include as set in their job description.
7. Other requirements as set by the department head by job description

P.6.16 Onboarding Requirements

All new personnel must meet onboarding requirements and ongoing training requirements set by the department head, and pass a field training officer process if applicable (see departmental policies specific to onboarding and ongoing training).

Human Resources will have the employee fill out many forms as part of the enrollment process. Employees should also sign a HIPAA Acknowledgement (see appendix) and Receipt of Policies and Procedures form (see appendix). However, failure to sign these forms does not reduce the employee's obligation to comply with HIPAA and comply with these Policies and Procedures.

P.6.17 Children in the Workplace

Procedures for "Children in the Workplace"

Childcare is the responsibility of the employee, and children of employees should not be brought to work except for specific events designed for that purpose and approved by the department head (e.g. a meet and greet, or bring your child to work day, etc.) or incidental events (e.g. the employee stops by to pick up a paycheck and brings their child in with them).

P.6.18 Pets in the Workplace

Procedures for “Pets in the Workplace”

Employee pets are not permitted in the workplace. The employee’s supervisor may permit short-term visits of less than one day, but the employee is responsible for any liability resulting from the animal’s activity, and the animal may not be left unattended under any circumstances. The employee must be able to do their job while supervising the pet, nor may the pet in any way interfere with the District’s operations.

It is worth reiterating that while most pet owners believe their animals to be safe and of no risk to other people, the District has no way to verify that this is the case, nor do the employees, guests, and residents that the District is responsible for while on the District premises. The employee is expected to closely supervise their pet, regardless of how comfortable the employee may feel about their pet being around other people, and the safety and comfort of the other employees, residents, and guests is far more important any consideration of a pet’s visit.

While safety and comfort are important considerations, the biggest reason for not allowing pets is that this is a professional workplace and employees are expected to be fully present and attentive to their jobs while on duty.

This does not include service animals as part of an official ADA accommodation that does not cause an undue hardship on the District or interfere unreasonably with its operations.

P.6.16 Professional Behavior

Employees are expected to be supportive coworkers that contribute to a culture of cooperation and collaboration.

Procedures for “Professional Behavior”

Professional behavior can be hard to define and can vary between work sites, but one good measurement is the general ability of an employee to work as part of a team. Personnel who have repeated issues with coworkers may not be a good fit for the District, especially when others don’t seem to be having the same issues.

Personnel who cause division, spread rumors, or are disruptive to the cohesive and positive work environment may not be a good fit for the District.

Personnel with these issues may face discipline (up to and including termination) or an improvement plan. Failure to meet the criteria outlined in an improvement plan may result in termination or further progressive discipline.

P.6.17 Hiring Incentives and Bonuses

Policy

A hiring bonus is a one-time cash incentive to promote hiring at San Juan County Public Hospital District No. 1 (the "District"). It may be utilized to fill vacant, full-time positions. A hiring bonus may be provided to a new full time employee, a current employee, or both.

New employees are eligible for a hiring bonus when they remain employed with the District for more than six months in a position that is eligible for this one-time benefit.

Current employees, who have been with the District for over six months, are eligible to receive a hiring bonus upon the successful referral of a candidate who is hired for an eligible position and remains employed by the District for more than six months.

A hiring bonus may not exceed 5% of the position's total annual cost, or \$2,000, whichever is greater.

Procedure

All hiring bonuses must be pre-approved by the Superintendent. Currently they are only available to Village at the Harbor or Village at Home employees. They may be applied to other employees by revising this procedure.

The hiring bonus will be applied to the new employee's first paycheck in full. If the employee does not remain employed for at least six months with the District, the employee is responsible for repaying the entirety of the bonus to the District. The District holds the right to deduct the hiring bonus amount from an Employee's last paycheck(s) received. Employees shall enter into contract with the District upon hire, agreeing and consenting to the District deducting the hiring bonus amount from Employee's last paycheck(s).

Referring Employees will receive their hiring bonus upon completion of the referred employee's six-month period. Failure for the referred employee to remain employed for six consecutive months with the District will result in the loss of the hiring bonus for the referrer. Referrers who quit or are terminated prior to the completion of the referred employees' six-month period are not eligible to receive the hiring bonus.

Employees who quit or are terminated and choose to reapply for a hiring bonus eligible position are not entitled to a hiring bonus upon return to work for the District.

A blank Hiring Bonus Agreement can be viewed in Appendix M.

P.6.18 Employee Names and Pronouns Policy

San Juan County Public Hospital District No. 1 is committed to promoting an inclusive environment for all employees and persons.

Individuals preferred names and pronouns will be used by the District when at all possible, though there are some instances in which legal names and sex (gender) identifications are required for the proper function of the District.

Procedure

Legal Names

In some instances, legal names are required for documentation, personnel, and financial functions by the District. Legal name and sex (gender) will be defined for the purpose of this policy as the name and sex (gender) provided at birth to the employee and/or the registered name and sex (gender) the employee holds with the federal and state government.

Legal names are required under the following circumstances:

- Employees are required to provide their legal name and sex (gender) during the hiring and onboarding process. This information will be used to comply with federal and state reporting requirements for the following purposes:
 - For financial reporting purposes to state and federal entities, including but not limited to, W2, I9, and W4 forms.
 - To conduct background and reference checks.
 - For benefits purposes, including healthcare enrollment.

Preferred Names and Pronouns

Except when legal names are required for state and federal reporting purposes (exceptions listed above), an employee's preferred name and pronoun will be utilized by the District. Employees of the District have the option to provide their preferred name and pronoun but are not required to do so.

Additionally, employees have the option to request the following:

- Request a change to their email address to reflect their preferred name.
- Identify their preferred name and/or pronoun in their email signature line.
- Request a change to their preferred name and/or pronoun under their employee bio on the District's websites.
- Request that their preferred name be used on employee I.D. badges.

P.7 FAMILY AND MEDICAL LEAVE ACT / PAID FAMILY LEAVE ACT / WASHINGTON FAMILY CARE ACT (WFCA).

P.7.1 General Statement

The purpose and scope of this policy is to define the certain leaves allowable to employees of District. This policy affects all District employees.

It shall be the policy of District to grant FMLA and WFCA leave to any District employee who meets the requirements of the policy and applicable federal and state law.

References include "Family and Medical Leave Act of 1993 (FMLA), as amended," RCW Chapter 49.12, "Washington Family Care Act (WFCA)," and "Washington Paid Family Medical Leave, RCW 50A."

P.7.2 Family Medical Leave Act (FMLA)

Procedures for “Family Medical Leave Act”

Statement of Compliance:

The District, pursuant to the Family Medical and Leave Act of 1993 (FMLA) as amended, recognizes an employee shall be entitled to twelve (12) weeks each year of unpaid leave, or paid leave, if applicable, for qualifying family and medical reasons.

Employee Eligibility

To be eligible for FMLA, an employee must (1) work for District; (2) have worked for District for at least a total of twelve (12) months; and (3) have worked at least 1,250 hours over the prior twelve (12) consecutive months. Additionally, the District must have at least 50 employees in order for an employee to be entitled to take FMLA leave.

Leave Entitlement

Under FMLA, District must grant an eligible employee up to a total of twelve (12) work weeks of unpaid leave, or *applicable* paid leave, or a combination of both, during any twelve (12)-month period for one or more of the following reasons:

(1) Birth of a Child

- (a) If you are the mother: FMLA leave may be authorized for medical complications the female employee or her baby may experience related to pregnancy and childbirth (may use available sick leave or PTO as available).
- (b) If you are the spouse of the mother: Generally, up to six (6) weeks of FMLA leave may be authorized for employees to care for the spouse during her temporary disability related to childbirth. (Authorizations for this purpose require a completed Leave Request Form (Appendix Personnel - A) and Certification of Healthcare Provider Form (Appendix Personnel - C) from the health care provider. The approved FMLA leave for this purpose is authorized only for the time spent in the actual, direct care of the recovering spouse. Contact Human Resources for the additional certification documentation needed for extensions of FMLA leave for the spouse's recovery from childbirth.

(2) Bonding with a Child

- (a) Mother: Up to twelve (12) weeks of available FMLA leave may be authorized for bonding with a new-born child (not eligible for sick leave, must be completed within 12 months of the date of the child's birth).
- (b) Spouse of the mother: The employee's remaining FMLA leave may be authorized for bonding with a new-born child (not eligible for sick leave; must be completed within 12 months of the date of the child's birth).
- (c) Employee receiving a foster or adopted child: Up to twelve (12) weeks of available FMLA leave may be authorized to care for a child during the first 12 months following the placement of the child with the employee for adoption or foster care (not eligible for the use of sick leave).

(3) Care for an Immediate Family Member (Spouse, Child, or Parent) with a Serious Health Condition

(4) When the Employee is Unable to Perform the Duties of His/Her Position Because of a

Serious Health Condition

Both spouses employed by District are jointly entitled to up to a combined total of twelve (12) work weeks of family leave for:

- the birth of a child or placement of a child for adoption or foster care; and
- to care for a child or parent (but not a parent "in-law") who has a serious health condition.

The District will determine if leave requests from both spouses should be granted to only one individual at a time.

The twelve (12)-month period for leave to care for the employee's own parent, child or for the employee's own serious health condition shall be on a rolling year basis for all requests.

Definitions

"Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves:

- 1) any period of incapacity or treatment or recovery or subsequent treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility;
- 2) any period of incapacity requiring absence of more than three (3) consecutive calendar days from work, school, or other regular daily activities that also involves continuing treatment two (2) or more times by (or under the supervision of) a health care provider;
- 3) continuing treatment by (or under the supervision of) a health care provider for a chronic or long-term health condition, (e.g., chemotherapy or radiation for cancer, dialysis for kidney disease, physical therapy for arthritis, etc.); or
- 4) chronic, but not debilitating conditions, that generally cause episodic periods of incapacity, even if less than three (3) days' duration, and where a health care provider visit is not necessary for each absence, (i.e., diabetes, epilepsy, morning sickness due to pregnancy, prenatal care, asthma, etc.).

"Continuing Treatment" by a health care provider is defined to mean:

two or more treatments by a health care provider;

two or more treatments by a health care practitioner on referral from a health care provider;

a single visit to a health care provider resulting in a regimen of continuing treatment;

continuing supervision, without active treatment, by a health care provider because of an incurable condition.

Immediate Family is defined as:

- 1) the biological parent of an employee or a non-biological individual who acted as a parent to an employee when the employee was a child. This term does not include parents-in-law or grandparents;
- 2) a spouse; and

- 3) a biological child, adopted or foster child, a stepchild, a legal ward or a child of a person acting as a parent who is under eighteen (18) years of age or who is eighteen (18) years of age or older and incapable of self-care because of a mental or physical disability as defined in the Americans with Disabilities Act (ADA), as amended.

Use of Paid and Unpaid Leave

All eligible employees shall be entitled to FMLA leave as provided under the law. In general, FMLA leave is unpaid; however, District will require paid leave to be substituted for unpaid leave.

(a) Employee:

- Whether on continuous, intermittent leave, or a reduced work schedule during the period of FMLA leave for the employee's own serious health condition, District will require employee to exhaust his/her sick leave bank, if applicable, except as provided for under the heading "Workers' Compensation Runs Concurrently"
- Once the employee's sick leave bank is exhausted for his/her own serious health condition, District will require employee to use his/her accrued vacation bank, followed by compensatory time. If such leaves are depleted, any remaining FMLA leave will be without pay.

(b) Immediate Family: Spouse, Child, or Parent

- Employees shall use accrued sick leave or other banks of paid time off (employee choice) for FMLA leave to care for a spouse, child, or parent with a qualifying serious health condition, provided all FMLA requirements are met.

Intermittent Leave or Reduced Work Schedule

- A. Eligible employees may take FMLA leave in twelve (12) consecutive weeks or may use the leave intermittently (in separate blocks of time periodically when needed over the year). Under certain circumstances, eligible employees may also use FMLA leave to reduce the workday or the workweek, resulting in a reduced hour schedule. In all cases, the leave may not exceed a total of twelve (12) weeks of their regular work schedule over a twelve (12)-month period. *Intermittent leave is not available as a matter of right following the birth of a child or when a child is placed for adoption or foster care.*
- B. Intermittent leave or reduced leave schedules are subject to District approval, *unless medically necessary*. Since regular and predictable work hours are an essential part of an employee's job, the employee is *required* to coordinate the scheduling of his/her own or eligible family member's medical treatments with Human Resources or the Chief to ensure the requested leave does not unduly disrupt the operations of District.

The employee may be required to show that the time of day of the requested leave and the intervals between the leave periods are also medically necessary. If the

leave for either the employee or his/her eligible family member is medically necessary, the employee shall provide District a completed Certification of Healthcare Provider Form (Appendix Personnel - C) from the health care provider.

- C. The medical certification must show that the multiple, short duration absences or a reduced work schedule are a part of, or may result from, the treatment the employee or his/her eligible family member is receiving for a serious health condition.
- D. The treatment information required in the medical certification must substantiate that intermittent leave or a reduced work schedule are necessary, and that the medical needs of the employee or his/her eligible family member are best accommodated through an intermittent leave or a reduced work schedule.
- E. An employee using intermittent FMLA leave or on an FMLA-based reduced work schedule may be temporarily transferred to an alternate position or work group that better accommodates the leave or schedule but that has equivalent pay and benefits.

Workers' Compensation Runs Concurrently

If an employee has a serious health condition resulting from a workers' compensation on-the-job injury that meets the criteria for the 12-week FMLA entitlement, the FMLA leave period shall run concurrently with workers' compensation leave.

Notice Requirements for FMLA Leave

A. Employee's Requirements

- 1) Once the employee learns of the need to take leave for his/her own or eligible family member's medical treatment, the employee is required to notify Human Resources, either verbally or in writing. All employees will complete the attached District Leave Request Form (Appendix Personnel - A). If the notice is verbal, the Leave Request Form must be completed as soon as possible, but no later than the following payday. (If the payday is less than one week after the verbal notice, the Leave Request Form must be completed no later than the subsequent payday.)
- 2) If the FMLA qualifying event is *foreseeable* (such as birth of a child, placement for adoption or foster care, or planned medical treatment for a serious health condition), the employee must give at least thirty (30) days' advance notice before beginning FMLA leave. If the employee does not provide thirty (30) days' notice for *foreseeable* leave with no reasonable excuse for the delay, the leave request may be denied until at least thirty (30) days from the date District receives notice from the employee. *Where leave is foreseeable and thirty (30) days' notice has been given, the employee must provide a medical certification before the leave begins.*

B. District Requirements

- 1) District will respond to the employee by completing a Response to Employee Request for FMLA leave attached as Appendix Personnel - B and WH Publication 1420 (Notice to Employees of Rights under FMLA). An employee who requests leave to care for a family member in the Armed Services may be requested to complete Form WH-384 (Certification of Qualifying Exigency for Military Family Leave) or Form WH-385 (Certification for Serious Injury or Illness of Covered Servicemember for Military Family Leave), as applicable.
- 2) Within five (5) business days of receiving employee's Application for FMLA leave, District will provide the employee with WH-381 (Notice of Eligibility and Rights and Responsibilities).
- 3) As set forth in the Response to Employee Request for FMLA leave, District will require an employee requesting leave to provide a doctor's certification of the serious health condition. Medical certification will be provided on the U.S. Department of Labor form WH-380-E (or WH-380-F for family member). Such certification will be due within five business days from the request, or the employee must provide a reasonable explanation for the delay. If the leave was unforeseen, the certification must be provided within five business days of when the leave was first taken. Failure to provide certification may result in denial of continuation of leave.
- 4) Within five (5) business days of verifying that the requested leave is or is not FMLA qualified, District will issue to employee a Designation Form (Appendix Personnel - E / WH-382).

Medical Certification

- A. The employee is required, upon request of District, to provide medical certification from the health care provider stating the medical necessity and current need for FMLA leave. District may contact the healthcare provider, only as defined in the FMLA regulations, for purposes of clarification and authenticity of the medical certification from an authorized healthcare provider under FMLA (Appendix Personnel - 5 C).
- B. Whether the leave is foreseeable or unforeseeable, medical certification *must* be provided within fifteen (15) calendar days from the date the employee gives District notice of the need for leave. Taking FMLA leave may be denied if these requirements are not met, unless there is a reasonable excuse for the delay. The District will advise the employee if the medical certification is incomplete within seven (7) days of its receipt. If the medical certification is incomplete, the employee will be provided a reasonable opportunity to cure such deficiency.
- C. The District has the right to request a second or third medical opinion, at its expense. If the first and second opinions conflict, District may require a third opinion which shall be final and binding.
- D. District has the right to request periodic re-certifications in accordance with the FMLA regulations. For eligible, ongoing serious health conditions, District may require annual re-certifications. For changes in intermittent leave and reduced work schedules, District may require an updated medical certification.
- E. While on FMLA leave, District has the right to ask an employee to report additional information regarding the FMLA-approved serious medical condition and his/her intent to return to work.

- F. District reserves the right to require a "fitness for duty" medical certification from the physician in order for the employee to return to work. Illustrative situations in which a fitness for duty medical certification *would be required* involve a mental disability, substance abuse or where the medical condition and the employee's position are such that District believes the employee may present a serious risk or injury to himself/herself or to others.
- G. District reserves the right to review and address any apparent misuse of FMLA leave.

Maintenance of Benefits

- A. District will continue to maintain group insurance coverage for the employee on FMLA leave whenever such insurance was provided before the leave and on the same terms as if the employee had continued to work.
- B. If the employee pays a portion of his/her insurance premiums prior to taking FMLA leave, the employee will continue to be responsible for his/her portion while on leave.
- C. If the employee does not continue insurance payments, District may discontinue coverage during the FMLA leave.
- D. Reimbursement may be sought by District for premiums paid during the period of FMLA leave if the employee fails to return to work and it is not due to illness or circumstances beyond the employee's control.

Status, Pay, Returning to Work, Job Restoration

- A. While on FMLA leave, the employee will continue to receive health insurance benefits.
- B. Employees taking leave under this policy must use all eligible paid sick leave, vacation, compensatory time, and eligible floating holidays before taking the remainder as unpaid leave. Such paid leave will be considered FMLA leave and counted toward the 12 eligible weeks.
- C. Employees on unpaid leave of absence will cease to accrue vacation and sick leave until they return to work.
- D. Retirement system contributions shall not be made during unpaid leave. FMLA unpaid leave shall not be treated as a break in service for purposes of vesting and participation. However, retirement service credit may not be earned where Department of Retirement System criteria has not been met.
- E. Upon returning from FMLA leave, the employee is entitled to the same position held when the FMLA leave commenced or to a position with equivalent benefits and pay, unless the employee is determined to be a "key" employee as defined in the FMLA regulations. This entitlement does not apply in certain situations such as the following: (1) the employee's position is eliminated in a reduction of force; (2) the employee takes another job while on FMLA leave; (3) the employee fails to provide timely notice of FMLA leave; (4) the employee

fraudulently obtained the FMLA leave; (5) the employee is unable to perform the essential functions of his/her position after the FMLA is exhausted; or (6) the employee fails to return from FMLA leave on the established date.

- F. In the case of employee illness, District may require a fitness for duty report from the employee's physician prior to the employee returning to work. If so, this will be noted on Form WH-382. The employee's practitioner shall complete the Fitness for Duty - Physician or Practitioner Certification form (WH-380-E), and forward this confidentially to Human Resources.
- G. Failure of an employee to return to work on the established date, beyond 12 weeks entitled in this policy, without legal excuse may result in disciplinary action up to and including termination.

P.7.3 Washington Paid Family and Medical Leave

Washington Paid Family Medical Leave (PFML) is a state-run insurance program and is not administered by District. Applications for PFML are submitted to the Employment Security Department (ESD) as explained herein.

Procedures for "Washington Paid Family and Medical Leave"

- A. **Maintaining Health Benefits:** District will maintain existing health benefits for employees on PFML leave so long as their PFML leave overlaps with their FMLA leave. While on PFML, the employee remains responsible for the employee's share of the cost of their health benefits. Employee may authorize their PTO to be used to pay for the employee's share of health benefits while on PFML, otherwise they are responsible for writing a monthly check to the District for the total amount of their owed benefit deduction while on PFML before the 25th of the month prior. Failure to pay the employee portion of benefits will result in termination of benefits in their entirety.
- B. **Payroll Deductions.** The Washington State Paid Family and Medical Leave (PFML) program is funded through premiums collected by ESD via payroll deductions and District contributions. The premium rate is established by law; employees are currently responsible for 63.333% of the total premium amount. Should the State in the future modify the PFML premium rate or the percentage of premiums subject to collection through payroll deduction, District will modify payroll practices to reflect those statutory changes.
- C. **Eligibility.** Under PFML, employees may be eligible for monetary benefits and job protection when taking leave for covered reasons. Eligibility requirements are as follows:

Monetary Benefits: In order to be eligible for monetary benefits from ESD, an employee must have worked 820 hours in Washington (for any employer or combination of employers) during the year preceding the claim.

Job Protection: In order to be eligible for job protection under PFML, an employee must meet FMLA eligibility requirements (must have worked for District for at least 12 months and have worked 1,250 hours in the last year).

An employee is ineligible for PFML benefits during any period of suspension from employment or during which the employee works for remuneration or profit (e.g., outside employment or contracting).

- D. Leave Entitlement. Eligible employees are entitled to take up to twelve (12) weeks of medical or family leave, or a combined total of sixteen (16) weeks of family and medical leave per claim year, plus an additional two (2) weeks of leave may be available in the event the employee's leave involves incapacity due to pregnancy. The claim year begins when the employee files a claim for PFML benefits or upon the birth/placement of the employee's child. PFML leave may be taken for the following reasons:

Medical Leave: Medical leave may be taken due to the employee's own serious health condition, which is an illness, injury, impairment or physical or mental condition that involves inpatient care or continuing treatment by a health care provider, as those terms are defined under the FMLA and RCW 50A.05.010. However, an employee is not eligible for PFML benefits if the employee is receiving time loss benefits under the workers compensation system.

Family Leave: Family leave may be taken to care for a covered family member with a serious health condition; for bonding during the first 12 months following the birth of the employee's child or placement of a child under age 18 with the employee (through adoption or foster care); or for qualifying military exigencies as defined under the FMLA. For purposes of family leave, covered family members include the employee's child, grandchild, parent (including in-laws), grandparent (including in-laws), sibling, or spouse.

PFML leave may be taken intermittently, provided that there is a minimum claim requirement of eight (8) consecutive hours of leave in a week for which benefits are sought.

- E. Notice to Employees. District will post the required PFML workplace poster in the workplace. District will provide a Statement of Employee Rights (Appendix Personnel - F) to employees who may be eligible for Paid Family and Medical Leave the later of (i) five (5) business days after an employee's seventh (7th) consecutive day of absence due to family or medical leave; or (ii) five (5) business days after an employer becomes aware that the employee's absence is due to family or medical leave.
- F. PFML Application Process. An employee must submit an application to ESD in order to seek PFML benefits. For guidance on the application process, please refer to the

ESD website (www.paidleave.wa.gov). Eligibility determinations will be made by ESD. If approved, the employee will need to file weekly benefit claims with ESD to continue receiving benefits.

- G. Notification Requirements. An employee must provide written notice to District of the intent to take PFML leave. If the need for leave is foreseeable, notice must be given at least thirty (30) days in advance of the leave. For unforeseeable leave, notice must be given as soon as is practicable. The employee's written notice must include the type of leave taken (family or medical), as well as the anticipated timing and duration of the leave. If an employee fails to provide this required notice to District, ESD will temporarily deny PFML benefits. After receiving the employee's notice of the need for leave, District will advise the employee whether the employee is eligible for job protection under PFML or FMLA or both.

If leave is being taken for the employee's or family member's planned medical treatment, the employee must make a reasonable effort to schedule the treatment so as not to unduly disrupt District operations.

If taking leave intermittently, an employee must notify District each time PFML leave is taken so that District may properly track leave use.

- H. PFML Monetary Benefits. If ESD approves a claim for PFML benefits, partial wage replacement benefit payments will be made by ESD directly to the employee. The amount of the benefit is based on a statutory formula, which generally results in a benefit in the range of 75 - 90 percent of an employee's average weekly wage. ESD's website includes a benefits calculator to assist employees in estimating their weekly benefit amount.

With the exception of leave taken in connection with the birth or placement of a child, monetary PFML benefits are subject to a seven (7)-day waiting period. The waiting period begins on the Sunday of the week in which PFML leave is first taken. The waiting period is counted for purposes of the overall duration of PFML leave, but no monetary benefits will be paid by ESD for that week. Employees may use available accrued leave to cover absences during the waiting period.

- I. Maintaining Health Benefits. District will maintain existing health benefits for employees on PFML leave so long as the Employee authorizes PTO to be deducted in sufficient amount to pay for the Employee's share of health benefits for that month and the employee has also enrolled in FMLA. To the extent District and employee share the cost of existing health benefits, the employee remains responsible for the employee's share of the cost during any continuation of health benefits.
- J. Supplementation of PFML Benefit with Paid Leave. District will permit comp time, sick leave and vacation leave to be used as a "supplemental benefit" to make up the difference between an employee's regular wage so that an employee continues to

receive from all sources (including disability insurance payments) an amount of income equivalent to what would have been received if the employee were not on PFML.

Requests for supplemental benefits must be submitted weekly. Employee shall inform District of and, upon request, provide backup documentation for, the following:

- the amount in benefits received from all sources (including PFML and disability), if any, for that week; and
- whether the employee is requesting to use sick leave, vacation leave, or both as supplemental benefits, and the number of hours of each.

District will deny requests for supplemental benefits to the extent they cause the employee's combination of benefits from all sources (including supplemental benefits, PFML benefits, and disability insurance) to exceed the employee's regular compensation.

An employee may pay District the money it receives from PFML and disability to buy back the comp time, sick leave a, and vacation used supplemental benefits.

Important note: When submitting a weekly PFML benefit application to ESD, an employee should not report supplemental benefits to ESD to ensure that the full PFML benefit is received for the week.

- K. **Coordination with Other Benefit Programs.** When an employee is on leave and only receiving PFML benefits, the employee is deemed to be in unpaid status for purposes of District policies and benefit programs. Insurance coverage will be handled in the same manner as other unpaid leaves of absence, pursuant to District policy and subject to any FMLA or other legal requirements requiring continuation of coverage. The employee will not accrue sick leave, vacation leave or PTO during PFML leave.
- L. **Job Restoration; Return to Work Recertification.** An employee who is eligible for job-protected leave will be restored to the same or equivalent position at the conclusion of PFML leave, unless unusual circumstances have arisen (e.g., the employee's position or shift was eliminated for reasons unrelated to the leave). District may require a return-to-work certification from a health care provider before restoring the employee to work following PFML leave where the employee has taken leave for the employee's own serious health condition and has been on leave for more than four (4) days and/or the employee holds a safety-sensitive position or where such certification is otherwise legally required. Under certain conditions, District may deny job restoration to a salaried employee who is among the highest paid ten percent of District employees. If an employee taking PFML leave chooses not to return to work for any reason, the employee should notify District as soon as possible.

P.7.4 Washington Family Care Act

Procedures for "Washington Family Care Act"

Washington Family Care Act Leave Provisions

1. In accordance with the Washington Family Care Act (WFCA), employees may be eligible to access their accrued sick leave or other banks of paid time off to care for a child (under 18 or over 18 who is incapable of self-care because of a mental or physical disability), spouse, state-registered domestic partner (if one of the partners is 62 or older), parent (biological parent of the employee or someone who stood loco parentis to the employee when the employee was a child), parent-in-law (parent of the employee's spouse), or grandparent (parent of a parent of the employee) who has a serious health condition or emergency condition as defined in Subsection No. 2 below.
2. For the purposes of WFCA leave, a "serious health condition" shall be defined as it is in the FLMA policy and procedure outlined above, with the addition that, for a child, an eligible health condition may also be any medical condition requiring treatment or medication that the child cannot self-administer or any medical or mental health condition that would endanger the child's safety or recovery without the presence of a parent or guardian. An "emergency condition" shall be defined as a health condition that is sudden, generally unexpected, or that involves circumstances that demand immediate action and are typically short-term in nature.
3. An employee who has a family member who has a serious health condition or emergency condition shall submit a Leave Request Form (Appendix Personnel - A) and a signed Certification of Physician or Practitioner form (Appendix Personnel - C) from a physician or healthcare provider certifying that the family member's health condition meets the criteria of the law.
4. Generally, only a sick leave incident form is required for employees who accompany their eligible children to minor, routine dental or medical appointments, or whose children have health conditions requiring three (3) or fewer days of leave for their care. A Certification of Healthcare Provider form (Appendix Personnel - C) is required for employees whose children whose health conditions require more than three (3) days of leave for their care.
5. Employees under a corrective performance improvement plan who are required to submit a certification from a physician or healthcare provider for each sick leave incident shall also submit the same type of certification from a physician or healthcare provider for each use of WFCA leave.
6. WFCA leave is only available to employees who have completed their probationary period, unless otherwise provided for by an applicable bargaining agreement, and who have accrued leave banks.
7. Employees may only use WFCA leave if other members of his/her household are unavailable to provide the care needed. It shall be the responsibility of the employee to provide the necessary verification to this effect.

P.7.5 Other Considerations

Personal and family situations may vary regarding the use of the above leave. Human Resources should be contacted to assist in clarifying the application of this policy and related laws, policies, and labor agreements.

Employees may not engage in outside employment during a period of leave covered by this policy.

P.8 GRATUITIES AND GIFTS

P.8.1 General Statement

Staff members are not permitted to accept tips. Monetary gifts are expressly forbidden.

Small, inexpensive, personal remembrances, such as baked or handmade items, may be accepted.

Gift exchanges that are planned to occur around a special event, Christmas, birthdays, secret pal program, etc. are exempt from this policy and related procedure unless the value of the gift is above the guidelines given for the event.

Residents of Assisted Living facilities will sometimes wish to gift items to staff. Gifts of valuable items will be considered only after consultation with the resident's family and the department head. Such offers will be discouraged at all times.

P.8.2 Considerations specific to Village at the Harbor

Procedures for "Considerations Specific to Village at the Harbor"

When gratuities are offered, the following procedures will be followed:

1. The resident will be reminded of the stated policy prohibiting staff members from accepting gratuities.
2. If the resident insists, acceptance or rejection will be handled as follows:
 - If money is offered, it will be given to the department head or the employee's supervisor to handle and return to resident.
 - If a valuable item is offered, the Executive Director will discuss the situation with the family to make sure it is returned and gently handled.
 - Small, personal, inexpensive remembrances, such as baked or hand-made items, may be accepted on special occasions, such as birthdays.

P.9 HIRING AND EMPLOYMENT: GENERAL POLICIES

P.9.1 Anti-Discrimination And Anti-Harassment

The District is committed to providing a work environment that is free of discrimination and harassment. If any employee feels that they have been discriminated against or harassed, the employee should follow the complaint procedure promulgated by the Human Resources Department, which may include talking with his or her immediate supervisor or department head and/or Elected Official. Charges of discrimination and/or harassment are not subject to the grievance procedure.

P.9.2 Equal Employment Opportunity and Affirmative Action Policy

The District is an equal opportunity employer. The District believes the participation of individuals of diverse ages, races, religions, cultures, abilities and personalities will add to personal development and organizational success. All employees and potential employees will be recruited, selected, trained, promoted, compensated and, if necessary, disciplined or terminated without regard to sex, race, religion, marital status, veteran status, age, national origin, sexual orientation, sexual identity or expression, color, creed, ancestry, disability, or any other basis prohibited by law.

The District will not discriminate against qualified applicants or employees with a sensory, physical or mental disability, unless the disability cannot be reasonably accommodated and prevents proper performance of an essential element of the job. The District will reasonably accommodate qualified individuals with disabilities as defined by the Americans with Disabilities Act.

P.9.3 Anti-Harassment Policy

It is District policy that employees should be able to work in an environment free from all forms of harassment, including sexual harassment and harassment based upon religion, national origin, age, gender, disability, or any other protected classification. The District considers all forms of harassment to be intimidating misconduct that undermines the integrity of the employment relationship, damages morale and interferes with work effectiveness. Such conduct is prohibited and will not be tolerated.

Employees are expected to treat others consistent with this policy, not just to be protected by this policy.

Harassment can, under some circumstances, constitute a violation of federal and state law. Because the District desires to stop harassment before it rises to the level of illegal harassment, this policy may prohibit a broader range of conduct than that which may constitute a violation of federal or state law. Conduct prohibited by this policy includes, but is not limited to, the following:

- Unsolicited and offensive comments (verbal or written) about an individual's appearance, gender, age, national origin, religion, disability, or other trait which is associated with a protected classification.
- Unsolicited and offensive gestures relating to an individual's gender, age, national origin, religion, disability, or other trait which is associated with a protected classification.
- The display of objects or pictures that cast in a negative light an individual's gender, age, national origin, religion, disability, or other trait which is associated with a protected classification.
- Any other unsolicited and offensive conduct relating to an individual's gender, age, national origin, religion, disability, or other trait that is associated with a protected classification. In the case of sexual harassment, this includes unsolicited and offensive sexual flirtations, advances, or propositions, as well as physical contact of a sexual nature.
- Expressly or implicitly conditioning a term or condition of an individual's employment on the individual's submission to any of the above described conduct.
- Basing employment decisions on an individual's submission to or rejection of any of the above described conduct.

Any employee who believes they have been subjected to harassment is encouraged to bring any such incidents to the immediate attention of his or her immediate supervisor or any member of management, HR Department (if applicable), any Elected Official, or the District Council.

An employee found to have engaged in harassment in violation of this policy will be subject to immediate discipline up to and including termination.

Retaliation against an individual who reports conduct that they believe constitutes discrimination or harassment, or against an individual who provides information in connection with a complaint of discrimination or harassment, is strictly prohibited. Retaliation can be in the form of harassment or denial of promotions, wages, benefits, or any other privileges, terms, and conditions of employment.

Any employee who believes they have been subjected to retaliation is encouraged to bring any such incidents to the immediate attention of his or her immediate supervisor, the Human Resources Department, the Superintendent, any Elected Official, or a member of the District Council.

An employee found to have engaged in retaliatory conduct in violation of this policy will be subject to immediate discipline up to and including termination.

P.9.4 Religious Accommodation

It is the intent of the District to comply with state and federal guidelines regarding accommodation for employees' religious beliefs and practices. At the first indication that an employee may have a conflict concerning working conditions because of religious beliefs the department head and/or Elected Official is to contact the Human Resources Department (if applicable) or consult with the District's legal counsel. Each set of circumstances will be reviewed separately to assure consistency of District actions. Factors considered include the individual's particular job, working hours, schedules, productions and any undue hardship to the District.

P.9.5 Americans with Disabilities Act (ADA) and Amendments (ADAAA)

The Americans with Disabilities Act of 1990 (ADA) and the Americans with Disabilities Amendments Act (ADAAA) are federal laws that require employers to provide reasonable accommodations to applicants and employees who are qualified for a job, with or without reasonable accommodations, so that they may perform the essential job duties of the position.

It is the policy of the District to comply with all federal and state laws concerning the employment of persons with disabilities and to act in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC). Furthermore, it is the District policy not to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions and privileges of employment.

When an individual with a disability requests accommodation and can be reasonably accommodated without creating an undue hardship or causing a direct threat to workplace safety, the individual will be

given the same consideration for employment as any other applicant. Applicants who pose a direct threat to the health, safety and well-being of themselves or others in the workplace when the threat cannot be eliminated by reasonable accommodation will not be hired.

The District will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of a job unless doing so causes a direct threat to these individuals or others in the workplace and the threat cannot be eliminated by reasonable accommodation or if the accommodation creates an undue hardship to the District. Contact the Human Resources Department with any questions or requests for accommodation.

All employees are required to comply with the company's safety standards (Section 16.050). Current employees who pose a direct threat to the health or safety of themselves or other individuals in the workplace will be placed on leave until an organizational decision has been made in regard to the employee's immediate employment situation.

Individuals who are currently using illegal drugs or drugs not prescribed for that person are excluded from coverage under the District's ADA policy.

As used in this ADA policy, the following terms have the indicated meaning:

- Disability: A physical or mental impairment that substantially limits one or more major life activities of the individual, a record of such an impairment, or being regarded as having such an impairment.
- Major life activities: Term includes caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working.
- Major bodily functions: Term includes physical or mental impairment such as any physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting one or more body systems, such as neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin and endocrine. Also covered are any mental or psychological disorders, such as intellectual disability, organic brain syndrome, emotional or mental illness and specific learning disabilities.
- Substantially limiting: In accordance with the ADAAA final regulations, the determination of whether an impairment substantially limits a major life activity requires an individualized assessment, and an impairment that is episodic or in remission may also meet the definition of disability if it would substantially limit a major life activity when active. Some examples of these types of impairments may include epilepsy, hypertension, asthma, diabetes, major depressive disorder, bipolar disorder and schizophrenia. An impairment, such as cancer that is in remission but that may possibly return in a substantially limiting form, is also considered a disability under EEOC final ADAAA regulations.
- Direct threat: A significant risk to the health, safety or well-being of individuals with disabilities or others when this risk cannot be eliminated by reasonable accommodation.
- Qualified individual: An individual who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires.
- Reasonable accommodation: Includes any changes to the work environment and may include making existing facilities readily accessible to and usable by individuals with disabilities, job restructuring, part-time or modified work schedules, telecommuting, reassignment to a vacant

position, acquisition or modification 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.

- Undue hardship: An action requiring significant difficulty or expense by the employer. In determining whether an accommodation would impose an undue hardship on a covered entity, factors to be considered include:
 - The nature and cost of the accommodation.
 - The overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation, the number of persons employed at such facility, the effect on expenses and resources, or the impact of such accommodation on the operation of the facility.
 - The overall financial resources of the employer; the size, number, type and location of facilities.
 - The type of operations of the company, including the composition, structure and functions of the workforce; administrative or fiscal relationship of the particular facility involved in making the accommodation to the employer.
 - Essential functions of the job: Term refers to those job activities that are determined by the employer to be essential or core to performing the job; these functions cannot be modified.

The examples provided in the above terms are not meant to be all-inclusive and should not be construed as such. They are not the only conditions that are considered to be disabilities, impairments or reasonable accommodations covered by the ADA/ADAAA policy.

Procedures for “Americans with Disabilities Act (ADA) and Amendments (ADAAA)”

Grievance Procedure under The Americans with Disabilities Act

This Grievance Procedure is established to meet the requirements of the ADA. It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the District. The District’s Personnel Policy governs employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem.

Alternative means of filing complaints, such as personal interviews or an audio recording of the complaint, will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or designee as soon as possible but no later than 60 calendar days after the alleged violation to the Superintendent.

Within 30 calendar days after receipt of the complaint, the Superintendent and/or Board designee will meet with the complainant to discuss the complaint and the possible resolutions. Subsequent to this meeting, the Superintendent and/or Board designee will investigate and respond in writing, and where appropriate, in a format accessible to the complainant, such as

large print, Braille, or audio file. The response will explain the position of the District and offer options for substantive resolution of the complaint if possible.

If the response by the Superintendent or Board designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the District Board.

Within 30 calendar days after receipt of the appeal, the District Board will meet with the complainant to discuss the complaint and possible resolutions. Subsequent to this meeting, the District Board will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by the Superintendent or Board designee, appeals to the District Board, and responses from these two offices will be retained by the District in accordance with Washington State retention schedules.

P.9.6 Anti-Bullying

The District believes that all employees and volunteers should be treated with dignity and respect and will not tolerate bullying behavior. Employees found in violation of this policy will be disciplined, up to and including termination. The District defines bullying as “repeated (may be a single incident dependent upon severity) inappropriate behavior, either direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment.”

Procedures for “Anti-Bullying”

Bullying may be intentional or unintentional. However, where an allegation of bullying is made, the intention of the alleged bully is irrelevant, and will not be given consideration when considering corrective actions. As in sexual harassment, it is the effect of the behavior upon the individual that is important. The District considers the following types of behavior examples of bullying:

- Verbal Bullying: slandering, ridiculing or maligning a person or his/her family; persistent name calling which is hurtful, insulting or humiliating; using a person as the butt of jokes; abusive and offensive remarks.
- Cyber Bullying: behaviors listed under Verbal Bullying above but through the Internet or on social media sites.
- Physical Bullying: pushing; shoving; kicking; poking; tripping; assault, or threat of physical assault; damage to a person’s work area or property.
- Gesture Bullying: non-verbal threatening gestures, glances which can convey threatening messages.
- Exclusion: systematically excluding or disregarding a person in work-related activities.

An employee found to have engaged in conduct in violation of this policy will be subject to disciplinary action up to and including termination.

P.9.7 Trafficking Victims Protection Act Of 2000

In accordance with Section 106 (g) of the Trafficking Victims Protection Act of 2000, as amended (22 USC 7104), that can be found at 2 CFR § 175.15, the District, the Board Members, Superintendent, Executive Assistant, Employees, any and all current and/or future subrecipients of any assistance, awards or subawards (the Section 106 Parties) shall not engage in severe forms of trafficking in persons, procure a commercial sex act or use forced labor in the performance of any Federal awards or in the normal course of business.

Any employees or Section 106 Parties who engage in such prohibited behavior during the term of a Federal award or in the normal course of business contrary to this policy shall be subject to discipline under the applicable disciplinary policies or collective bargaining agreement.

Covered entities shall document any sanctions imposed for violations of this rule of the Administrative Code, or department standards and procedures, as required by the Federal Awarding Agency.

The District shall not tolerate nor engage in retaliation against any employee who reports an incident of human trafficking as outlined above.

P.9.8 Violence In The Workplace

All employees have the right to expect a place of employment that is free from behavior that can be considered harassing, abusive, disorderly, or disruptive. Any violent behavior or behavior that creates a climate of violence, hostility, or intimidation will not be tolerated, regardless of origin. Proactive measures will be taken to minimize the potential for violent acts. Each and every act or threat of violence will result in an immediate and firm response that could, depending on the severity of the incident and/or other relevant considerations, include termination from employment with the District.

This policy includes, but is not limited to, the following behaviors and situations:

- Violent or threatening physical contact (including fights, pushing, and physical intimidation.)
- Direct or indirect threats
- Threatening, abusive or harassing phone calls
- Possession of a weapon on District property
- Destructive or sabotaging actions against District or employees' personal property
- Stalking
- Violation of a restraining order
- Threatening acts or abusive language that leads to tension within the work environment

The following are not considered prohibited behaviors under this policy:

- An employee's supervisor repeatedly asking the employee to properly complete a workplace assignment is not considered harassment
- An employee's supervisor showing irritation due to the employee's repeated failure to follow policy or meet workplace expectations is not considered hostile or violent
- An employee's supervisor stating that due to the employee's work performance or policy violation the employee may be subject to disciplinary action including termination is not considered threatening

Any person who makes substantial threats, exhibits threatening behavior, or engages in violent acts on District property shall be removed from the premises as quickly as safety permits, and shall remain off District premises pending the outcome of an investigation. No existing District policy, practice or procedure should be interpreted to prohibit decisions designed to prevent a threat from being carried out, a violent act from occurring or a life-threatening situation from developing.

Reporting procedures have been developed to encourage early reporting, support and stress reduction for employees as well as the prevention of violence. Any employee can report concerns or incidents to his or her immediate supervisor, a member of the Human Resources Department, or any member of management. The District will initiate an appropriate response. This response may include, but is not limited to, termination of employment and/or criminal prosecution of the person(s) involved.

All employees who obtain a protective restraining order, which lists the District premises as being a protected area, must provide to their immediate supervisor a copy of any temporary or permanent protective or restraining order. The immediate supervisor and other District officials shall respect the sensitivity of the information requested and maintain confidentiality and employee privacy to the extent possible while fulfilling the requirements of this policy.

P.9.9 Whistleblower Protection

In compliance with the Local Government Employee Whistleblower Protection Act, RCW 42.41 employees are expected to disclose any improper governmental action taken by District officials or employees and cooperate in investigations, understanding they are protected from retaliation if disclosure was made in Good Faith. This policy also safeguards legitimate employer interests by encouraging complaints to be made first to the District, with a process provided for speedy dispute resolution.

Procedures for “Whistleblower Protection”

Definitions:

Improper Governmental Action is any action by a District 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 officer’s or employee’s employment, and is:

- Is in violation of any federal, state or local law or rule;
- an abuse of authority;
- of substantial and specific danger to the public health or safety; or
- a gross waste of public funds.

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

Retaliation means any adverse change in the terms and conditions of a District employee’s employment, or hostile actions by another employee towards a District employee that are encouraged by a supervisor or senior manager or official. Retaliation does not include

appropriate consequences resulting from a violation of law, rule, policy or procedure, a negative comment in an otherwise positive or neutral evaluation, or actions justified by poor performance or history.

Good Faith means an honest, reasonable belief that an Improper Governmental Action has occurred or is occurring. A belief does not have to be proven true to be in Good Faith. Knowingly making a statement that is misleading, false, or deceptive; or willingly ignoring facts that would disprove a belief that Improper Governmental Action has occurred; is lack of Good Faith.

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

Procedure for Reporting Improper Government Action:

Employees who become aware of improper governmental action should raise the issue first with their supervisor. If requested by the supervisor, the employee shall submit a written report to the supervisor, or to some person designated by the supervisor, stating in detail the basis for the employee's belief that an improper governmental action has occurred.

Where the employee reasonably believes the improper governmental action involves the employee's supervisor, the employee may raise the issue directly with the Superintendent or a Board Member. Where the employee reasonably believes the improper governmental action [matter] involves the Superintendent, the employee may raise the issue directly with a Board Member or the Prosecuting Attorney. If the matter involves a Board Member, the employee may raise the issue with the Superintendent and/or any other Board Member. This should be done as soon as the employee becomes aware of the improper action.

In the event a particular complaint involves allegations of criminal behavior, the District may refer the matter to the appropriate law enforcement authorities. If the complaint involves allegations of criminal behavior that may cause immediate harm to an individual or to property, the complaining employee may first report the matter to the Sheriff's Department before initiating the procedures described in this policy.

The department head, Elected Official and/or Superintendent shall take prompt action to assist the District in properly investigating the report of improper governmental action. Officers and employees involved in the investigation shall keep the identity of reporting employees confidential to the extent possible under the law, unless the employee authorizes in writing the disclosure of his or her identity. After an investigation has been completed, the employee reporting the improper governmental action shall be advised of a summary of the results of the investigation, except that the personnel actions taken as a result of the investigation may be kept confidential (to the extent permitted by law).

In an emergency, where the employee believes that personal injury or property damage 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. As noted above, the employee may also report an emergency matter to the Sheriff's Department or another law enforcement agency.

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 was taken by the District to address the improper action, or that for other reasons the improper action is likely to recur.

Employees who fail to make a good faith attempt to follow the District's procedures in reporting improper governmental action shall not be entitled to the protection of this policy against retaliation, pursuant to RCW 42.41.030.

Protection Against Retaliatory Actions:

Officials and employees are prohibited from taking retaliatory action against an employee because the employee has in good faith reported an improper governmental action in accordance with these policies and procedures.

An employee who believes they have been retaliated against for reporting an improper governmental action must provide written notice to his/her supervisor within 30 days of the alleged retaliatory action. If the supervisor is allegedly involved in the retaliation, the written notice should be provided to the Human Resources Manager, their Elected Official or Superintendent. The written notice must specify the alleged retaliatory action and the relief requested. Officials and supervisors shall take appropriate action to investigate and assess complaints of retaliation.

Represented employees may elect to pursue such issues through the labor agreement grievance process, in which case the procedures that follow would not apply.

After receiving the District's response to the retaliation complaint, or 30 working days after the delivery of the complaint to the District, the 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 Manager or Superintendent within the earlier of either 15 working days after delivery of the District's response to the complaint of retaliation, or 45 working days after delivery of the employee's complaint of retaliation to the District. Upon receipt of the request for hearing, the District shall apply within five (5) working days to the State Office of Administrative Hearings for an adjudicative proceeding before an administrative law judge.

Management Responsibilities: The Human Resources Department is responsible for implementing District policies and procedures, for reporting improper governmental action and for protecting employees against retaliatory actions. This includes ensuring that this policy and these procedures are:

1. Permanently posted where employees will have reasonable access to them;
2. Made available to any employee upon request; and,
3. Provided to all newly hired employees.

Officers, managers 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.

P.10 INFORMATION TECHNOLOGY APPROPRIATE USE POLICY

P.10.1 Purpose

This policy is provided to employees and volunteers of the District to enhance their ability to conduct official business of the District. These resources, including the data and/or content they create, are considered District property and are designed to improve work performance, facilitate research, share information, and allow for innovation and communication. These resources include, but are not limited to, workstations, laptop computers, peripheral systems (storage and printing), smart phones, mobile phones, networks, servers, Internet services, phone systems, voicemail, text messaging and email. Every employee and volunteer has an obligation, generally, and in particular, with respect to use of District technology services, to observe local, state and federal laws and enhance the public image of the District.

All District employees and volunteers are required to comply with the policies specified herein when using District-owned technology resources and services. They are further required to report to the District all suspected security and/or policy violations to their department head or the Superintendent.

All District department heads and/or Elected Officials shall be responsible for ensuring appropriate resource use for all employees and volunteers under their direction.

P.10.2 Definitions

Destructive software or programs: defined as a program intended to cause damage to a computer system. Common examples include computer viruses, Trojan horses, worms, adware, spyware, malware, ransomware, keystroke-loggers, and root kits.

Employee is defined as any District paid employee or contract employee.

Email is an electronic communication that may be sent to another user within the District's information system or to a user outside the District's system via the Internet.

Inappropriate is defined as disparaging, sexual, abusive, profane, or offensive; or in violation of any state, federal or local law; or adversely or negatively reflecting upon the District.

Internet refers to the World Wide Web.

Intranet refers to local internet, hosted locally within the District network.

Peer-to-Peer networking is defined as programs that share data between computers. Examples would be Pirate Bay, Popcorn, Bit Torrents etc.

Social Media is defined as social websites that share information such as Facebook, Twitter, Snapchat etc.

Technology Resources include all electronic equipment, software and/or data (either furnished by the District or property of the employee) used in the performance of their work assignments, including computers, telephones, fax machines, pagers, email, voice mail, cell phones, smart phones and PDAs.

Unauthorized Software is defined as any copyrighted content, unlicensed software or software that is not approved by the Northwest Technologies and/or the San Juan County IT department.

Volunteer is defined as any District volunteer.

Web based email is defined as personal email providers such as Gmail, Hotmail, Yahoo, etc.

P.10.3 Applicability

District technology use applies to District issued electronics (cell phones, laptops, workstations, etc.) or any devices connected to District provided internet.

Procedures for “Applicability”

Village at the Harbor

This policy does not apply to Village at the Harbor residents’ personal devices on personally provided internet, or their guests doing the same. Nor does it apply to Networks made available to residents for their personal use (excepting any malicious use).

Internet used by Village administration and staff should be on a network separate from residents for security reasons.

EMS

EMS personnel on-duty but outside of daytime hours (approx. 20:00 – 08:00) may use the District’s internet to stream video or browse the internet for personal use, provided it is on personal devices and on reputable sites (e.g. Netflix, YouTube, Hulu) that will not pose a security threat to the District’s network. Likewise, designated TVs in sleeping spaces and recreation areas may be used for entertainment outside of daytime hours.

However, all other prohibitions as laid out in these Policies and Procedures still apply, e.g. an employee may not use this time to fundraise, or to engage in political activities, or to operate a business, etc. Note that due to the high risk of introducing malicious software when browsing pornographic websites, access is specifically prohibited on any device connected to the Agency’s internet or owned by the San Juan Island EMS.

P.10.4 Appropriate Use

Procedures for “Appropriate Use”

The District encourages use of technology resources and services by employees and volunteers to facilitate the official business of the District, including the following:

- To perform research and acquire information related to, or designed to facilitate the performance of regular assigned duties;
- To communicate and collaborate with fellow employees and volunteers regarding matters within the assigned duties of the employee;
- To transfer files and other information pertaining to matters within the assigned duties of the employee;
- To communicate with customers, contractors, consultants, vendors, and other external parties to accomplish or enhance the District's official business;
- To facilitate performance of any task or project in a manner approved by the supervisor of an employee, contract employee or volunteer;
- Incidental personal use that does not negatively impact employee productivity or the District network performance.

Employees and volunteers are expected to share responsibility in managing their District owned workstation and other technology resources. In general, employees and volunteers are allowed to individually customize the configuration, including the "look and feel" of their computer and other devices provided by the District, with the exception of installing or downloading unauthorized software or modifying security settings as described further in this policy.

If any problems result from user installation of unauthorized software which cannot be quickly and easily resolved by NWT, or if unlicensed or inappropriate software or information is found on District-owned assets, or if required monitoring tools and utilities are found to have been removed by the user without authorization, then the workstation will be immediately restored to its original District standard configuration and image and the employee or volunteer may face disciplinary action. Overall, the District reserves the right to return the information technology systems to their original configuration at any time if necessary to restore functionality and operability.

P.10.5 Prohibited Activities

The District shall maintain a list of prohibited activities, and update it as needed.

Employees and volunteers should be aware that the consequence of installing/downloading of unauthorized or inappropriate information/software, or the removal or modification of monitoring tools and utilities installed and required by Northwest Technologies may result in an immediate and complete re-image of the system to its original District standard configuration. In addition, the ability to install or download software and make changes to the workstation by the individual user may be revoked.

Disciplinary action, including termination of employment or volunteerism and/or termination of network and Internet access may also result from non-compliance with this policy. Violations of certain parts of this policy could result in indictment under the Computer Fraud and Abuse Act (CFAA).

Procedures for "Prohibited Activities"

The following uses of technology resources and services provided by the District are expressly prohibited, unless required to perform legally necessary functions of the District:

- Copying, disseminating, downloading, or printing of copyrighted materials (including articles, software, or other forms of media and content) in violation of copyright laws.
- The use of social media (unless business related), web-based email or other potentially destructive programs on any computer that access financial information or computers that are used to process payments over the internet.
- Downloading or installing unauthorized software.
- Disclosing private “Personal Information” (e.g., social security numbers, credit card numbers, Driver’s License numbers, PIN numbers, personal medical information) and Security Sensitive Information found on District computer systems without explicit permission or direction of the Superintendent or as required by law in a legal proceeding.
- Sending, receiving, printing, or otherwise disseminating proprietary data, trade secrets, or confidential information in violation of District policy, proprietary agreements, or federal, state, local and/or international laws.
- Using offensive or harassing statements, images or language including disparagement of others based on their race, national origin, sex, sexual orientation, age, disability, religious or political beliefs, or any other basis prohibited by local, state or federal law.
- Sending, receiving, or soliciting sexually oriented messages, images, software, or content.
- Operating a business or soliciting money for personal gain.
- Using District-owned information and communications technology assets for political purpose or gain.
- Solicitation of funds or services for charitable causes without prior approval from the Superintendent.
- Sending chain letters, participating in pyramid schemes, gambling, or engaging in any other activity in violation of local, state, federal, or international law.
- Gaining access to District systems, content, or infrastructure by using any access-control mechanism not assigned to the particular user or permitting another person to have access to services by using the employee or volunteer’s assigned access-control mechanism (e.g., giving another employee or person your username and password).
- Removal or any modification of any software, utility, or configuration parameters installed by the NWT to ensure licensing and usage compliance, monitor performance, or protect system asset integrity. These utilities include, but are not limited to, automatic screen saver installation and operation, remote access and download capabilities, configuration and usage accounting, virus scanning, content monitoring, spam controls, etc.
- Establishment of wireless access points/networks and/or modems anywhere on the District network without prior approval from the Superintendent and/or NWT.
- Attachment of any devices anywhere on the District’s network infrastructure (including workstations, printers, storage devices, servers, routers, switches, firewalls, hubs, etc.) without prior approval from NWT.
- Gaining or attempting to gain unauthorized access to any computers, computer networks, databases, data, or electronically stored information.
- Using, transmitting, changing, or deleting another user’s files, documents, software, or other media without the user’s or manager’s permission.
- Introducing destructive software or unauthorized software or other malware into any computer, computer system, or network.

- Installing, implementing, or using peer-to-peer networking systems on District computers or in District facilities.
- Streaming audio or video that is not directly related to District business.
- Opening links or attachments transmitted in instant messaging systems such as Google Chat, MSN Messenger, etc., due to instant messaging being “unprotected text” that is not recorded or stored as a public record.
- Transmitting, retrieving, or storing except as required for records retention or other government purposes of any communication of a defamatory, discriminatory, or harassing nature.
- Transmitting inappropriate materials that might adversely or negatively reflect upon the District or be contrary to the District’s best interests.
- The use of a District computer in a way that knowingly creates IT security vulnerability concerns.
- Any other activities which are against local, state, federal, or international law.

Through District provided resources and services, employees and volunteers may be provided access to a wide variety of information sources available on the Internet. In addition to the restrictions and prohibitions generally outlined in this policy, the following restrictions apply specifically to use of the Internet:

- Employees and volunteers may not use Internet access provided by the District to maintain personal websites or web pages.
- Employees and volunteers may not browse or download content from Internet sites containing inappropriate information, except when necessary for law enforcement and prosecution related work. This includes performing image searches on Google, Yahoo or other search engines for sexually oriented images.

P.10.6 Political Activity

As a tax-supported institution, it is important that the District demonstrate neutrality regarding political campaigns and candidates. However, employees may engage in political activities, as subject to RCW 41.06.250 and RCW 42.17A.555.

Procedures for “Political Activity”

In order to answer specific questions that may come up during an election campaign the following points are stated.

Employees may:

- Respond to political inquiry by providing factual information.
- Hold office within a political party.
- Wear as part of their apparel something supporting a political activity unless job duties would preclude such adornment.
- Participate in campaign issues to the extent they feel appropriate while on their own time.

Employees may not:

- Campaign or advocate for any political opinion or proposal on District time.

- Use District resources (paper, copier, computers, telephones) for campaign purposes.
- Display political items on anything that might be perceived to be the property of the District.

P.10.7 Handling Personal/Security Sensitive Information

During the course of an employee's or volunteer's work at the District, Personal Information and/or Security Sensitive Information could be saved on the user's hard drive, a server hard drive, or placed on portable media such as a USB Flash Drive, Compact Disk (CD), Digital Video Disk (DVD), diskette or other similar device. The user could also have printouts of this information on their desk, in their files or otherwise in their possession in order to perform their work. Handling such information within the requirements of the user's job is reasonable; however, the user must recognize some issues with the protection of this information.

This information of concern can include classified and confidential government data, healthcare information and personal financial information.

For the purpose of this policy, Personal Information is defined by RCW 42.56.590. This can include date of birth, social security number, Driver's license, etc.

The law notes that "personal information" does not include publicly available information that is lawfully made available to the general public from federal, state, or local government records.

Security Sensitive Information (SSI) includes Transportation Security Administration information marked as Security Sensitive Information and also includes law enforcement, police or District security information that is protected from release to the general public.

Procedures for "Handling Personal/Security Sensitive Information"

General expectations for handling Personal and/or Sensitive Information include the following:

- Do not collect Personal Information on your computer, laptop hard drive, USB flash drive, iPod, CDs, smartphones, or other portable media.
- Avoid collecting Secure Sensitive Information on your computer or laptop hard drive.
- Real credit card numbers, social security numbers and driver's license numbers shall not be used for database or computer testing or development. This includes District information as well as other "social" information such as church data, scout troop rosters, etc.
- If you are in Human Resources, Health and Community Services, Law and Justice or the Auditor's department, you will have a reason to view and work with such Personal Information; however, you should not download such data onto your computer or USB flash drive, (unless said device is encrypted) so you can work at home or in other off-site locations. This is a very dangerous practice that could result in serious legal and public relations consequences.
- Because of the risks related to IT security, users that process payments for services via credit cards or other means using their workstation, will not access social media sites, web-based email, blogs, or other websites that can introduce vulnerabilities and compromise citizen personal or SSI information.

- Adopt a “clean desk practice.” Do not leave paper documents containing personal or SSI information unattended; protect them from view of passers-by and office visitors. Store paper documents containing personal or sensitive information in locked files.
- Immediately retrieve or secure sensitive documents that are printed on copy machines, fax machines, and printers.

P.10.8 Electronic Mail and Voicemail

The District may provide employees and volunteers with email and voicemail capabilities to facilitate the exchange of information and improve productivity. The District provides these capabilities and services for official use, and all content received and created using email and voicemail accounts is the property of the District and subject to public disclosure.

The District encourages the use of email and voicemail for any purpose identified as a permitted use in this policy; however, email and voicemail may not be used in connection with, or in furtherance of, any prohibited activity identified in this policy, or for other than incidental personal use.

Procedures for “Electronic Mail and Voicemail”

The following specific restrictions apply to the use of email and voicemail provided by the District:

- Employees and volunteers shall not use email accounts provided by the District to subscribe to, submit messages to, or read messages from Internet Mailing Lists, Discussion Groups, or News Groups and websites that are of purely personal interest and not related to the District business.
- All external email transmissions using email access provided by the District must contain the first and last name of the sender.
- Employees and volunteers should be aware that email and voicemail message content is subject to interception and may be reviewed at any time. In addition, message content may be subject to disclosure under state and federal law. Employees should communicate confidential data by other means and should have no expectation of privacy when they create, save, send, or receive email and voicemail using resources provided by the District.
- Employees and volunteers who are subjected to email or voicemail transmissions that reflect inappropriate, offensive, or harassing content should immediately report the activity to the Superintendent or NWT, so that every effort can be taken to prevent such offensive content from continued transmission through District-owned resources.
- Email footers and signature blocks should generally be used to provide the user’s name, title, and telephone number. This function may not contain commercial, political, religious, or inappropriate references and must be consistent with this policy.

P.10.9 Network Login Information and Passwords

Access to District technology resources is only for authorized users approved by District management. Access is restricted and monitored via several means such as user identification and password. Also, other means such as biometrics, smart cards, USB fobs, etc. may be used to protect access to the District network and resources.

Procedures for “Network Login Information and Passwords”

Users shall comply with the following requirements and guidelines:

- Passwords shall not be shared or compromised. Never give out your password to anyone – including legitimate business personnel who are backing you up while you are out of the office. Instead, work with NWT to provide alternative means of access to these users (e.g., delegated access to Outlook).
- Avoid using the same password for your network and email log on as you use in other programs and systems. Do not use your District network logins for any of your personal programs, accounts, or systems.
- Passwords must meet complexity requirements triggered by Active Directory settings. These passwords are much more resistant to attack than blank or simple passwords. By default, complex passwords enforced by Active Directory have the following properties:
 - Do not contain all or part of the user’s account name
 - Contain characters from three of the following four categories:
 - English uppercase characters (A through Z)
 - English lowercase characters (a through z)
 - Base-10 digits (0 through 9)
 - Non-alphanumeric (for example, !, @, #, \$, %, ^, &, *)
- Consider using the first letter of each word in a phrase or sentence that you can easily remember. For example, “jDi#1imb” translates to “John Doe is number one in my book.”
- Passwords shall normally have a minimum of eight (8) characters, be as meaningless as possible, and fulfill the complexity requirements listed above. “Blank” passwords are not permitted.
- Passwords and log on information are not to be publicly posted in any manner of format and are not to be left in an insecure location. Do not store passwords in unencrypted files such as Excel, Word, Notepad, etc. These can be easily read by someone who hacks into your computer or steals your files (on a hard drive, flash drive, diskette, CD, DVD, etc.).
- The Active Directory Password History setting is 10 passwords remembered. This is set to prevent users from repeatedly using the same password.
- The maximum password age is 360 days. Passwords may be changed more frequently than the specified duration; however, the 360-day setting is established in Active Directory.
- If you believe your password has been compromised, immediately change your log on password and contact the Information Technology department for assistance.
- When leaving your desk unattended, even briefly, you must lock your screen. Simply click the Windows key and the L on your keyboard to lock the screen instantly.

P.10.10 Business Continuity / Disaster Recovery Preparedness

Individual preparation and preparedness are an important critical success factor for the District – especially with regard to data protection, backup, and availability.

Procedures for Business Continuity / Disaster Recovery Preparedness

The following practices are suggested for all employees and volunteers in order to be prepared for any disaster ranging from an earthquake to fire on District property to loss of your computer hard drive.

- If you use a laptop computer, learn how to use your computer to log into the District network remotely and how to access and use the Outlook Web Access (OWA) capability.
- Avoid storing originals of important documents on your computer C: drive (which is not backed up) or in District portable media such as USB flash drives, etc. Instead, store originals of District-specific documents in your personal My Documents folder which is on your departmental shared drive.

P.10.11 Loss or Theft of District Information Technology Assets

Procedures for Loss or Theft of District Information Technology Assets

In the event of the loss or theft of District technology resources and other media such as USB Flash Drives/CDs/DVDs/diskettes containing District data, the following steps must be taken.

1. The individual recognizing the loss of the District asset shall immediately notify their supervisor and NWT.
2. NWT shall take immediate action to have the account associated with the lost asset disabled to prevent access, theft, or damage to District data.
3. A Police report shall be taken if the device was stolen or suspected to have been stolen.
4. NWT shall inform the Superintendent of the lost device(s). NWT shall identify the type of data lost on the device(s), and determine if any Personal Information and/or Secure Sensitive Data was potentially compromised.
5. If Personal Information and/or Secure Sensitive Data were compromised by the loss of the device(s) then the Superintendent, and the Public Information Officer for the District shall be notified of the loss and actions as required by state or federal law shall be taken as necessary.
6. If any HIPAA protected information was compromised, follow the appropriate policies and procedures relevant to a potential breach.

P.10.12 No Expectation of Privacy

Employee and volunteer privacy does not extend to the work-related conduct of the employee or volunteer, or to work involving the use of equipment, network, Internet access, email, text messaging capability, or voicemail, whether provided and owned by the District or the Employee. Employees and volunteers of the District should, therefore, be aware that email, voicemail, network, text messages, and Internet activity and content created or stored on any resources provided by the District is the property of the District, and as such, the property and all records of usage (electronic or otherwise) are subject to monitoring, auditing, and inspection by the District.

In addition, electronic records are public records subject to Washington State's Public Records Act (RCW 42.56), the law governing retention and destruction of public records (RCW 40.14). Employees should be aware that they have no right to or legitimate expectation of privacy with respect to content created, received, transmitted, or stored on computers, networks, storage systems, phone systems (including cellular phones) or other electronic devices and technology services provided by the District.

Electronic auditing may be implemented within all District networks that connect to the Internet or other publicly accessible networks to support identification, termination, and prosecution of unauthorized activity. These electronic audit mechanisms may be capable of recording the following:

- Access to all computer and phone systems, including successful and failed log-in attempts, connect time, and log-outs;
- Inbound and outbound file and content transfers;
- Terminal connections to and from external systems;
- Sent and received email, text messages and voicemail messages;
- Specific information about Web sites visited, including uniform resource locator (URL) of pages retrieved, and information downloaded;
- Date, time, and user associated with each event.

The Superintendent or department head may instruct NWT to conduct investigations of use of the internet and District information and communications technology systems provided that these investigations are first reviewed and approved by the appropriate department head/Commissioner, and the Superintendent. This also applies to providing access to terminated or suspended employee or volunteer information by the management or replacement employee or volunteer.

P.10.13 Virus Protection

The District will take steps to prevent the spread of viruses and malware.

Procedures for “Virus Protection”

All employees, guests, residents, and volunteers of the District with access to technology services must exercise caution to avoid the introduction of computer viruses or other destructive software or programs into their computers or the network. Precautions, which should be taken, include the following:

- The Information Technology department will provide, configure and maintain anti-virus software on all District owned computers.
- Do not download or open email attachments from unknown senders.
- Exercise caution when downloading files from the Internet and File Transfer Protocol (FTP) servers. For the protection of the computer system and the District’s network, do not download or open files if you are uncertain of their security.
- Before uploading or sending any file or program which has been transferred by any removable media from a computer outside the District network, take reasonable precautions to ensure that the disk, file, or program is free of any virus or other destructive file or program.
- Where employees or volunteers are authorized to use their personal computers to gain access to the District network via some form of remote access (e.g., Outlook Web Access or OWA), those employees and volunteers are required to apply and maintain current antivirus software on that equipment and following the procedures outlined above.

P.11 JUST CULTURE, DISCIPLINE, AND GRIEVANCE

P.11.1 Policy Statement

It is the desire of District that we continue to live out a “Just Culture” form of process improvement and quality management. Before any disciplinary action is considered, a fair evaluation and objective assessment of the system and its goals and failures should be performed. We desire to provide guidelines for disciplinary action so that discipline will be fair, equitable, and uniformly applied. Nothing in the District’s policies and procedures may be construed to confer a just-cause termination standard.

Any disciplinary procedure set forth in applicable Collective Bargaining Agreements may apply in lieu of this policy.

Disciplinary Action should ordinarily be implemented when an employee engages in the following:

- Repeated failure to meet job performance expectations.
- Repeated failure to comply with policies and procedures of the organization.
- Repeated failure to behave consistent with the organization’s mission and/or values.
- Repeated failure to act in the best interest of the organization.
- Egregious illegal or wantonly reckless action or pattern of behavior.
- Organizationally destructive activities, attitudes, and relationships.
- This is not an exhaustive list.

While the District ordinarily uses progressive discipline, at its discretion, immediate discharge is permissible for particularly egregious offenses, such as (but not limited to):

- Theft.
- Willful destruction of property.
- Dishonesty, falsification of employment application.
- Abuse of residents.
- Reporting to work under the influence of, or in possession of, intoxicants or illegal substances.
- Revealing confidential information, especially HIPAA protected information.
- Gross misconduct.
- Failure to report for work and failure to call in advance of scheduled work time.
- Breaking the law

Probationary union members may be terminated for any non-discriminatory reason in their (typically) first year of employment.

Further, termination for non-disciplinary reasons, such as budget shortfalls or elimination of a position, may result in termination.

P.11.2 Responsibility And Authority

The Superintendent and department heads alone shall have the authority to admonish, reprimand, suspend or discharge any personnel of the District.

The Superintendent and department heads shall retain the authority to instruct and correct District personnel from time to time. These actions are not of a disciplinary nature. Furthermore, the Superintendent and department heads shall retain the right to appoint an employee to provide

instruction or correction to other employees as needs arise in the normal course of business. Again, these actions are not of a disciplinary nature.

P.11.3 Disciplinary Action

Any disciplinary action requires the exercising of responsible judgment. Discipline should ordinarily be proportionate to the character of the offense.

In arriving at the appropriate degree of penalty, only offenses for which penalties were imposed within three preceding years will be used to determine whether prior offenses have occurred, unless the original offense was considered to be a major offense. When an employee commits a series of unrelated offenses over a period of time, or a combination of different offenses at the same time, a greater penalty than for a single offense may be considered.

Procedures for “Disciplinary Action”

The department head may engage in non-disciplinary coaching where appropriate.

Otherwise, one of the following methods of discipline may be used: oral admonishment, written reprimand, suspension with or without pay, or discharge. The employer endeavors to appropriately gather facts concerning relevant incidents and appropriately document the reasons for discipline.

Discharge

When the need for immediate discharge arises, the Superintendent or department head:

1. Gathers all the facts concerning the incident.
2. Gives the employee the chance to express their view and explain the circumstances.
3. Considers the employee's explanation and all evidence.
4. Conducts the interview in such a way as to avoid embarrassment or humiliation when possible.
5. States the reasons for the termination so the employee understands the reason for termination.
6. Termination may occur verbally and be effective immediately, but the department head or Superintendent should additionally:
 - a. Give written notice of the termination within 1 week of acting.
 - b. Give written notice that he/she may grieve the decision
 - c. Considers any statement written or verbal (former) employee makes.
7. An employee who is terminated for stigmatizing information regarding the reasons for a public employee's discipline or termination that is publicly disclosed may request a Loudermill Hearing. If this occurs:
 - a. The Superintendent and/or department head arranges a meeting with themselves, the employee, and at least one member of the District Board.
 - b. If deemed warranted, the Superintendent documents the discharge in the personnel's employee file.
 - c. Issues a notice of final decision (handed to employee, sent certified mail, or to a verified email account) with information on the issue and reason for discharge

along with his/her appeal and grievance rights as described herein using the ECDF.

P.11.6 Voluntary Termination (Resignation)

The District operates small departments that rely on key personnel. Employees are expected to give the employer as much notice regarding resignation as possible.

Procedures for “Voluntary Termination (Resignation)”

Employees Hired after December 2022

Employees are expected to give at least two weeks’ notice to their supervisors when resigning their positions, and this is required to cash out PTO at 75% following resignation, otherwise PTO will be cashed out at 50%.

- Resignations should be in writing. The written resignation will be placed in the employee’s personnel file. If a verbal resignation is given, the supervisor should make a note in the employee’s personnel file.
- An exit interview will be scheduled to ascertain the reason for the resignation. The interview should also focus on things the employee believes could be improved in the program.
- All equipment, tools, keys, name tags, etc. will be collected.

Employees hired prior to February 2022

Employees hired prior to February 2022 may at all times cash out at 75% of value.

Key employees

Key employees for which the District has no equivalent employees who give at least 45 days of notice may cash out PTO at 100% of value (unless specific contract terms set a different rule; the contract should be followed in lieu of this policy). Currently, this includes:

- Village at the Harbor: Executive Director
- Village at the Harbor: Registered Nurse
- Village at the Harbor: Resident Care Coordinator
- San Juan County Public Hospital District No. 1: Finance Director
- San Juan County Public Hospital District No. 1: Superintendent
- San Juan County Public Hospital District No. 1: PR and HR Specialist
- San Juan Island EMS: Chief Administrator
- San Juan Island EMS: Assistant Chief of Operations and Training

P.11.7 Personnel Evaluation

It is critical to provide communication to the staff as to their performance, to provide appropriate systems of documentation for communication for both positive and negative performance issues, and to

give record for promotions, pay increases and reference inquiries. Employee evaluation will happen on a regular basis.

Employees may request an evaluation if one is not given, or at non-standard intervals.

Any disciplinary action will be carefully documented and communicated with the employee.

Commendations will be given when an employee performs above and beyond the expectations of the position.

Procedures for “Personnel Evaluation”

Evaluations

All employees will be evaluated by their supervisors at the end of three months’ employment and then on an annual basis.

- All employees will be asked to do a written self-evaluation at that time as well.
- Wages will be adjusted at the time of employee evaluations.
- If an employee strongly disagrees with their supervisor’s evaluation of their performance, they should utilize the grievance procedures.

Commendations

When an employee goes beyond the “call of duty,” he/she may receive recognition and a special “thank you” where reasonable and appropriate.

- A commendation report will be completed by the supervisor and given to the employee.
- A copy will be placed in the employee’s file.

P.12 PERSONNEL FILES

See also Administrative Policy 23.20 “Staff Member Medical Records”

Personnel files are key documents that track an employee’s time with the District, training, and other key items.

P.12.1 Contents

Procedures for “Contents”

Each employee will have a personnel file which may include the following:

- Application.
- Interview notes.
- Résumé, if applicable.
- Minimum of three reference checks.
- Criminal background checks, rechecked every two years
- Copy of license or certificates, as applicable.
- Annual performance appraisals.

- Wage-rate adjustments.
- Signed copy of job description.
- W-4.
- Verifications of employment eligibility.
- Copy of social security card.
- Record of orientation, safety, and continuing education.
- Any grievances, commendations, or other communications with the employee.
- I-9 form.
- Motor vehicle license record (if position requires driving)
- Health documentation requirements.
- Abuse and Neglect Training Verification, if applicable.

Personnel Policies and Procedures Appendix

Appendix A: Leave Request Form FMLA/WFCA

Instructions: Complete and attach the applicable forms to this request explaining the purpose and duration of the leave and submit it to your Department Head. District reserves the right to grant or deny any unpaid leave of absence request in accordance with applicable law or policy.

LEAVE REQUEST FORM

Please check applicable box(es):

☐ Family Medical Leave ☐ Wash. Family Care Act Leave ☐ Maternity Leave ☐ Leave

| | |
|--|---------------------------------|
| Employee Name: _____ | Department: _____ |
| Position Title: _____ | Leave Start Date: _____ |
| Family Relationship: _____ (if leave is for family member): | Return to Work Date: _____ |
| | Estimated Hours of Leave: _____ |

Without Pay* *Leave without pay not applicable under the Washington State Family Care Act Leave.

I have read the policy(ies) applicable to the type of leave requested. I understand and concur that I will comply with the following conditions if my leave of absence request is approved.

Insurance Coverage

Insurance coverage will be provided and administered as outlined in applicable leave policy. Should I choose to separate from employment with District at the end of my leave of absence, District reserves the right to collect premiums paid on my behalf during my leave of absence as is allowed under applicable law or policy.

NOTE: An employee requesting leave for the employee's serious health condition, or the serious health condition of the employee's spouse, child or parent must submit a verifying medical certification from a physician within 15 days of application for leave.

I have thoroughly read and understand District policies related to my leave request. I understand that my representations in this leave request are true and accurate to the best of my understanding and belief. I understand and concur that any deliberate misrepresentations in my leave request will subject me to employee discipline up to, and including, termination.

Employee Signature

Date

APPROVED BY: _____

Appendix B: Response to Employee Request for Family and Medical Leave

NOTE TO District: This is a sample cover letter to an employee notifying the employee that the employer is treating a request for leave as a request for family medical leave (either paid or unpaid) that will reduce the employees' family medical leave entitlement. This letter should be mailed to the employee within one to two business days after the employee's initial request for the leave. District should include with this cover letter a completed Notice of Eligibility and Rights & Responsibilities and, if necessary, either the Certification of Health Care Provider for Employees Serious Health Condition or Certification of Health Care Provider for Family Members Serious Health Condition.

Dear Employee:

District recently learned that you have requested a leave of absence that may qualify as family medical leave under the law. On behalf of the company, I wish to extend you our support and at the same time want to stress how important it is for you and the company to communicate throughout this process.

On **(date)** you advised District that you were requesting a leave of absence. Under our policy, leaves of absence that qualify for family medical leave under state or federal law run concurrently with other types of leave, such as workers' compensation leave, leave for a nonindustrial injury or illness (including paid leave such as sick leave), leave as a reasonable accommodation for a qualified individual with a disability and paid vacation used for family leave qualifying reason. Leave that qualifies as family medical leave will be counted against the employee's annual family leave entitlement.

Attached is a form entitled Notice of Eligibility and Rights & Responsibilities, which contains other information for you regarding federal family medical leave rights. Also attached is a Certification of Health Care Provider for Employee's Serious Health Condition or Certification of Health Care Provider for Family Member's Serious Health Condition. You must return this completed form within 15 calendar days of receipt.

Sincerely,

SAN JUAN COUNTY PUBLIC HOSPITAL DISTRICT NO. 1

Title:

Enclosures:

Notice of Eligibility and Rights & Responsibilities and, if necessary, either the Certification of Health Care Provider for Employees Serious Health Condition or Certification of Health Care Provider for Family Members Serious Health Condition

Appendix C: Certificate of Health Care Provider

Certification of Health Care Provider for Employee's Serious Health Condition under the Family and Medical Leave Act

U.S. Department of Labor
Wage and Hour Division



DO NOT SEND COMPLETED FORM TO THE DEPARTMENT OF LABOR.
RETURN TO THE PATIENT.

OMB Control Number: 1235-0003
Expires: 6/30/2023

The Family and Medical Leave Act (FMLA) provides that an employer may require an employee seeking FMLA protections because of a need for leave due to a serious health condition to submit a medical certification issued by the employee's health care provider. 29 U.S.C. §§ 2613, 2614(c)(3); 29 C.F.R. § 825.305. The employer must give the employee at least 15 calendar days to provide the certification. If the employee fails to provide complete and sufficient medical certification, his or her FMLA leave request may be denied. 29 C.F.R. § 825.313. Information about the FMLA may be found [on the WHD website at www.dol.gov/agencies/whd/fmla](http://www.dol.gov/agencies/whd/fmla).

SECTION I – EMPLOYER

Either the employee or the employer may complete Section I. While use of this form is optional, this form asks the health care provider for the information necessary for a complete and sufficient medical certification, which is set out at 29 C.F.R. § 825.306. **You may not ask the employee to provide more information than allowed under the FMLA regulations, 29 C.F.R. §§ 825.306-825.308.** Additionally, you **may not** request a certification for FMLA leave to bond with a healthy newborn child or a child placed for adoption or foster care.

Employers must generally maintain records and documents relating to medical information, medical certifications, recertifications, or medical histories of employees created for FMLA purposes as confidential medical records in separate files/records from the usual personnel files and in accordance with 29 C.F.R. § 1630.14(c)(1), if the Americans with Disabilities Act applies, and in accordance with 29 C.F.R. § 1635.9, if the Genetic Information Nondiscrimination Act applies.

(1) Employee name: _____
First Middle Last

(2) Employer name: _____ Date: _____ (mm/dd/yyyy)
(List date certification requested)

(3) The medical certification must be returned by _____ (mm/dd/yyyy)
(Must allow at least 15 calendar days from the date requested, unless it is not feasible despite the employee's diligent, good faith efforts.)

(4) Employee's job title: _____ Job description (☐ is / ☐ is not) attached.
Employee's regular work schedule: _____
Statement of the employee's essential job functions: _____

(The essential functions of the employee's position are determined with reference to the position the employee held at the time the employee notified the employer of the need for leave or the leave started, whichever is earlier.)

SECTION II - HEALTH CARE PROVIDER

Please provide your contact information, complete all relevant parts of this Section, and sign the form. Your patient has requested leave under the FMLA. The FMLA allows an employer to require that the employee submit a timely, complete, and sufficient medical certification to support a request for FMLA leave due to the serious health condition of the employee. For FMLA purposes, a "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves *inpatient care* or *continuing treatment by a health care provider*. For more information about the definitions of a serious health condition under the FMLA, see the chart on page 4.

You may, but are **not required** to, provide other appropriate medical facts including symptoms, diagnosis, or any regimen of continuing treatment such as the use of specialized equipment. Please note that some state or local laws may not allow disclosure of private medical information about the patient's serious health condition, such as providing the diagnosis and/or course of treatment.

Employee Name: _____

Health Care Provider's name: *(Print)* _____

Health Care Provider's business address: _____

Type of practice / Medical specialty: _____

Telephone: (____) _____ Fax: (____) _____ E-mail: _____

PART A: Medical Information

Limit your response to the medical condition(s) for which the employee is seeking FMLA leave. Your answers should be your **best estimate** based upon your medical knowledge, experience, and examination of the patient. **After completing Part A, complete Part B to provide information about the amount of leave needed.** Note: For FMLA purposes, "incapacity" means the inability to work, attend school, or perform regular daily activities due to the condition, treatment of the condition, or recovery from the condition. Do not provide information about genetic tests, as defined in 29 C.F.R. § 1635.3(f), genetic services, as defined in 29 C.F.R. § 1635.3(e), or the manifestation of disease or disorder in the employee's family members, 29 C.F.R. § 1635.3(b).

(1) State the approximate date the condition started or will start: _____ *(mm/dd/yyyy)*

(2) Provide your **best estimate** of how long the condition lasted or will last: _____

(3) Check the box(es) for the questions below, as applicable. For all box(es) checked, the amount of leave needed must be provided in Part B.

☐ **Inpatient Care:** The patient (☐ has been / ☐ is expected to be) admitted for an overnight stay in a hospital, hospice, or residential medical care facility on the following date(s): _____

☐ **Incapacity plus Treatment:** *(e.g. outpatient surgery, strep throat)*

Due to the condition, the patient (☐ has been / ☐ is expected to be) incapacitated for *more than three* consecutive, full calendar days from _____ *(mm/dd/yyyy)* to _____ *(mm/dd/yyyy)*.

The patient (☐ was / ☐ will be) seen on the following date(s): _____

The condition (☐ has / ☐ has not) also resulted in a course of continuing treatment under the supervision of a health care provider *(e.g. prescription medication (other than over-the-counter) or therapy requiring special equipment)*

☐ **Pregnancy:** The condition is pregnancy. List the expected delivery date: _____ *(mm/dd/yyyy)*.

☐ **Chronic Conditions:** *(e.g. asthma, migraine headaches)* Due to the condition, it is medically necessary for the patient to have treatment visits at least twice per year.

☐ **Permanent or Long Term Conditions:** *(e.g. Alzheimer's, terminal stages of cancer)* Due to the condition, incapacity is permanent or long term and requires the continuing supervision of a health care provider (even if active treatment is not being provided).

☐ **Conditions requiring Multiple Treatments:** *(e.g. chemotherapy treatments, restorative surgery)* Due to the condition, it is medically necessary for the patient to receive multiple treatments.

☐ **None of the above:** If none of the above condition(s) were checked, (i.e., inpatient care, pregnancy) no additional information is needed. Go to page 4 to sign and date the form.

Employee Name: _____

- (4) If needed, briefly describe other appropriate medical facts related to the condition(s) for which the employee seeks FMLA leave. (e.g., use of nebulizer, dialysis) _____

PART B: Amount of Leave Needed

For the medical condition(s) checked in Part A, complete all that apply. Several questions seek a response as to the frequency or duration of a condition, treatment, etc. Your answer should be your **best estimate** based upon your medical knowledge, experience, and examination of the patient. Be as specific as you can; terms such as "lifetime," "unknown," or "indeterminate" may not be sufficient to determine FMLA coverage.

- (5) Due to the condition, the patient (☐ had / ☐ will have) **planned medical treatment(s)** (scheduled medical visits) (e.g. psychotherapy, prenatal appointments) on the following date(s): _____

- (6) Due to the condition, the patient (☐ was / ☐ will be) **referred to other health care provider(s)** for evaluation or treatment(s).

State the nature of such treatments: (e.g. cardiologist, physical therapy) _____

Provide your **best estimate** of the beginning date _____ (mm/dd/yyyy) and end date _____ (mm/dd/yyyy) for the treatment(s).

Provide your **best estimate** of the duration of the treatment(s), including any period(s) of recovery (e.g. 3 days/week) _____

- (7) Due to the condition, it is medically necessary for the employee to work a **reduced schedule**.

Provide your **best estimate** of the reduced schedule the employee is able to work. From _____ (mm/dd/yyyy) to _____ (mm/dd/yyyy) the employee is able to work: (e.g., 5 hours/day, up to 25 hours a week) _____

- (8) Due to the condition, the patient (☐ was / ☐ will be) **incapacitated for a continuous period of time**, including any time for treatment(s) and/or recovery.

Provide your **best estimate** of the beginning date _____ (mm/dd/yyyy) and end date _____ (mm/dd/yyyy) for the period of incapacity.

- (9) Due to the condition, it (☐ was / ☐ is / ☐ will be) medically necessary for the employee to be absent from work on an **intermittent basis** (periodically), including for any episodes of incapacity i.e., episodic flare-ups. Provide your **best estimate** of how often (frequency) and how long (duration) the episodes of incapacity will likely last.

Over the next 6 months, episodes of incapacity are estimated to occur _____ times per (☐ day / ☐ week / ☐ month) and are likely to last approximately _____ (☐ hours / ☐ days) per episode.

Employee Name: _____

PART C: Essential Job Functions

If provided, the information in Section I question #4 may be used to answer this question. If the employer fails to provide a statement of the employee's essential functions or a job description, answer these questions based upon the employee's own description of the essential job functions. An employee who must be absent from work to receive medical treatment(s), such as scheduled medical visits, for a serious health condition is considered to be *not able* to perform the essential job functions of the position during the absence for treatment(s).

- (10) Due to the condition, the employee (☐ was not able / ☐ is not able / ☐ will not be able) to perform *one or more* of the essential job function(s). Identify at least one essential job function the employee is not able to perform:

Signature of _____ Date _____ (mm/dd/yyyy)
Health Care Provider

| Definitions of a Serious Health Condition (See 29 C.F.R. §§ 825.113-.115) |
|--|
| Inpatient Care |
| <ul style="list-style-type: none">• An overnight stay in a hospital, hospice, or residential medical care facility.• Inpatient care includes any period of incapacity or any subsequent treatment in connection with the overnight stay. |
| Continuing Treatment by a Health Care Provider (any one or more of the following) |
| <u>Incapacity Plus Treatment:</u> A period of incapacity of more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves either: <ul style="list-style-type: none">○ Two or more in-person visits to a health care provider for treatment within 30 days of the first day of incapacity unless extenuating circumstances exist. The first visit must be within seven days of the first day of incapacity; or,○ At least one in-person visit to a health care provider for treatment within seven days of the first day of incapacity, which results in a regimen of continuing treatment under the supervision of the health care provider. For example, the health provider might prescribe a course of prescription medication or therapy requiring special equipment. |
| <u>Pregnancy:</u> Any period of incapacity due to pregnancy or for prenatal care. |
| <u>Chronic Conditions:</u> Any period of incapacity due to or treatment for a chronic serious health condition, such as diabetes, asthma, migraine headaches. A chronic serious health condition is one which requires visits to a health care provider (or nurse supervised by the provider) at least twice a year and recurs over an extended period of time. A chronic condition may cause episodic rather than a continuing period of incapacity. |
| <u>Permanent or Long-term Conditions:</u> A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective, but which requires the continuing supervision of a health care provider, such as Alzheimer's disease or the terminal stages of cancer. |
| <u>Conditions Requiring Multiple Treatments:</u> Restorative surgery after an accident or other injury; or, a condition that would likely result in a period of incapacity of more than three consecutive, full calendar days if the patient did not receive the treatment. |

PAPERWORK REDUCTION ACT NOTICE AND PUBLIC BURDEN STATEMENT

If submitted, it is mandatory for employers to retain a copy of this disclosure in their records for three years. 29 U.S.C. § 2616; 29 C.F.R. § 825.500. Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. The Department of Labor estimates that it will take an average of 15 minutes for respondents to complete this collection of information, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding this burden estimate or any other aspect of this collection information, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room S-3502, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

DO NOT SEND COMPLETED FORM TO THE DEPARTMENT OF LABOR. RETURN TO THE PATIENT.

Appendix D: Notice of Eligibility and Rights and Responsibilities (WH-381)

Notice of Eligibility & Rights and Responsibilities under the Family and Medical Leave Act

U.S. Department of Labor
Wage and Hour Division



DO NOT SEND TO THE DEPARTMENT OF LABOR.
PROVIDE TO EMPLOYEE.

OMB Control Number: 1235-0003
Expires: 6/30/2023

In general, to be eligible to take leave under the Family and Medical Leave Act (FMLA), an employee must have worked for an employer for at least 12 months, meet the hours of service requirement in the 12 months preceding the leave, and work at a site with at least 50 employees within 75 miles. While use of this form is optional, a fully completed Form WH-381 provides employees with the information required by 29 C.F.R. §§ 825.300(b), (c) which must be provided within five business days of the employee notifying the employer of the need for FMLA leave. Information about the FMLA may be found [on the WHD website at www.dol.gov/agencies/whd/fmla](http://www.dol.gov/agencies/whd/fmla).

Date: _____ (mm/dd/yyyy)

From: _____ (Employer) To: _____ (Employee)

On _____ (mm/dd/yyyy), we learned that you need leave (beginning on) _____ (mm/dd/yyyy)
for one of the following reasons: (Select as appropriate)

- ☐ The birth of a child, or placement of a child with you for adoption or foster care, and to bond with the newborn or newly-placed child
- ☐ Your own serious health condition
- ☐ You are needed to care for your family member due to a serious health condition. Your family member is your:
 - ☐ Spouse ☐ Parent ☐ Child under age 18 ☐ Child 18 years or older and incapable of self-care because of a mental or physical disability
- ☐ A qualifying exigency arising out of the fact that your family member is on covered active duty or has been notified of an impending call or order to covered active duty status. Your family member on covered active duty is your:
 - ☐ Spouse ☐ Parent ☐ Child of any age
- ☐ You are needed to care for your family member who is a covered servicemember with a serious injury or illness. You are the servicemember's:
 - ☐ Spouse ☐ Parent ☐ Child ☐ Next of kin

Spouse means a husband or wife as defined or recognized in the state where the individual was married, including in a common law marriage or same-sex marriage. The terms "child" and "parent" include *in loco parentis* relationships in which a person assumes the obligations of a parent to a child. An employee may take FMLA leave to care for an individual who assumed the obligations of a parent to the employee when the employee was a child. An employee may also take FMLA leave to care for a child for whom the employee has assumed the obligations of a parent. No legal or biological relationship is necessary.

SECTION I – NOTICE OF ELIGIBILITY

This Notice is to inform you that you are:

- ☐ **Eligible** for FMLA leave. (See Section II for any Additional Information Needed and Section III for information on your Rights and Responsibilities.)
- ☐ **Not eligible** for FMLA leave because: (Only one reason need be checked)
 - ☐ You have not met the FMLA's 12-month length of service requirement. As of the first date of requested leave, you will have worked approximately: _____ towards this requirement.
(months)
 - ☐ You have not met the FMLA's 1,250 hours of service requirement. As of the first date of requested leave, you will have worked approximately: _____ towards this requirement.
(hours of service)

Employee Name: _____

- ☐ You are an airline flight crew employee and you have not met the special hours of service eligibility requirements for airline flight crew employees as of the first date of requested leave (i.e., worked or been paid for at least 60% of your applicable monthly guarantee, and worked or been paid for at least 504 duty hours.)
- ☐ You do not work at and/or report to a site with 50 or more employees within 75-miles as of the date of your request.

If you have any questions, please contact: _____ (Name of employer representative)
at _____ (Contact information).

SECTION II – ADDITIONAL INFORMATION NEEDED

As explained in Section I, you meet the eligibility requirements for taking FMLA leave. Please review the information below to determine if additional information is needed in order for us to determine whether your absence qualifies as FMLA leave. Once we obtain any additional information specified below we will inform you, **within 5 business days**, whether your leave will be designated as FMLA leave and count towards the FMLA leave you have available. **If complete and sufficient information is not provided in a timely manner, your leave may be denied.**

(Select as appropriate)

- ☐ No additional information requested. If no additional information requested, go to Section III.
- ☐ We request that the leave be supported by a certification, as identified below.
- | | |
|--|--|
| <input type="checkbox"/> Health Care Provider for the Employee | <input type="checkbox"/> Health Care Provider for the Employee's Family Member |
| <input type="checkbox"/> Qualifying Exigency | <input type="checkbox"/> Serious Illness or Injury (Military Caregiver Leave) |

Selected certification form is ☐ attached / ☐ not attached.

If requested, medical certification must be returned by _____ (mm/dd/yyyy) (Must allow at least 15 calendar days from the date the employer requested the employee to provide certification, unless it is not feasible despite the employee's diligent, good faith efforts.)

- ☐ We request that you provide reasonable documentation or a statement to establish the relationship between you and your family member, including *in loco parentis* relationships (as explained on page one). The information requested must be returned to us by _____ (mm/dd/yyyy). You may choose to provide a simple statement of the relationship or provide documentation such as a child's birth certificate, a court document, or documents regarding foster care or adoption-related activities. Official documents submitted for this purpose will be returned to you after examination.
- ☐ Other information needed (e.g. documentation for military family leave): _____.
- The information requested must be returned to us by _____ (mm/dd/yyyy).

If you have any questions, please contact: _____ (Name of employer representative)
at _____ (Contact information).

SECTION III – NOTICE OF RIGHTS AND RESPONSIBILITIES

Part A: FMLA Leave Entitlement

You have a right under the FMLA to take unpaid, job-protected FMLA leave in a 12-month period for certain family and medical reasons, including up to **12 weeks** of unpaid leave in a 12-month period for the birth of a child or placement of a child for adoption or foster care, for leave related to your own or a family member's serious health condition, or for certain qualifying exigencies related to the deployment of a military member to covered active duty. You also have a right

Employee Name: _____

under the FMLA to take up to **26 weeks** of unpaid, job-protected FMLA leave in a single 12-month period to care for a covered servicemember with a serious injury or illness (*Military Caregiver Leave*).

The 12-month period for FMLA leave is calculated as: *(Select as appropriate)*

- ☐ The calendar year (January 1st - December 31st)
- ☐ A fixed leave year based on _____
(e.g., a fiscal year beginning on July 1 and ending on June 30)
- ☐ The 12-month period measured forward from the date of your first FMLA leave usage.
- ☐ A “rolling” 12-month period measured backward from the date of any FMLA leave usage. *(Each time an employee takes FMLA leave, the remaining leave is the balance of the 12 weeks not used during the 12 months immediately before the FMLA leave is to start.)*

If applicable, the single 12-month period for *Military Caregiver Leave* started on _____ *(mm/dd/yyyy)*.

You ☐ **are** / ☐ **are not** considered a key employee as defined under the FMLA. Your FMLA leave cannot be denied for this reason; however, we may not restore you to employment following FMLA leave if such restoration will cause substantial and grievous economic injury to us.

We ☐ have / ☐ have not determined that restoring you to employment at the conclusion of FMLA leave will cause substantial and grievous economic harm to us. Additional information will be provided separately concerning your status as key employee and restoration.

Part B: Substitution of Paid Leave – When Paid Leave is Used at the Same Time as FMLA Leave

You have a right under the FMLA to request that your accrued paid leave be substituted for your FMLA leave. This means that you can request that your accrued paid leave run concurrently with some or all of your unpaid FMLA leave, provided you meet any applicable requirements of our leave policy. Concurrent leave use means the absence will count against both the designated paid leave and unpaid FMLA leave at the same time. If you do not meet the requirements for taking paid leave, you remain entitled to take available unpaid FMLA leave in the applicable 12-month period. Even if you do not request it, the FMLA allows us to require you to use your available sick, vacation, or other paid leave during your FMLA absence.

(Check all that apply)

- ☐ **Some or all of your FMLA leave will not be paid.** Any unpaid FMLA leave taken will be designated as FMLA leave and counted against the amount of FMLA leave you have available to use in the applicable 12-month period.
- ☐ **You have requested to use some or all of your available paid leave** *(e.g., sick, vacation, PTO)* during your FMLA leave. Any paid leave taken for this reason will also be designated as FMLA leave and counted against the amount of FMLA leave you have available to use in the applicable 12-month period.
- ☐ **We are requiring you to use some or all of your available paid leave** *(e.g., sick, vacation, PTO)* during your FMLA leave. Any paid leave taken for this reason will also be designated as FMLA leave and counted against the amount of FMLA leave you have available to use in the applicable 12-month period.
- ☐ **Other:** *(e.g., short- or long-term disability, workers’ compensation, state medical leave law, etc.)* _____
Any time taken for this reason will also be designated as FMLA leave and counted against the amount of FMLA leave you have available to use in the applicable 12-month period.

The applicable conditions for use of paid leave include: _____.

For more information about conditions applicable to sick/vacation/other paid leave usage please refer to _____
available at: _____.

Employee Name: _____

Part C: Maintain Health Benefits

Your health benefits must be maintained during any period of FMLA leave under the same conditions as if you continued to work. During any paid portion of FMLA leave, your share of any premiums will be paid by the method normally used during any paid leave. During any unpaid portion of FMLA leave, you must continue to make any normal contributions to the cost of the health insurance premiums. To make arrangements to continue to make your share of the premium payments on your health insurance while you are on any unpaid FMLA leave, contact _____ at _____.

You have a minimum grace period of (☐ 30-days or ☐ _____ *indicate longer period, if applicable*) in which to make premium payments. If payment is not made timely, your group health insurance may be cancelled, provided we notify you in writing at least 15 days before the date that your health coverage will lapse, or, at our option, we may pay your share of the premiums during FMLA leave, and recover these payments from you upon your return to work.

You may be required to reimburse us for our share of health insurance premiums paid on your behalf during your FMLA leave if you do not return to work following **unpaid** FMLA leave for a reason other than: the continuation, recurrence, or onset of your or your family member's serious health condition which would entitle you to FMLA leave; or the continuation, recurrence, or onset of a covered servicemember's serious injury or illness which would entitle you to FMLA leave; or other circumstances beyond your control.

Part D: Other Employee Benefits

Upon your return from FMLA leave, your other employee benefits, such as pensions or life insurance, must be resumed in the same manner and at the same levels as provided when your FMLA leave began. To make arrangements to continue your employee benefits while you are on FMLA leave, contact _____ at _____.

Part E: Return-to-Work Requirements

You must be reinstated to the same or an equivalent job with the same pay, benefits, and terms and conditions of employment on your return from FMLA-protected leave. An equivalent position is one that is virtually identical to your former position in terms of pay, benefits, and working conditions. At the end of your FMLA leave, all benefits must also be resumed in the same manner and at the same level provided when the leave began. You do not have return-to-work rights under the FMLA if you need leave beyond the amount of FMLA leave you have available to use.

Part F: Other Requirements While on FMLA Leave

While on leave you (☐ will be / ☐ will not be) required to furnish us with periodic reports of your status and intent to return to work every _____.

(Indicate interval of periodic reports, as appropriate for the FMLA leave situation).

If the circumstances of your leave change and you are able to return to work earlier than expected, you will be required to notify us at least two workdays prior to the date you intend to report for work.

PAPERWORK REDUCTION ACT NOTICE AND PUBLIC BURDEN STATEMENT

It is mandatory for employers to provide employees with notice of their eligibility for FMLA protection and their rights and responsibilities. 29 U.S.C. § 2617; 29 C.F.R. § 825.300(b), (c). It is mandatory for employers to retain a copy of this disclosure in their records for three years. 29 U.S.C. § 2616; 29 C.F.R. § 825.500. Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. The Department of Labor estimates that it will take an average of 10 minutes for respondents to complete this collection of information, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding this burden estimate or any other aspect of this collection information, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room S-3502, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

DO NOT SEND THE COMPLETED FORM TO THE DEPARTMENT OF LABOR. EMPLOYEE INFORMATION.

Appendix E: Designation Form WH-382

Designation Notice under the Family and Medical Leave Act

U.S. Department of Labor Wage and Hour Division



**DO NOT SEND TO THE DEPARTMENT OF LABOR.
PROVIDE TO EMPLOYEE.**

OMB Control Number: 1235-0003
Expires: 6/30/2023

Leave covered under the Family and Medical Leave Act (FMLA) must be designated as FMLA-protected and the employer must inform the employee of the amount of leave that will be counted against the employee's FMLA leave entitlement. In order to determine whether leave is covered under the FMLA, the employer may request that the leave be supported by a certification. If the certification is incomplete or insufficient, the employer must state in writing what additional information is necessary to make the certification complete and sufficient. While use of this form is optional, a fully completed Form WH-382 provides employees with the information required by 29 C.F.R. §§ 825.300(d), 825.301, and 825.305(c), which must be provided within five business days of the employer having enough information to determine whether the leave is for an FMLA-qualifying reason. Information about the FMLA may be found [on the WHD website at www.dol.gov/agencies/whd/fmla](http://www.dol.gov/agencies/whd/fmla).

SECTION I - EMPLOYER

The employer is responsible in **all** circumstances for designating leave as FMLA-qualifying and giving notice to the employee. Once an eligible employee communicates a need to take leave for an FMLA-qualifying reason, an employer may not delay designating such leave as FMLA leave, and neither the employee nor the employer may decline FMLA protection for that leave.

Date: _____ (mm/dd/yyyy)

From: _____ (Employer) To: _____ (Employee)

On _____ (mm/dd/yyyy) we received your most recent information to support your need for leave due to:
(Select as appropriate)

- ☐ The birth of a child, or placement of a child with you for adoption or foster care, and to bond with the newborn or newly-placed child
- ☐ Your own serious health condition
- ☐ The serious health condition of your spouse, child, or parent
- ☐ A qualifying exigency arising out of the fact that your spouse, child, or parent is on covered active duty or has been notified of an impending call or order to covered active duty with the Armed Forces
- ☐ A serious injury or illness of a covered servicemember where you are the servicemember's spouse, child, parent, or next of kin (Military Caregiver Leave)

We have reviewed information related to your need for leave under the FMLA along with any supporting documentation provided and decided that your FMLA leave request is: (Select as appropriate)

- ☐ **Approved.** All leave taken for this reason will be designated as FMLA leave. Go to Section III for more information.
- ☐ **Not Approved:** (Select as appropriate)
 - ☐ The FMLA does not apply to your leave request.
 - ☐ As of the date the leave is to start, you do not have any FMLA leave available to use.
 - ☐ Other _____
- ☐ **Additional information** is needed to determine if your leave request qualifies as FMLA leave. (Go to Section II for the specific information needed. If your FMLA leave request is approved and no additional information is needed, go to Section III.)

SECTION II – ADDITIONAL INFORMATION NEEDED

We need additional information to determine whether your leave request qualifies under the FMLA. Once we obtain the additional information requested, we will inform you **within 5 business days** if your leave will or will not be designated as FMLA leave and count towards the amount of FMLA leave you have available. **Failure to provide the additional information as requested may result in a denial of your FMLA leave request.**

If you have any questions, please contact: _____ at _____
(Name of employer FMLA representative) (Contact information)

Incomplete or Insufficient Certification

The certification you have provided is incomplete and/or insufficient to determine whether the FMLA applies to your leave request.
(Select as applicable)

- ☐ The certification provided is incomplete and we are unable to determine whether the FMLA applies to your leave request. "Incomplete" means one or more of the applicable entries on the certification have not been completed.

Employee Name: _____

- ☐ The certification provided is insufficient to determine whether the FMLA applies to your leave request. *“Insufficient” means the information provided is vague, unclear, ambiguous or non-responsive.*

Specify the information needed to make the certification complete and/or sufficient: _____

You must provide the requested information no later than (provide at least 7 calendar days) _____ (mm/dd/yyyy), unless it is not practicable under the particular circumstances despite your diligent good faith efforts, or your leave may be denied.

Second and Third Opinions

- ☐ We request that you obtain a (☐ second / ☐ third opinion) medical certification at our expense, and we will provide further details at a later time. *Note: The employee or the employee's family member may be requested to authorize the health care provider to release information pertaining only to the serious health condition at issue.*

SECTION III – FMLA LEAVE APPROVED

As explained in Section I, your FMLA leave request is approved. All leave taken for this reason will be designated as FMLA leave and will count against the amount of FMLA leave you have available to use in the applicable 12-month period. The FMLA requires that you notify us as soon as practicable if the dates of scheduled leave change, are extended, or were initially unknown. Based on the information you have provided to date, we are providing the following information about the amount of time that will be counted against the total amount of FMLA leave you have available to use in the applicable 12-month period: *(Select as appropriate)*

- ☐ Provided there is no change from your **anticipated FMLA leave schedule**, the following number of hours, days, or weeks will be counted against your leave entitlement: _____.
- ☐ Because the leave you will need will be **unscheduled**, it is not possible to provide the hours, days, or weeks that will be counted against your FMLA entitlement at this time. You have the right to request this information once in a 30-day period (if leave was taken in the 30-day period).

Please be advised: *(check all that apply)*

- ☐ **Some or all of your FMLA leave will not be paid.** Any unpaid FMLA leave taken will be designated as FMLA leave and counted against the amount of FMLA leave you have available to use in the applicable 12-month period.
- ☐ **Based on your request, some or all of your available paid leave (e.g., sick, vacation, PTO) will be used during your FMLA leave.** Any paid leave taken for this reason will also be designated as FMLA leave and counted against the amount of FMLA leave you have available to use in the applicable 12-month period.
- ☐ **We are requiring you to use some or all of your available paid leave (e.g., sick, vacation, PTO) during your FMLA leave.** Any paid leave taken for this reason will also be designated as FMLA leave and counted against the amount of FMLA leave you have available to use in the applicable 12-month period.
- ☐ **Other:**
(e.g., Short- or long-term disability, workers' compensation, state medical leave law, etc.) Any time taken for this reason will also be designated as FMLA leave and counted against the amount of FMLA leave you have available to use in the applicable 12-month period.

Return-to-work requirements. To be restored to work after taking FMLA leave, you (☐ will be / ☐ will not be) required to provide a certification from your health care provider (fitness-for-duty certification) that you are able to resume work. This request for a fitness-for-duty certification is *only* with regard to the particular serious health condition that caused your need for FMLA leave. **If such certification is not timely received, your return to work may be delayed until the certification is provided.**

A list of the essential functions of your position (☐ is / ☐ is not) attached. If attached, the fitness-for-duty certification must address your ability to perform the essential job functions.

PAPERWORK REDUCTION ACT NOTICE AND PUBLIC BURDEN STATEMENT

It is mandatory for employers to inform employees in writing whether leave requested under the FMLA has been determined to be covered under the FMLA. 29 U.S.C. § 2617; 29 C.F.R. § 825.300(d), (e). It is mandatory for employers to retain a copy of this disclosure in their records for three years. 29 U.S.C. § 2616; 29 C.F.R. § 825.500. Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. The Department of Labor estimates that it will take an average of 10 minutes for respondents to complete this collection of information, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding this burden estimate or any other aspect of this collection information, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room S-3502, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

DO NOT SEND THE COMPLETED FORM TO THE DEPARTMENT OF LABOR. EMPLOYEE INFORMATION.

Appendix F: PFML Statement of Employee Rights



Employer requirement to provide notice to employees

Employers with employees working in Washington state must provide the following notice to employees who may be eligible for Paid Family and Medical Leave the later of:

- Five business days after an employee's seventh consecutive day of absence due to family or medical leave, or
- Five business days after an employer becomes aware that the employee's absence is due to family or medical leave.

Paid Family and Medical Leave

Statement of Employee Rights

You may qualify for Paid Family and Medical Leave

As of Jan. 1, 2020, Washington employees who have worked 820 hours or more in the qualifying period and experience(d) a qualifying event have access to Paid Family and Medical Leave.

Employees who have missed work due to family or medical reasons may be eligible for paid family or medical leave for the following qualifications:

- Care for and bond with a child younger than 18 following birth or placement
- Care for yourself or a family member experiencing a serious health condition
- Certain military-connected events.

Paid Family and Medical Leave requires that you give your employer(s) written notice at least 30 days in advance of when you plan to take leave. However, if the reason you need leave was not foreseeable, you may notify your employer(s) as soon as possible.

The Paid Family and Medical Leave Benefit Guide provides information on how to apply for benefits and submit weekly claims. It also explains your rights and responsibilities under the law. Download the guide at www.paidleave.wa.gov/benefit-guide.

For more information about how to apply, contact us at 833-717-2273 or visit www.paidleave.wa.gov.

Important information for when you apply

Employee name: _____ Date: _____

Employer UBI #: _____ This employer offers supplemental benefits: Y _____ N _____

Note: Except during the waiting week, employees cannot use employer provided paid time off at the same time as Paid Family and Medical Leave, unless the employer chooses to offer a "supplemental benefit." Supplemental benefits can be used along with Paid Family and Medical Leave to provide additional pay while an employee receives partial wage replacement through Paid Leave benefits. Employees may accept or reject supplemental benefit payments.

Employer signature: _____ Employer phone number: _____

EMPLOYER NOTICE TO EMPLOYEE
UPDATED SEPTEMBER 2020

Page 1 of 1

Appendix G: Employee Annual Review Forms (Dept Head to Choose One)


Employee Annual Review

| Employee Information: | | | | | | |
|-----------------------|-------------------|--|--|--|--|--|
| Employee Name: _____ | Department: _____ | | | | | |
| Date of Review: _____ | Supervisor: _____ | | | | | |

| Job Efficiency: | | | | | | |
|---|-------------------|----------------------|------------------------|-------------------|----------------------------|-----------|
| | Sets New Standard | Exceeds Expectations | Meets all Expectations | Needs Development | Fails to Meet Expectations | Comments: |
| Knowledge of Job: | | | | | | |
| Quality of Work: | | | | | | |
| Work Consistency: | | | | | | |
| Communication Skills: | | | | | | |
| Ability to Work Independently and in Groups: | | | | | | |
| Co-Worker Relations: | | | | | | |
| Dependability and Punctuality: | | | | | | |
| Problem-Solving Skills: | | | | | | |
| Ability to accomplish goals and meet deadlines: | | | | | | |

| Comments: |
|--|
| <p>Areas of accomplishment:</p> <div style="border: 1px solid #ccc; height: 140px; width: 100%;"></div> |

| Comments: | |
|---|-------------|
| <div>Areas that need improvement:</div> <div></div> | |
| | |
| Comments: | |
| <div>Additional managerial comments:</div> <div></div> | |
| | |
| Comments: | |
| <div>Employee Comments:</div> <div></div> | |
| | |
| <i>I have read and received this annual evaluation, I understand that a copy of this evaluation form will be placed in my personnel file.</i> | |
| Employee Signature: _____ | Date: _____ |
| Employer Signature: _____ | Date: _____ |

| | | |
|---|--|---------------------|
|  San Juan County Public Hospital District No. 1 STAFF EVALUATION FORM | | Created 11/30/2023 |
| Primary Reviewer Name and Title: | | Year |
| | | |
| Q1 Evaluation | | |
| Employee Name and Title | | Date of Evaluation: |
| | | |
| What is working well and what is not? | | |
| | | |
| Q2 Evaluation | | |
| Employee Name and Title | | Date of Evaluation: |
| | | |
| What is working well and what is not? | | |
| | | |
| Q3 Evaluation | | |
| Employee Name and Title | | Date of Evaluation: |
| | | |
| What is working well and what is not? | | |
| | | |

| Q4- Performance Evaluation | | |
|--|--------------------------|--------------------------|
| Employee Name and Title | | Date of Evaluation: |
| | | |
| Rubric | Satisfactory | Unsatisfactory |
| Skills: Competence in position including conceptual, interpersonal, and technical skills | <input type="checkbox"/> | <input type="checkbox"/> |
| Collaboration: Ability to work with others to reach mutual goals, including the ability to communicate and motivate. | <input type="checkbox"/> | <input type="checkbox"/> |
| Decision-Making: Employs sound judgement, logical reasoning, and uses available resources wisely. | <input type="checkbox"/> | <input type="checkbox"/> |
| Task Management: Displays competence in planning, assessing, and executing all assigned tasks and in efficient and timely manner | <input type="checkbox"/> | <input type="checkbox"/> |
| Self-Development: Invested in long-term improvement of self through development of character, fostering a positive work environment, and learning new skills. | <input type="checkbox"/> | <input type="checkbox"/> |
| General Rating of Performance | | |
| What is working well and what is not? | | |
| | | |
| Aknowledgements | | |
| Supervisor Signature: _____ | | Date: _____ |
| (If Applicable) Supervisor Comments: | | |
| | | |
| Department Head Signature: _____ | | Date: _____ |
| (If Applicable) Department Head Comments: | | |
| | | |
| Employee Signature: _____ | | Date: _____ |
| Employee: By signing this form, you acknowledge that you have reviewed the information contained, received a copy of the form if requested. | | |

Appendix H: Employee PERS Eligibility Form

Clear Form



PERS, SERS and TRS Plans 2 and 3 Eligibility Worksheet

This form is used and retained by employers to help determine an employee's position eligibility for PERS, SERS and TRS Plans 2 and 3 membership.

Employers retain this worksheet

DRS contact information:
www.drs.wa.gov • 800.547.6657
360.664.7000 • TTY: 711

Instructions

You must evaluate the **position** and the **person**:

- If the position is eligible for retirement as determined in Section 2, report the employee from the first day of eligibility
- If the employee is working in more than one position for you, determine if they are retirement-eligible in Section 3

Section 1: Employee Information

| | | |
|--|------------------------|---|
| Name (Last, First, Middle) | Social Security Number | Date Eligibility Evaluated (mm/dd/yyyy) |
| Position Title and Number | | Date Employee Entered Position (mm/dd/yyyy) |
| Is The Position New Or Existing? <input type="checkbox"/> New <input type="checkbox"/> Existing | | If Existing, The Position Was Formerly Held By: |

Section 2: Evaluate Position Eligibility

| | | |
|--|--|--|
| 1. Does the position ever require at least 70 hours of compensated employment in a month? If you answered yes to question 1, go to question 2. If you answered no, STOP. The position is not eligible. | PERS/SERS <input type="checkbox"/> Yes <input type="checkbox"/> No | TRS <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 2. Does the position require at least 5 months of 70 or more hours of compensated employment per month during a 12-month period for PERS/SERS or during a school year for TRS? PERS/SERS: If you answered yes to question 2, go to Question 3. If you answered no, the position is not eligible. TRS: If you answered yes to question 2, the position is eligible; report to DRS. If you answered no, STOP. The position is not eligible. | PERS/SERS <input type="checkbox"/> Yes <input type="checkbox"/> No | TRS <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 3. PERS/SERS: Is it expected to require at least 5 months of at least 70 hours for two consecutive years? If you answered yes, the position is eligible; report to DRS. If you answered no, STOP. The position is not eligible. | PERS/SERS <input type="checkbox"/> Yes <input type="checkbox"/> No | Does not apply to TRS |
| <p>A PERS/SERS eligible position is one that is expected to require at least five months of 70 hours or more for two consecutive years initially. Once a position is determined to be eligible, it will continue to be eligible if it requires at least five months of 70 or more hours of compensated service at least every other year.</p> <ul style="list-style-type: none"> • Do not include educational substitute on-call service in the initial eligibility determination of a position. • If multiple people share the same eligible position, all are retirement-eligible. • If a project position meets these requirements, the position may be eligible. Refer to Chapter 2 of the Employer Handbook. | | |
| Based on this evaluation, is the position eligible or ineligible? If the employee is working in only one position, you have completed the eligibility determination. Next, notify the employee in Section 4. If the employee is working in more than one position, they may still be retirement eligible. Continue to Section 3 on the back of this worksheet. | <input type="checkbox"/> Eligible | <input type="checkbox"/> Ineligible |

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Section 3: A Person Working in More Than One Position

Complete this section only if the **PERSON** is working in more than one position for you.

- All the monthly work of an employee for one employer counts as one position
- However, do not include educational substitute on-call service in the initial eligibility determination
- If the employee is working in multiple systems (example: PERS and TRS) contact Employer Support Services for assistance

1. List the job titles and position numbers:

| | |
|-------------|-----------------|
| Job Title 1 | Position Number |
| Job Title 2 | Position Number |

2. **Return to Section 2 to evaluate the eligibility of an employee working in one system by using the combined hours of service.** For example: when an employee has two PERS positions, combine the hours worked in both positions. When the employee's combined hours of employment meet the definition of an eligible position in Section 2, the employee is retirement-eligible.

Section 4: Eligibility Determination and Employee Notification

Employers: Check the appropriate box and have the employee sign the form to acknowledge the position eligibility determination. You retain this worksheet.

| | |
|---|--|
| The position has been determined to be: | <input type="checkbox"/> Eligible for membership <input type="checkbox"/> Ineligible for membership |
| Employee's Signature | Date (mm/dd/yyyy) |
| Employer Representative's Name and Title (Please Print) | |
| Employer Representative's Signature | Date (mm/dd/yyyy) |

Section 5: Periodic Eligibility Review

Employers: You should review eligibility periodically. Fill out this section when eligibility has changed.

| | | |
|--------------------|---|----------|
| Date: Reviewer: | Has eligibility changed? <input type="checkbox"/> Yes <input type="checkbox"/> No | Comment: |
| Date: Reviewer: | Has eligibility changed? <input type="checkbox"/> Yes <input type="checkbox"/> No | Comment: |
| Date: Reviewer: | Has eligibility changed? <input type="checkbox"/> Yes <input type="checkbox"/> No | Comment: |

Employers retain this worksheet to document eligibility decisions.

Appendix I: Employee Disciplinary Form

Employee Disciplinary Form

| | |
|---------------------------|-------------------|
| Employee Name: _____ | Department: _____ |
| Date of Discipline: _____ | Issued By: _____ |

Type of Violation:

| | |
|--|---------------------------------------|
| <input type="checkbox"/> Attendance | <input type="checkbox"/> Work Quality |
| <input type="checkbox"/> Carelessness | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Disobedience | _____ |
| <input type="checkbox"/> Safety | _____ |
| <input type="checkbox"/> HIPAA Violation | |

Warning or Action Taken

| | |
|--|---|
| <input type="checkbox"/> Counseling | <input type="checkbox"/> Suspension without Pay |
| <input type="checkbox"/> Verbal Warning with Counseling | <input type="checkbox"/> Dismissal |
| <input type="checkbox"/> Written Warning with Counseling | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Probation | _____ |
| <input type="checkbox"/> Suspension with Pay | _____ |

Employer Statement:

Plan for Improvement:

Employee Statement:

I have read and received this warning, I understand that a copy of this disciplinary form will be placed in my personnel file and that if I do not take corrective action, I may receive an escalated warning, disciplinary action, or be terminated from my position. Employee signature not required in the event of informal coaching.

Employee Signature: _____ Date: _____

Employer Signature: _____ Date: _____



Appendix J: Pay scale (2023) for Districtwide Admin Positions

Village at the Harbor employees are paid based on a contract or job description approved by the Superintendent; the department head sets salaries within that range. Most EMS employees are paid consistent with the Collective Bargaining Agreement (CBA). Managers are paid consistent with their contracts.

Other employees receive a wage determined by the Superintendent consistent with the budget. These pay scales are discretionary and intended to set reasonable guidelines.

This pay scale is intended to be updated each year with a COLA of 2-4% each year (set to be equal the union contract's COLA)

There are no current pay scales for non-union staff.

Appendix K: Pay Scale (2024) Village at the Harbor

| 2024 Pay Scale- Village at the Harbor | | | | | |
|--|----------|-------------|-------------|-------------|-------------|
| | Year 1 | Year 2 (6%) | Year 3 (6%) | Year 4 (6%) | Year 5 (6%) |
| Intern | \$ 18.00 | \$ 19.08 | \$ 20.22 | \$ 21.44 | \$ 22.72 |
| Dining Assistant, Activities Assistant, Reception, Concierge | \$ 19.50 | \$ 20.67 | \$ 21.91 | \$ 23.22 | \$ 24.62 |
| Resident Assistants, Housekeepers, Activities Coordinator, Prep Cook | \$ 20.50 | \$ 21.73 | \$ 23.03 | \$ 24.42 | \$ 25.88 |
| Medication Technician, Lead Resident Assistant | \$ 22.00 | \$ 23.32 | \$ 24.72 | \$ 26.20 | \$ 27.77 |
| Lead Medication Technician, CNA | \$ 23.00 | \$ 24.38 | \$ 25.84 | \$ 27.39 | \$ 29.04 |

Appendix L: HIPAA Acknowledgement



SAN JUAN COUNTY
Public Hospital District No. 1



San Juan County Public Hospital District No. 1 Staff Member and Volunteer HIPAA Acknowledgement and Verification

Given the nature of our work, it is imperative that we maintain the confidence of patient information that we receive in the course of our work and that we ensure its security. San Juan County Public Hospital District No. 1, DBA San Juan Island EMS and Village at the Harbor, prohibits the release of any patient information to anyone outside the organization unless required for purposes of treatment, payment, or health care operations, and discussions of Protected Health Information (PHI) or Electronic Protected Health Information ("e-PHI") within the organization should be limited. Acceptable uses of PHI and e-PHI within the organization include, but are not limited to, exchange of patient information needed for the treatment of the patient, billing, and other essential health care operations, peer review, internal audits, and quality assurance activities.

I understand that San Juan County Public Hospital District No. 1, DBA San Juan Island EMS and Village at the Harbor, provides services to patients that are private and confidential and that I am a crucial step in respecting the privacy rights of patients. I understand that it is necessary that patients provide personal information and that such information may exist in a variety of forms such as electronic, oral, written, or photographic and that all such information is strictly confidential and protected by federal and state laws.

I agree that I will comply with all confidentiality and security policies and procedures set in place by San Juan County Public Hospital District No. 1, DBA San Juan Island EMS and Village at the Harbor, during my entire employment or association with San Juan County Public Hospital District No. 1, DBA San Juan Island EMS and Village at the Harbor. If I, at any time, knowingly or inadvertently breach the patient confidentiality and security policies and procedures, I agree to notify the Privacy Officer of San Juan County Public Hospital District No. 1, DBA San Juan Island EMS and Village at the Harbor, immediately.

In addition, I understand that a breach of patient confidentiality or of the policies and procedures established for the security of patient information and other confidential information may result in suspension or termination of my employment or association with San Juan County Public Hospital District No. 1, DBA San Juan Island EMS and Village at the Harbor. Upon termination of my employment or association for any reason, or at any time upon request, I agree to return all patient confidential information in my possession, as well as any passwords or other things used to access PHI and e-PHI.

I have completed the required training and exam. I have read and understand all privacy and security policies and procedures that have been provided to me San Juan County Public Hospital District No. 1, DBA San Juan Island EMS and Village at the Harbor. I agree to abide by all policies or be subject to disciplinary action, which may include verbal or written warning, suspension, or termination of employment or of any membership or association with San Juan County Public Hospital District No. 1, DBA San Juan Island EMS and Village at the Harbor. This is not a contract of employment and does not alter the nature of the existing relationship between San Juan County Public Hospital District No. 1, DBA San Juan Island EMS and Village at the Harbor, and me.

Name: _____

Signature: _____

Date: _____

Appendix M: Receipt of Policies and Procedures



San Juan County Public Hospital District No. 1 Receipt of Policies and Procedures

I, _____, have received and agree to read these policies and procedures for San Juan County Public Hospital District No. 1 within one month of receipt and will seek any clarification needed. I realize that these policies and procedures will change regularly as the hospital district grows and changes.

I have been shown where current versions of these Policies and Procedures can be found.

I furthermore agree to abide by these documents so that I may contribute to the safe and effective operation of the District.

Name: _____

Signature: _____ Date: _____

Appendix N: Hiring Bonus Agreement

HIRING BONUS AGREEMENT

THIS HIRING BONUS AGREEMENT (the “Agreement”) is made and entered into by and between **SAN JUAN COUNTY PUBLIC HOSPITAL DISTRICT NO. 1** (the “District”) and [REDACTED] (“Employee”).

1. Payment of Bonus. The District will pay Employee a hiring bonus in the amount of \$ [REDACTED] (the “Bonus”) which has been approved by the District’s Superintendent and amounts to no more than ten percent (10%) of the position’s annual cost to the District. The Bonus will be applied to the Employee’s first paycheck in full.

2. Work-Related Responsibilities of Employee. Employee agrees to work for the District for a minimum of six (6) months (the “Employment Commitment”).

3. Repayment of Bonus. Employee shall repay the Bonus to the District in the event Employee fails to: (i) satisfy the Employment Commitment; or (ii) otherwise comply with the terms of this Agreement. Such repayment obligation of the Bonus shall commence immediately upon the first occurrence of any of the preceding events and shall be paid as provided hereinafter (the “Financial Obligation”). At the time that payment of the Financial Obligation is triggered, Employee hereby authorizes the District to make deductions from amounts owing to Employee as follows:

- 3.1.1 If Employee remains employed by the District, then Employee authorizes the District to deduct Employee’s post-tax earnings from each paycheck and to apply such amount toward the Financial Obligation until fully paid.
- 3.1.2 The remaining balance of the Financial Obligation shall be deducted from any/all wages and/or accrued leave cash-out that would otherwise be due to Employee at the time of their separation from the District.
- 3.1.3 Any remaining balance of the Financial Obligation shall be paid no later than thirty (30) days after Employee’s separation from the District.
- 3.1.4 This Agreement is intended to constitute the written authorization as provided by RCW 49.52.060.
- 3.1.5 If the District does not receive payment by the due date, the unpaid balance will accrue interest at the rate of twelve percent (12%) per annum until such delinquent payment(s) are brought current. The District shall be entitled to recover all attorneys’ fees, court costs and other costs of collection resulting from Employee’s failure to timely repay the Financial Obligation in full.
- 3.1.6 The District will not seek repayment of the Bonus from the Employee or his/her successors/assigns if Employee is laid off from employment by the District due to no fault of the Employee or Employee fails to complete the Employment Commitment due to Employee’s disability, illness or death.

6. Understanding of Agreement. Each party acknowledges that such party has read this Agreement and understands its contents, that such party has had the opportunity to have this

Agreement reviewed by an attorney of such party's choice, and that such party either has consulted with an attorney or voluntarily has chosen not to consult with an attorney before signing this Agreement.

7. Governing Law. This Agreement and the right of the parties hereto shall be governed by and construed in accordance with the laws of the State of Washington and the parties agree that in any such action, venue shall lie exclusively in Superior Court for San Juan County, Washington.

8. Entire Agreement. The entire agreement between the parties hereto is contained in this Agreement and the exhibits hereto; and this Agreement supersedes all of their previous understandings and agreements, written and oral, with respect to this transaction. This Agreement may be amended only by written instrument executed by the parties subsequent to the date hereof.

SAN JUAN COUNTY PUBLIC HOSPITAL DISTRICT NO. 1

Nathan Butler, Superintendent

Date: ____ / ____ / ____

EMPLOYEE

Print:

Date: ____ / ____ / ____